



Home Office

Country Policy and Information Note

India: Women fearing gender-based violence

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated on 13 October 2022

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of gender-based persecution or serious harm by non-state actors because the individual is a woman.

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1.2 Points to note

- 1.2.1 Gender-based violence includes, but is not limited to, domestic violence, sexual violence including rape, 'honour crimes', Female Genital Mutilation (FGM), early and forced marriage, and women accused of committing adultery or having pre-marital relations.
- 1.2.2 Domestic abuse is not just about physical violence. It covers any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality. It can include psychological, physical, sexual, economic or emotional abuse. Children can also be victims of, or witnesses to, domestic abuse. However, to establish a claim for protection under the refugee convention or humanitarian protection rules, that abuse needs to reach a minimum level of severity to constitute persecution or serious harm.
- 1.2.3 Some sources provide information on gender-based violence generally, sometimes without stipulating the type of violence referred to and in some instances without specifying whether the abuse occurred in the public or domestic sphere. Where possible, CPIT has sought to distinguish information by type of violence, but there remains generalisation and overlap between sections of this note.
- 1.2.4 For further guidance on assessing gender issues see the [Asylum Guidance on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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Official – sensitive: End of section

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention, Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

Official – sensitive: Start of section

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2.3 Convention reason(s)

- 2.3.1 In accordance with the Country Guidance case [BK \(Risk, Adultery, PSG\) India CG \[2002\] UKIAT 03387 \(2 August 2002\)](#), women in rural India who have transgressed accepted social norms are considered to be ‘identifiable as a particular social group’. However, other women not living in rural areas are not generally considered to form a particular social group within the meaning of the 1951 UN Refugee Convention. This is because although they share an immutable (or innate) characteristic – being female – that cannot be changed, and although patriarchal views on women are still prevalent in parts of the country, overall, in view of their equality under the law and the general availability of state protection, they are not perceived as different and do not have a distinct identity in Indian society.
- 2.3.2 In the Country Guidance case of [BK](#), heard on 15 May 2002 and promulgated 2 August 2002, the Upper Tribunal considered whether the appellant – a woman from rural India who had committed adultery – would be at risk of persecution for a Convention reason. The Upper Tribunal noted: ‘The issue is whether the Appellant as a wife who has committed adultery could form part of a social group. As Lord Hoffman said in *Shah and Islam*, to identify a social group one must first identify the society of which it forms a part. Although the Tribunal has had its doubts about this, on balance we have come to the view that, looking at the Appellant’s background in rural India in the light of the social, cultural and religious mores, women in the Appellant’s circumstances are identifiable as a particular social group’ ([13]).
- 2.3.3 Since [BK](#) was heard, the position of women has not significantly changed or deteriorated. Therefore, there are not ‘very strong grounds supported by cogent evidence’ to justify a departure from [BK](#).
- 2.3.4 Whilst some women, for example, women from rural India who are deemed to have transgressed social norms, may form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the person will face a real risk of persecution on account of their membership of such a group.
- 2.3.5 In the absence of a link to one of the five Convention reasons necessary for the grant of refugee status, the question to be addressed in each case will be whether the person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection (HP).
- 2.3.6 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#). See also [Gender issues in the asylum claim](#).

2.4 Risk

- 2.4.1 India is listed as a designated state under section 94 of the Nationality, Immigration and Asylum Act 2002. This means that, ‘there is, in general in

that state or part of it no serious risk of persecution of persons entitled to reside in that state or part of it.’

- 2.4.2 While many women face sexual and gender-based violence, predominantly in a domestic context, in general, women are not at real risk of persecution or serious harm from non-state actors. Furthermore, the level of societal discrimination is not likely to be sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm.
- 2.4.3 Some women may be at more risk of persecution or serious harm, including those who are seen to have transgressed social, cultural and religious norms, or are single and living alone, or belong to a Scheduled Caste or Tribe. However, the onus is on the person to demonstrate this. Each case must be considered on its own facts.
- 2.4.4 Social norms continue to prescribe discriminatory and stereotypical roles, rights and responsibilities according to gender. Women are expected to marry, have children and manage the household, which is reflected in the low number of women employed in India, with the World Bank estimating that less than one quarter (20.3%) of women aged 15 and older participate in the labour force as of 2020, compared to 76% of men. Following marriage, most women continue to depend on fathers and husbands for decision making, financial and social welfare (see [Cultural context and attitudes](#), [Economic participation](#), [Political participation](#), [Single women](#) and [Forced and child marriage](#)).
- 2.4.5 An Indian woman’s ability to exercise her social, economic and human rights varies according to her social position in terms of education, economic independence, religion, location (urban or rural) caste and marital status (see [Cultural context overview and attitudes](#)).
- 2.4.6 Gender-based violence against women and girls in India is widespread, particularly in the north, compounded by patriarchal attitudes and gender stereotypes. In the 2019-2021 National Family Health Survey (NHFS-5) of 636,699 households throughout India, 44% of men stated they agreed with one or more reasons for ‘wife-beating’. A study undertaken by the Pew Research Centre found that nearly nine-in-ten Indians (87%) completely or mostly agreed with the notion that “a wife must always obey her husband.” However, 71% of currently married women reported participating in making decisions about their own health care, major household purchases and visits to their own family or relatives, with only 11% of women not participating in any of the three decisions (see [Legal context](#), [Cultural context overview and attitudes](#) and [Sexual and gender-based violence](#)).
- 2.4.7 According to the National Crime Records Bureau (NCRB), 428,278 cases of crime against women were registered during 2021, an increase of 15.3% since 2020 (371,503 cases). The NCRB report outlined that the crime rate registered per 1,000 women of the Indian population is 64.5 in 2021 in comparison with 56.5 in 2020 (see [Sexual and gender-based violence - Crime rates](#)). However, the reasons for increased reported crimes are not necessarily reflective of increased prevalence. For example, the US Department of State (USSD) noted in respect of official figures on reported

rape and sexual harassment, that this may be due to increased willingness of victims to report (see Sexual and gender-based violence - [Crime rates](#)).

- 2.4.8 Practices such as forced or child marriages, dowry-related deaths, domestic violence, rape, acid attacks, 'honour', unsafe gender-selective abortions, sexual harassment, coerced and involuntary sterilization and accusations of witchcraft continue to be practised despite laws prohibiting them (see [Forced and child marriage](#), [Domestic and dowry-related violence](#), [Reproductive rights](#), ['Honour' crimes](#), [Rape and sexual assault](#) and [Other forms of violence, abuse and harassment](#)).
- 2.4.9 Women from minority groups, including Dalits (who are at the bottom of the caste system) often face multiple and intersecting forms of discrimination and violence because of their gender combined with their low status. Consideration should be given to [Country policy and information note: Religious minorities and Scheduled Castes and Tribes](#) (see also [Violence against Dalits and women from tribal communities](#)).
- 2.4.10 Single women constitute 21% India's female population (approx. 73 million), and the 2011 Census recorded an almost 40% increase in their numbers over the preceding census. However, widowed, divorced, separated and women from religious minorities are more likely than any other women to report having experienced sexual violence, according to the NHFS-5. Single women can face discrimination and stigma, including from family, and barriers in accessing education, health and owning property (see [Single women](#)).
- 2.4.11 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 In general, the state is willing and able to provide effective protection. However, each case must be considered on its facts, with the onus on the person to demonstrate that they will not be able to obtain effective protection. Decision makers must take account of past persecution (if any) and past lack of effective protection. In each case, decision makers must identify whether attempts were made to seek protection and what the response of the authorities was.
- 2.5.2 There are specific statutory laws in place which provide tough penalties commensurate with other serious offences for domestic violence, rape, acid attacks, sexual harassment, trafficking and other related offences. Furthermore, legislation adopted in 2013, including a Criminal Law (Amendment) Act, has improved the legislative framework significantly, introducing new criminal offences and stronger sanctions (see [Legal context, Treatment by, and attitudes of, the justice system and the police](#) and [Access to justice and state support](#)).
- 2.5.3 The Protection of Women from Domestic Violence Act 2005 (PWDVA) enables victims of domestic violence to seek interim protection and residence orders, as well as compensation and maintenance. The Act protects women not only from abuse by a spouse, but also members of the

spouse's family. Its definition of violence against women encompasses physical, sexual, psychological, verbal, and economic abuse. Marital rape is not yet illegal, although in a landmark ruling, the Supreme Court found in September 2022 that it constituted rape in the context of the law on the termination of pregnancy (Medical Termination of Pregnancy (MTP Act)) (see [Reproductive rights, Treatment by, and attitudes of, the justice system and the police](#) and [Access to justice and state support](#)).

- 2.5.4 Despite laws aimed at addressing gender-based violence, persistent gaps in enforcing the laws, relevant policies and guidelines aimed at justice for victims of sexual violence, persist. Access to protection can be affected by a woman's status and where she lives, especially for those from Scheduled Castes (Dalit) and those in more rural areas, and women with disabilities. Some women and girls are reluctant to report, or discouraged from reporting attacks to the police, for fear of reprisals, being stigmatised or unsupported by the justice system ([Treatment by, and attitudes of, the justice system and the police](#) and [Access to justice and state support](#)).
- 2.5.5 The government has established some police stations for women staffed by female police officers, as well as women help desks in general police stations, in a bid to offer victims of violence a safe place to register complaints, file charges and receive legal advice, compensation and counselling. However, these are relatively few and they are under-resourced ([Treatment by, and attitudes of, the justice system and the police](#) and [Access to justice and state support](#)).
- 2.5.6 Whilst not offering protection per se, women who have faced domestic or other forms violence may obtain support and assistance from government and non-government shelters, social welfare schemes and civil society organisations (see [Access to justice and state support](#)) and [Non-state assistance available to women](#)).
- 2.5.7 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 In general, there are parts of India where a person would not have a well-founded fear of persecution/real risk of serious harm and would be reasonable for them to relocate, especially if the woman is without children to support, is able to access accommodation and support networks, or is educated, skilled or wealthy enough to be able to support herself. A 2019 study of 1,000 women conducted by Nestaway, a 'Managed Home Rental Network', found that Bengaluru (formerly Bangalore) was a popular city chosen for educational / employment opportunities by the women surveyed. However, each case must be considered on its facts and consideration should be given to the particular circumstances of the woman and the history of where she may have lived previously (see [Freedom of movement](#)).
- 2.6.2 While the onus is on the person to establish a well-founded fear of persecution or real risk of serious harm, decision makers must demonstrate that internal relocation is reasonable (or not unduly harsh) having regard to the individual circumstances of the person. when assessing whether a

woman who is fleeing a real risk of domestic violence, decision makers must not only have regard to the availability of shelters/centres but also to the situation the woman will face after she leaves such centres.

- 2.6.3 The proportion of women who report freedom of movement varies by state. In Himachal Pradesh, 82% of women report freedom of movement, compared with 2% in Lakshadweep, 15% in Kerala, and less than one-third in Goa, Odisha, Manipur, Nagaland, and Karnataka. India is a large and diverse country with a population of over 1.4 billion people.
- 2.6.4 Internal relocation for lesbians was considered in the Country Guidance case [of AR and NH \(lesbians\) India \(CG\) \[2016\] UKUT 66 \(IAC\) \(1 February 2016\), heard on 23 June 2015](#), and can also be taken into account for women generally. The Upper Tribunal held:
- If a lesbian woman's family wishes to pursue and harm her in the place of internal relocation, their ability to do so will depend on the reach of the family network, how persistent they are, and how influential. The evidence indicates that there is normally sufficient state protection for women whose families seek to harm them in their place of internal relocation (paragraph 78(11)).
 - In general, where there is a risk of persecution or serious harm in a lesbian woman's home area, for educated, and therefore 'middle class' women, an internal relocation option is available. They are likely to be able to relocate to one of the major cities in India and are likely to be able to find employment and support themselves, albeit with difficulty, and to live together openly, should they choose to do so. In general, such relocation will not be unduly harsh (paragraph 78(12)).
- 2.6.5 Single women, women with children or victims of domestic violence may find it difficult to relocate within India without the support or supervision of a male relative to access accommodation and services. However, this alone does not make relocation unreasonable or unduly harsh. Each case must be considered on its own facts (see [Single women](#) and [Freedom of movement](#)).
- 2.6.6 For further guidance on considering internal relocation and factors to be taken into account, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), [Gender issues in the asylum claim](#) and Country Policy and Information Notes on India: [Background note](#), [Actors of protection](#) and [Internal relocation](#).

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2.7 Certification

- 2.7.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as India is listed as a designated state.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

This section was updated on 13 October 2022

3. Legal context

3.1 The Constitution

3.1.1 The following Articles of the Constitution of India 1949 relate to women:

- Article 14: 'Equality before law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.'
- Article 15: 'Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth: (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them ...'
- Article 15(3) leaves scope for affirmative action for women: 'Nothing in this article shall prevent the State from making any special provision for women and children.'
- Article 16: 'Equality of opportunity in matters of public employment: ... (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the State.'
- Article 39(a): 'The State shall, in particular, direct its policy towards securing that the citizen, men and women equally, have the right to an adequate means of livelihood.'
- Article 39(d): 'The State shall, in particular, direct its policy towards securing that there is equal pay for equal work for both men and women.'
- Article 42: 'The State shall make provision for securing just and humane conditions of work and for maternity relief.'
- Article 51A. e, to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women...' ¹

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3.2 Statutory provisions

3.2.1 In its 2020 report on human rights in India, based on a range of sources, Australia's Department for Foreign Affairs and Trade (DFAT report 2020) noted:

'India's Supreme Court guidelines on sexual harassment in the workplace draw on CEDAW, and legislation relating to violence against women is contained within the Indian Penal Code (IPC), civil laws and special laws. These include the Dowry Prohibition Act (DPA) (1961), the Indecent Representation of Women (Prohibition) Act (1986) and the Commission of

¹ [Constitution of India 1949](#), with Amendments through 2014

Sati (Prevention) Act (1987).

'The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was enacted to provide more effective protection for female victims of any kind of violence occurring within the family, including physical, verbal, emotional, economic and sexual violence. The PWDVA defines domestic violence as any act, omission or commission or conduct of the respondent, which includes threat or actual abuse.'²

- 3.2.2 The 2019-2021 National Family Health Survey (NFHS-5), a large-scale, multi-round survey conducted of a representative sample of 636,699 households throughout India³ published by India's Ministry of Health and Family Welfare made findings on a number of areas surrounding Indian women's empowerment. In terms of the NFHS-5 methodology and the time span in which it covered; the report noted 'NFHS-5 fieldwork for India was conducted in two phases— Phase-I from 17 June 2019 to 30 January 2020 covering 17 states and 5 UTs and Phase-II from 2 January 2020 to 30 April 2021 covering 11 states and 3 UTs — by 17 Field Agencies and gathered information from 636,699 households, 724,115 women, and 101,839 men.'⁴ The NFHS-5 noted:

'Domestic violence has been recognized since 1983 as a criminal offence under Indian Penal Code 498-A. However, it was not until the enactment of the Protection of Women from Domestic Violence Act 2005 (PWDVA), which came into effect in 2006, that civil protections were afforded to victims of domestic violence. The PWDVA provides a definition of domestic violence that is comprehensive and includes all forms of physical, emotional, verbal, sexual, and economic violence, and covers both actual acts of such violence and threats of violence. In addition, the PWDVA recognizes marital rape and covers harassment in the form of unlawful dowry demands as a form of abuse.'⁵

- 3.2.3 Considering legislation regarding rape, the 2021 annual report on human rights in India published by the United States Department of State (USSD report 2021) noted 'The minimum mandatory punishment for rape is 10 years' imprisonment. The minimum sentence for the rape of a girl younger than age 16 is between 20 years' and life imprisonment; the minimum sentence of gang rape of a girl younger than 12 is either life imprisonment or the death penalty...'⁶

- 3.2.4 According to a 2021 report by Dignity Alliance International (DAI), a UK-based charity⁷, and Equality Now (EN), an international human rights organisation (DAI and EN report 2021) 'The law has a wide definition of rape which includes all acts of sexual penetration, as well as acts of oral sex (without a requirement for penetration).'⁸ The same report noted:

'Indian law presumes the absence of consent on the part of the victim in a

² DFAT, '[Country information report: India](#)', page 40, 10 December 2020

³ NFHS-5, '[India report](#)', page 1, 2021

⁴ NFHS-5, '[India report](#)', page 1, 2021

⁵ NFHS-5, '[India report](#)', page 639

⁶ USSD, '[Annual report on human rights in 2021: India](#)', page 39, 12 April 2022

⁷ DAI and EN, '[Sexual Violence In South Asia: Legal And Other Barriers...](#)' 20 April 2021, page 2

⁸ DAI and EN, '[Sexual Violence In South Asia: Legal And Other Barriers...](#)' 20 April 2021, page 19

broad range of circumstances such as rape by an individual in a position of authority, custodial rape, rape by a relative, guardian, teacher, person in a position of trust, or person in a position of control or dominance over a woman. However, this is only a presumption and may be disproved by the defence if there is sufficient evidence to show unequivocal, voluntary consent to the sexual act.⁹

- 3.2.5 Regarding consent, the DAI and EN report noted ‘Indian law... includes a specific definition of consent within the rape provision...: “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.”¹⁰ The same report also stated ‘The law recognises that consent is immaterial in situations where the victim is incapable of giving consent including unsoundness of mind, intoxication or unconsciousness, if the victim is “unable to understand the nature and consequences of that to which she gives consent”.¹¹ It also stated ‘...laws in India have been specifically amended to state explicitly that evidence of physical resistance is not required to prove lack of consent to sexual intercourse.’¹²
- 3.2.6 Further considering rape legislation generally, the DAI and EN report 2021 noted: ‘The law specifically provides that the previous sexual experience of the victim is not relevant in sexual violence cases. Indian law also has a specific provision prohibiting the defence from adducing evidence or asking questions in cross-examination relating to the general immoral character, or previous sexual experience, of the victim while proving consent or the quality of such consent.’¹³
- 3.2.7 The DAI and EN report 2021 noted ‘...in 2018, India introduced the death penalty for rape of children under the age of twelve.’¹⁴
- 3.2.8 In terms of the legal age of marriage, Action Aid explained ‘Prohibition of Child Marriage Act, 2006... This Act follows the basic premise (a) to make a child go through marriage is an offence, and (b) child or minor is a person up to 18 years of age in the case of girls and 21 years in the case of boys.’¹⁵
- 3.2.9 In reference to the Prohibition of Child Marriage Act, 2006, the USSD report 2021 noted ‘The law sets the legal age of marriage for women at 18 and men at 21, and it empowers courts to annul early and forced marriages. The law does not characterize a marriage between a girl younger than 18 and a boy younger than 21 as illegal but recognizes such unions as voidable. The law also sets penalties for persons who perform, arrange, or participate in child marriages...’¹⁶
- 3.2.10 A Human Rights Watch article published in June 2021 notes a landmark judgment relating to survivors of sexual violence with disabilities:

⁹ DAI and EN, [‘Sexual Violence In South Asia: Legal And Other Barriers...’](#) 20 April 2021, page 21

¹⁰ DAI and EN, [‘Sexual Violence In South Asia: Legal And Other Barriers...’](#) 20 April 2021, page 22

¹¹ DAI and EN, [‘Sexual Violence In South Asia: Legal And Other Barriers...’](#) 20 April 2021, page 23

¹² DAI and EN, [‘Sexual Violence In South Asia: Legal And Other Barriers...’](#) 20 April 2021, page 23

¹³ DAI and EN, [‘Sexual Violence In South Asia: Legal And Other Barriers...’](#) 20 April 2021, page 27

¹⁴ DAI and EN, [‘Sexual Violence In South Asia: Legal And Other Barriers...’](#) 20 April 2021, page 44

¹⁵ ActionAid, [‘Child Protection Laws in India’](#), 22 January 2021

¹⁶ USSD, [‘Annual report on human rights in 2021: India’](#), page 49, 12 April 2022

'A recent judgment by India's Supreme Court is a watershed moment for women with disabilities in India and worldwide... The judgment notes that the rape survivor identified the perpetrator by his voice, which was familiar to her, and stresses that such testimony should be given equal legal weight as a visual identification. While the incident took place in 2011, before adoption of the [Criminal Law Amendments Act of 2013](#), a law enacted following the gang rape and murder of a young woman in Delhi, this ruling demonstrates that accommodations can be made for people with disabilities in the judicial process.'¹⁷

- 3.2.11 There are no laws prohibiting the practice of Female Genital Mutilation (FGM) in India¹⁸.

(See [Treatment by, and attitudes of, the justice system and the police](#), [Access to justice and state support](#) and [Non-state assistance available to women](#) for information on how laws are implemented in practice, support and avenues of address available to women).

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This section was updated on 13 October 2022

4. Social, economic and political status

4.1 Demography

India has the world's second largest population, after China. The 2011 Census recorded a population of over 1.2 billion (51.5% male; 48.5% female)¹⁹. In September 2022 the estimated population was 1.4 billion²⁰.

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4.2 Cultural context and attitudes

- 4.2.1 The DFAT report 2020 noted:

'There are sociodemographic and sociocultural risk factors for various forms of violence and abuse towards women in India. These include patriarchal attitudes towards marriage and motherhood; stigmatisation of unmarried, separated or divorced women; illiteracy and low education levels; low socioeconomic status; and lack of independent income. The custom of dowry and gifts for husbands and in-laws has been found to be strongly related to violence against women in India. According to academics, there is a high risk of violence against women who have a higher economic status than their husbands and who are seen as having sufficient power to

¹⁷ HRW, '[Landmark Ruling in India for Survivors of Sexual Abuse with Disabilities](#)', 1 June 2021

¹⁸ Equality Now, '[Joint Stakeholder Submission... Female Genital Mutilation/Cutting...](#)', 18 July 2022

¹⁹ 2011 Census, '[Primary Census Abstract, 2011](#)', nd

²⁰ Ministry of Statistics and Programme Implementation, '[Population of India](#)', 12 September 2022

challenge the traditional gender roles.²¹

4.2.2 According to the European Union External Action Service (EEAS) EU Annual Report on Human Rights and Democracy in the World 2021 report, 'Despite domestic laws in place to protect women's and girl's rights, socio-cultural and patriarchal norms, stereotypes and caste hierarchy endure, notably in the case of Dalit women and girls.'²²

4.2.3 The Borgen Project, an American non-profit organisation with a focus on global poverty²³, noted in a 2021 article that:

'Throughout India's long history, patriarchal and religious practices have greatly affected women's rights. Misogynistic practices and ideas limit educational opportunities for women. Consequently, the reassertion of harmful gender roles is prevalent. 23 million girls drop out of school every year because communities are unwilling to provide proper feminine sanitation. This lack of women's education hinders India's economic and social growth.'²⁴

4.2.4 In its key findings, considering cultural attitudes towards women in India, the NFHS-5 noted 'Seventy-one percent of currently married women participate in making decisions about their own health care, major household purchases, and visits to their own family or relatives alone or jointly with their husband, while 11 percent do not participate in any of the three decisions. Women's participation in decision making has increased since NFHS-4.'²⁵

4.2.5 Pew Research Centre's 2022 report (PRC report 2022) on Indian attitudes toward gender roles, based on surveys with 29,999 Indian adults ages 18 and older living in 26 Indian states and three union territories, including interviews with 22,975 Hindus, 3,336 Muslims, 1,782 Sikhs, 1,011 Christians, 719 Buddhists, 109 Jains and 67 respondents who belonged to another religion or are religiously unaffiliated²⁶, it was noted:

'India has a long history of women holding political power...

'The survey results reflect this comfort with women in politics. Most adults say that women and men make equally good political leaders (55%) or that women generally make better leaders than men (14%). Only a quarter of Indian adults take the position that men tend to make better political leaders than women.'²⁷

4.2.6 The same report further noted:

'While most Indians say that men and women should share some family responsibilities, many still support traditional gender roles. For instance, 62% of adults say both men and women should be responsible for taking care of children, while roughly a third of adults (34%) feel that child care should be handled primarily by women. Similarly, a slim majority (54%) say that both men and women in families should be responsible for earning money, yet

²¹ DFAT, '[Country information report: India](#)', page 41, 10 December 2020

²² EEAS, '[Annual Report on Human Rights And Democracy...](#)' page 200, 19 April 2022

²³ The Borgen Project, '[About us](#)', nd

²⁴ The Borgen Project, '[Women's education in India: What you need to know](#)', 8 March 2021

²⁵ NFHS-5, '[India report](#)', page 579, 2021

²⁶ Pew Research Centre, '[Key findings on Indian attitudes toward gender roles](#)', 2 March 2022

²⁷ Pew Research Centre, '[Key findings on Indian attitudes toward gender roles](#)', 2 March 2022

many Indians (43%) see this as mainly the obligation of men.

‘Meanwhile, nearly nine-in-ten Indians (87%) completely or mostly agree with the notion that “a wife must always obey her husband.” This includes a majority of Indians (64%) who completely agree with this sentiment. Women are only modestly less likely than men to say that wives should obey their husbands in all situations, and most Indian women express total agreement with this sentiment (61% vs. 67% among men). (Throughout this report, differences in opinion between men and women are modest. In other words, Indian women typically are not much more likely than Indian men to express egalitarian views on gender roles.)’²⁸

4.2.7 The Bertelsmann Stiftung’s Transformation Index (BTI 2022 report) which covered the period from 1 February 2019 to 31 January 2021, noted: ‘Discrimination of women remains a major issue in India. Especially in the extremely patriarchal north of India, women tend to be discriminated against within their families. With poor families, this means poorer access to food and sanitation...’²⁹

4.2.8 The same report noted:

‘...Gender inequality is still a major problem in India... While women’s rights and gender equality are officially recognized, women are de facto still widely discriminated against. Discrimination ranges from the abortion of female fetuses (and a corresponding skewed gender ratio) to the intra-familial discrimination of women in accessing food and sanitation. This is mainly related to the persistence of patriarchal family structures, especially in northern India.’³⁰

4.2.9 In their 2022 report on the Global Gender Gap, (GGGR report 2022) the World Economic Forum stated that India ranks 135th out of 146 countries in terms of overall gender parity, an improvement since ranking 140th in 2021³¹.

4.2.10 With respect to differing views on gender roles in terms of religion, the PRC report 2022 noted: ‘Muslims are more likely than other Indians to support traditional gender roles in families, while Sikhs are often the least likely community to hold such views. For example, while most Indian Muslims (61%) say that men in a family should be primarily responsible for earning money, just 17% of Sikhs say this. And Muslims are more than twice as likely as Sikhs to assign sons the primary responsibility of caring for aging parents (43% vs. 17%).’³²

4.2.11 The PRC report 2022 noted, in comparison to other countries surveyed on gender roles:

‘Although Indian adults are roughly in line with the global median in their support for equal rights for women, by two other measures the Indian public appears much more conservative, according to a series of other surveys conducted by the Center in recent years.

²⁸ Pew Research Centre, ‘[Key findings on Indian attitudes toward gender roles](#)’, 2 March 2022

²⁹ BTI, ‘[India country report](#)’, page 17, 2022

³⁰ BTI, ‘[India country report](#)’, page 17, 2022

³¹ World Economic Forum, ‘[Global Gender Gap Report 2022](#)’, page 194, 13 July 2022

³² Pew Research Centre, ‘[Key findings on Indian attitudes toward gender roles](#)’, 2 March 2022

‘Only one out of 61 countries surveyed has a higher share of adults than in India who agree completely with the notion that men should have greater rights to a job than women when jobs are scarce. And just two out of 34 countries surveyed exceed India in the shares who say a marriage is more satisfying if the husband provides for the family and the wife takes care of the house and children. On this question, the percentage of Indians who take this view (40%) is well above the global median (23%).’³³

4.2.12 The DFAT report 2020 noted:

‘Although, in general, urban women from higher class and caste backgrounds tend to have better access to legal protections, these women may still be pressured by family to hide family violence for fear of maligning their family’s honour and reputation. Other factors that may affect the situation for a woman experiencing violence include the state in which she lives, her class, caste, ethnicity, religion, education and age. Access to services is typically better in urban areas than in rural regions. In addition to the geographic advantages of urban-based communities, education and the standard of literacy has a significant impact on access to services.’³⁴

4.2.13 In considering Indian perceptions of violence against women, the PRC report 2022 noted:

‘... roughly three-quarters of Indian adults (76%) say violence against women is a “very big problem” in their country...

‘About half of Indians (51%) say it is more important to teach boys to respect all women, while roughly a quarter (26%) say it is more important to teach girls to behave appropriately. An additional quarter of Indian adults don’t take a clear position between those two options, instead voicing that some combination of the two approaches is necessary, that improved law and order through policing will improve the situation, or that women are already safe.’³⁵

4.2.14 Considering attitudes of Indian nationals to women, specifically violence against women perpetrated by spouses, the NFHS-5 noted:

‘Respondents are asked if they agree that a husband is justified in hitting or beating his wife under each of the following seven circumstances: she goes out without telling him, she neglects the house or the children, she argues with him, she refuses to have sex with him, she doesn’t cook food properly, he suspects her of being unfaithful, and she shows disrespect for her in-laws. Respondents who answer “yes” in at least one circumstance are considered to have attitudes that justify wife beating.’³⁶

4.2.15 The NFHS-5 found that ‘Forty-five percent of women and 44 percent of men agree with one or more of seven specified reasons... for wife beating. Agreement with one or more reasons for wife beating has fallen for women since NFHS-4 but has slightly increased for men.’³⁷

³³ Pew Research Centre, ‘[Key findings on Indian attitudes toward gender roles](#)’, 2 March 2022

³⁴ DFAT, ‘[Country information report: India](#)’, page 43, 10 December 2020

³⁵ Pew Research Centre, ‘[Key findings on Indian attitudes toward gender roles](#)’, 2 March 2022

³⁶ NFHS-5, ‘[India report](#)’, page 585, 2021

³⁷ NFHS-5, ‘[India report](#)’, page 579, 2021

4.3 Marriage, divorce and inheritance

4.3.1 A March 2021 article by Ground Report, a digital news platform³⁸, noted that:

‘According to an Indian Human Development Survey (IDHS) poll released on February 13, only 5% of Indian women choose their husbands... The study was conducted among 42,000 households in 34 different states, urban and rural. More than 35,000 women aged between 15 and 81 were interviewed between 2004 and 2012. In three quarters of cases (73%), the union was the result of a choice of parents. Moreover, 65% of them met their husband on the wedding day.’³⁹

4.3.2 A 2021 article by Feminism in India regarding marriage in India noted ‘The Constitution of India protects the right to choose under Article 14, Article 15, article 21 and Article 25 which guarantees freedom of religion. In India, women’s right to choose has faced major repercussions based in this endogamous ideology entrenched throughout the society and system. Those challenges get widened in current times of hate if her choice of partner is a man of different religion and/or caste, such as Muslims, for instance...’⁴⁰

4.3.3 The DFAT report 2020 noted:

‘In July 2019, The Muslim Women (Protection of Rights on Marriage) Bill, 2019 became law. The law makes void and illegal talaq-e-biddat or any other similar form of talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband. Under the law, it is illegal to pronounce talaq (Arabic for ‘divorce’) three times in spoken or written form, or through SMS, WhatsApp or any other electronic chat in one sitting. Any Muslim who pronounces the illegal form of talaq upon his wife can be punished with imprisonment for up to three years, and be liable to a fine.’⁴¹

4.3.4 In an undated article published by UN Women on divorce in India and the Philippines, it was noted:

‘While divorce in India is granted equally to women and men, the stigma [stigma] and setbacks for women are severe once they decide to decide to dissolve their marriage. Therefore only a few women take the route of divorce in India... The country has one of the lowest divorce rates in the world. India’s low rank on global divorce rate indices isn’t due to happier marriages but the existence of orthodox societal pressure. The primary reason why it is difficult for Indian women to get out of troubled marriages is the existence of patriarchal structures in a society that still holds their worth as that of the family they marry into. In conventional and religious families, equality among genders also remains an alien concept.

‘India is intrinsically a divided nation in terms of economic and social structures and, hence, even though women in urban metropolitan cities might opt for a divorce, women from marginalized sectors try to avoid it in fear of the stigma it might bring. Sexism, especially in informal workplaces,

³⁸ Ground Report, ‘[About us](#),’ nd

³⁹ Ground Report, ‘[In India, only 5% of women choose their husbands](#)’, 31 March 2021

⁴⁰ Feminism in India, ‘[Do Women Really Have The Freedom To Choose In...?](#)’, 10 March 2021

⁴¹ DFAT, ‘[Country information report: India](#)’, para 3.51, 10 December 2020

also leaves women with few options to work and sustain their families post-divorce.⁴²

- 4.3.5 In a 2020 article by Deutsche Welle, regarding inheritance rights for women it was noted 'India's Supreme Court on Tuesday ruled that daughters have equal rights as sons in Hindu ancestral property. The ruling extends the scope of legislation introduced in 2005 to cases where the father had died before the law was introduced... Justice Arun Kumar Mishra, who was heading the three judge bench [said] "The daughter shall remain a coparcener [one who shares equally with others in inheritance of an undivided joint family property] throughout life, irrespective of whether her father is alive or not. Daughters must be given equal rights as sons...'"⁴³

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4.4 Economic participation

- 4.4.1 According to the World Bank, less than one quarter (19%) of women aged 15 and older participate in the labour force as of 2020⁴⁴, compared to 69% of men⁴⁵. In a March 2020 report by the Observer Research Foundation, it was noted that women's low labour force participation rate is due in part to restrictive cultural norms, the gender wage gap, an increase in time spent for women continuing their education, and a lack of safety policies and flexible work offerings⁴⁶.
- 4.4.2 In a July 2020 article by the Diplomat, a current affairs news outlet focused on the Asia-Pacific region⁴⁷, it was noted that:
- 'The lack of demand for moderately educated women and occupational segregation could explain the Indian paradox of increasing female education and decreasing women's employment despite India's economic growth.
- 'Indian women are often required to prioritize domestic work, particularly if they are married due to the cultural and societal expectations of women as caregivers...'⁴⁸
- 4.4.3 The USSD report 2021 noted that, with reference to discrimination against women in the workplace, 'The law prohibits discrimination in the workplace and requires equal pay for equal work, but employers reportedly often paid women less than men for the same job, discriminated against women in employment and credit applications, and promoted women less frequently than men...'⁴⁹
- 4.4.4 According to the GGGR report 2022, where scores are based on economic participation and opportunity, educational attainment, health and survival, and political empowerment, 'Increases in the share of women in professional and technical roles were most notable in ... India.' And it 'progressed on

⁴² UN Women, '[India and the Philippines – The right to divorce...](#)', nd

⁴³ DW, '[India: Court bolsters inheritance rights for Hindu women](#)', 8 December 2020

⁴⁴ World Bank, '[Labor force participation rate, female...](#)', June 2022

⁴⁵ World Bank, '[Labor force participation rate, male...](#)', June 2022

⁴⁶ Observer Research Foundation, '[Promoting female participation in urban India's...](#)', 25 March 2020

⁴⁷ The Diplomat, '[About us](#)', nd

⁴⁸ The Diplomat, '[Women Left Behind: India's Falling Female Labor Participation](#)', 31 July 2020

⁴⁹ USSD, '[Annual report on human rights in 2021: India](#)', page 44, 12 April 2022

closing the gender gap in the share of women in senior positions as well...'⁵⁰

- 4.4.5 According to the NFHS-5, 'Thirty-two percent of currently married women age 15- 49, and 98 percent of currently married men age 15-49 are employed. Among employed women, 83 percent earn cash and 15 percent are not paid at all. More than four-fifths of employed women (85%) participate in decisions about the use of their own earnings.'⁵¹
- 4.4.6 According to Human Rights Watch's world report 2022 (HRW report 2022):
'The Covid-19 pandemic exacerbated existing challenges women faced in workforce participation, pushing even more women out of jobs and into poverty. Studies showed more women than men lost jobs; a 2021 study said 47 percent of women lost their jobs as compared to 7 percent of men during the first lockdown in 2020, and they had not returned to work by the end of the year. In the informal sector, women fared even worse. Between March and April 2021, women in informal jobs in rural India accounted for 80 percent of job losses.'⁵²
- 4.4.7 Bertelsmann Stiftung's Transformation Index (BTI 2022 report) which covered the period from 1 February 2019 to 31 January 2021, noted '...India's female labor force participation rate has steadily declined over the past couple of decades, from 27.7% in 2007 to 23% in 2010 to only 19.9% in 2020.'⁵³ The GGGR report 2022 also noted a similar trend, 'Labour-force participation shrunk for both men (by -9.5 percentage points) and women (-3 percentage points) since 2021.'⁵⁴

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4.5 Political participation

- 4.5.1 The USSD report 2021 highlighted women's representation and participation in the political process in India:
'No laws limit participation of women or members of minority groups in the political process, and they freely participated. The law reserves one-third of the seats in local councils for women. Religious, cultural, and traditional practices prevented women from proportional participation in political office. Nonetheless, women held many high-level political offices, including two positions as cabinet ministers. This represented a decline from the first Modi government when nine women served in the cabinet. The 2019 general election resulted in 78 women elected to the lower house of parliament, compared with 66 in the 2014 general election. The sole female chief minister leads West Bengal.'⁵⁵
- 4.5.2 According to a 2020 article by Feminism in India, a feminist media organisation⁵⁶:
'In India we have seen that with every election, more women MPs are

⁵⁰ World Economic Forum, '[Global Gender Gap Report 2022](#)', page 22, 13 July 2022

⁵¹ NFHS-5, '[India report](#)', page 579

⁵² HRW, '[World Report 2022 – India](#)', 13 January 2022

⁵³ BTI, '[India country report](#)', 2022

⁵⁴ World Economic Forum, '[Global Gender Gap Report 2022](#)', page 28, 13 July 2022

⁵⁵ USSD, '[Annual report on human rights in 2021: India](#)', page 35, 12 April 2022

⁵⁶ Feminism in India, '[Women In Politics: Looking Beyond Reservations](#)', 30 January 2020

occupying the center stage, i.e. 78 women MPs are elected to the parliament out of the 700-plus female candidates who contested the 2019 general elections, 43 percent of the women coming from a political class, more and more independent candidates fighting their way out in the most controversial seats and women like Remya Haridas, 32 year MP from Kerala (second ever Dalit MP) and Pramila Bisoyi, 69 year old MP from Odisha who belongs to an economically lower class are now representing their constituencies in their parliament.

‘However, when it comes to women in politics and their involvement in real decision making process, the power still lies with the men. There are still 176 male MPs as compared to the 78 woman MPs in the Lok Sabha [of which only 3 were given Cabinet Ministerial positions] and 20 out of the 240 MPs are women in the Rajya Sabha. The numbers of women MLAs [Member of Legislative Assembly] is much worse.’⁵⁷

4.5.3 According to the European Union External Action Service (EEAS) EU Annual Report on Human Rights and Democracy in the World 2021 report, ‘India dropped 28 places in the Global Gender Gap Index in 2021 and ranks 140th out of 156 countries. The report noted that most of the decline was seen in the Political Empowerment sub-index and as a main change highlighted the decline in the share of ministers who are women, which halved, from 23.1% in 2019 to 9.1% in 2021. The share of elected women in the Parliament remained at around 14% despite the Women’s Reservation Bill, reserving 33% of seats in the Parliament and in State Assemblies for women (pending for the last 25 years).’⁵⁸

4.5.4 According to the GGGR 2022, ‘the share of women legislators, senior officials and managers increased from 14.6% to 17.6%’⁵⁹.

4.5.5 The FH report 2022 noted: ‘Women... have opportunities to gain political representation. In 2019, for the first time, the rate of women’s voting in national elections equaled that of men... State assemblies and local bodies feature... quotas for... women representatives.’⁶⁰

For information on attitudes to women participating in the political sphere, see [Cultural context overview and attitudes](#).

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4.6 Education

4.6.1 The Constitution (86th Amendment, 2002) made free and compulsory education for all children in the 6-14-year age group a fundamental right. (The Right of Children to Free and Compulsory Education Act, 2009 qualified this right as being to the completion of elementary education)⁶¹.

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⁵⁷ Feminism in India, [‘Women In Politics: Looking Beyond Reservations’](#), 30 January 2020

⁵⁸ EEAS, [‘Annual Report on Human Rights And Democracy...’](#) page 200, 19 April 2022

⁵⁹ World Economic Forum, [‘Global Gender Gap Report 2022’](#), page 28, 13 July 2022

⁶⁰ FH, [‘Freedom in the World 2022 – India’](#), section B4, 28 February 2022

⁶¹ UN CEDAW, [‘Consideration of reports’](#), (paragraph 10), 23 October 2012

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4.6.2 The NFHS-5 report noted that:

‘Eighty-seven percent of children age 6-17 attend school (88% of males and 87% of females)... Almost all (95%) males and females age 6-10 attend school. This percentage decreases to 91 percent for children age 11-14 and then drops further to 70 percent for children age 15-17. There is almost no difference in school attendance by males (94%) and females (93%) at age 6-14, but males are more likely than females to attend school at age 15-17 (72% versus 68%). Urban rural differentials in school attendance are minimal at age 6-10, but widen at older ages’⁶²

4.6.3 According to the GGGR 2022, 96.1% of the Educational Attainment subindex gender gap has been closed, with parity achieved in primary, secondary and tertiary education⁶³.

4.6.4 A 2022 article by ThePrint, an online Indian news source⁶⁴, noted:

‘Rajasthan Chief Minister Ashok Gehlot has given approval to reimburse the fees paid by women to institutions to pursue higher education through distance education.

‘The government announced the move saying that the women will now be “able to build their future by continuing their studies.” “For this, the Chief Minister has implemented ‘Girls Distance Education Scheme’ in the state. Rs 14.83 crore [approximately £1.6 million] has been sanctioned to benefit a total of 36,300 girls and women every year under the scheme,” an official statement said...

‘The beneficiaries will be able to continue their studies through distance education at the state government-aided universities, government colleges, and Vardhman Mahaveer Open University, Kota.’⁶⁵

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4.7 Access to health

4.7.1 The USSD report 2021 noted that ‘Care received by women, especially those from marginalized and low-income groups, at public health facilities was often inadequate, contributing to a reluctance to seek treatment.’⁶⁶

4.7.2 According to the NHFS-5:

‘NFHS-5 asked women age 15-49 about potential problems in obtaining medical treatment for themselves when they are sick. Three-fifths of women report at least one problem for themselves in obtaining medical care... Over one-fifth (21%) of women cite money as a problem. Twenty-three percent of women cite the distance to a health facility and 22 percent cite having to take

⁶² NFHS-5, ‘[India report](#)’, page 25

⁶³ World Economic Forum, ‘[Global Gender Gap Report 2022](#)’, page 195, 13 July 2022

⁶⁴ ThePrint, ‘[About us](#)’, nd

⁶⁵ ThePrint, ‘[Rajasthan govt to fund distant education for women students](#)’, 24 August 2022

⁶⁶ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 43-44, 12 April 2022

transport as a problem. Thirty-one percent of women report concerns that no female health provider is available. Thirty-nine percent of women report a concern that no provider is available and 40 percent that no drugs are available.⁶⁷

- 4.7.3 A research article published in 2019 by BMJ Open Journals, a medical journal addressing research questions in clinical medicine, public health and epidemiology⁶⁸, highlighted a study focused on gender discrimination in access to healthcare in India. The study found that ‘...gender discrimination in access to healthcare, ... was worse for female patients who were in the younger and older age groups, and for those who lived at increasing distances from the hospital.’⁶⁹

See also [Reproductive rights](#).

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4.8 Reproductive rights

- 4.8.1 The USSD report 2021 noted:

‘There were reports of coerced and involuntary sterilization. The government promoted female sterilization as a form of family planning for decades. Some women, especially poor and lower-caste women, reportedly were pressured by their husbands and families to have tubal ligations or hysterectomies. The government provided monetary compensation for the wage loss, transportation costs, drugs and dressing, and follow-up visits to women accepting contraceptive methods, including voluntary sterilization. There were no formal restrictions on access to other forms of family planning; however, despite recent efforts to expand the range of contraceptive choices, voluntary sterilization remained the preferred method due to the costs and limited availability of alternative contraceptive choices.

‘Policies and guidelines that penalized families with more than two children were not widely enforced but remained in place in various states. Certain states continued to maintain quotas for government jobs and subsidies for adults with no more than two children. For example, Assam linked a two-child norm to accessing state government benefits and running for certain offices.

‘Many states promoted female sterilization as a family planning method, which resulted in risky, substandard procedures and limited access to nonpermanent methods. The central government does not have the authority to regulate state public health policies. Some women, particularly poor and lower-caste women, were reportedly pressured to have tubal ligations, hysterectomies, or other forms of sterilization.’⁷⁰

- 4.8.2 The same report continued:

‘In February the Ministry of Health and Family Welfare released the Sample Registration Report for Maternal Mortality Rates between 2016 and 2018, which estimated that the maternal mortality ratio declined to 113 deaths per

⁶⁷ NFHS-5, ‘[India report](#)’, page 449

⁶⁸ BMJ, ‘[About](#)’, nd

⁶⁹ BMJ, ‘[Missing female patients: an observational analysis of sex ratio...](#)’ 8 August 2019

⁷⁰ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 43, 12 April 2022

100,000 live births in 2016-18, compared with 130 such deaths per 100,000 live births in 2014- 16. The report indicated Assam's maternal mortality rate, at 215 per 100,000 live births, was the highest in the country, while Kerala recorded the lowest maternal mortality ratio at 43 per 100,000 live births.

'Care received by women, especially those from marginalized and low-income groups, at public health facilities was often inadequate, contributing to a reluctance to seek treatment. Government initiatives resulted in a significant increase in institutional births, but there were reports that health facilities continued to be overburdened, underequipped, and undersupplied.

'... To counter sex selection, almost all states introduced "girl child promotion" plans to promote the education and well-being of girls; some plans required a certificate of sterilization for the parents to collect benefits.'⁷¹

4.8.3 According to the PRC report 2022:

'Indians are united in the view that it is very important for a family to have at least one son (94%) and, separately, a daughter (90%). Historically in Indian society, though, families have tended to place higher value on their sons than their daughters, a custom broadly referred to as "son preference." One enduring manifestation of son preference has been the illegal practice of sex-selective abortions – using ultrasound or other tests to learn the sex of a fetus and terminating the pregnancy if the fetus is female.

'The survey finds that four-in-ten Indians say it is either "completely acceptable" or "somewhat acceptable" to "get a checkup using modern methods to balance the number of girls and boys in the family," a euphemism that connotes sex-selective abortion. In contrast, roughly half of adults (53%) say that this practice is either somewhat or completely unacceptable.'⁷²

4.8.4 The NCRB Crime in India report published by the National Crime Records Bureau in 2021 listed 1,529 cases of 'Miscarriage, Infanticide, Foeticide and Abandonment' in 2021⁷³, down from 1,634 cases in 2020 and 1,972 cases in 2019⁷⁴.

4.8.5 The NCW report 2021 between noted that, 2020 and 2021, 17 cases of 'sex selective abortion / female foeticide / amniocentesis' were reported to the commission for investigation⁷⁵.

4.8.6 According to an article published by The Times of India, an English-language Indian daily newspaper⁷⁷, on 28 April 2022:

'India has numerous reproductive health concerns which have to be addressed as a means to improve the reproductive health status of people. "78% of the 15 million abortions in India take place outside medical facilities". Over 30 million married women in their reproductive years are unable to use

⁷¹ USSD, '[Annual report on human rights in 2021: India](#)', page 43 - 44, 12 April 2022

⁷² Pew Research Centre, '[Key findings on Indian attitudes toward gender roles](#)', 2 March 2022

⁷³ NCRB, '[Crime in India: 2021](#)', Volume 1, page 2, 2021

⁷⁴ NCRB, '[Crime in India: 2021](#)', Volume 1, page 2, 2021

⁷⁵ NCRB, '[Crime in India: 2021](#)', Volume 1, page 2, 2021

⁷⁶ NCW, '[Annual report 2020-2021](#)', page 12, 2021

⁷⁷ The Times of India, '[About](#)', nd

contraception, according to evidence.

‘According to a fact sheet, in India, 2 million adolescent women lack access to contemporary contraception; 52 percent of adolescents who give birth attend the recommended minimum of four antenatal care appointments; and 78 percent of abortions performed on adolescents are unsafe, putting them at risk of complications. Also, after an unsafe abortion, 190,000 adolescents do not receive the treatment they require.

‘According to a country case-study based on research, the Indian state’s approach to reproductive rights has historically prioritised population control over promoting individual autonomy and removing structural hurdles to reproductive health services. This has turned the focus away from universal access to abortion and contraception and other SRHR [Sexual and Reproductive Health Rights] initiatives and toward reaching top-down population control targets.

‘... In India, there is an unmet demand for safe abortion services due to high rates of unwanted fertility and maternal death. Every day, 13 women in the country die as a result of unsafe abortion-related causes, making it the third leading cause of maternal death.’⁷⁸

- 4.8.7 In a July 2022 article by The New Indian Express, an Indian daily newspaper⁷⁹, it was noted:

‘... In a significant order, the Supreme Court Thursday expanded the scope of the Medical Termination of Pregnancy Act to include unmarried women and allowed a 25-year-old woman to abort her 24-weeks pregnancy arising out of a consensual relationship.

The top court said, "a woman's right to reproductive choice is an inseparable part of her personal liberty under Article 21 of the Constitution and she has a sacrosanct right to bodily integrity."⁸⁰

- 4.8.8 On 29 September 2022, The New Indian Express reported:

‘In a landmark ruling on the reproductive rights of women, the Supreme Court held on Thursday that all women are entitled to safe and legal abortion till 24 weeks of pregnancy under the Medical Termination of Pregnancy (MTP) Act, and making any distinction on the basis of their marital status is "constitutionally unsustainable".

"The marital status of a woman can't be ground to deprive her right to abort unwanted pregnancy," the top court said while pronouncing its judgement.

"The decision to carry a pregnancy to full term or to abort it lies in the reproductive autonomy of a woman, which is rooted in bodily autonomy. Depriving her of this right will be an affront to a woman's right to dignity," the bench held in its ruling.’⁸¹

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⁷⁸ The Times of India, ‘[Sexual and Reproductive Health Rights \(SRHR\) in India \[Part 1\]](#)’, 28 April 2022

⁷⁹ The New Indian Express, ‘[About us](#)’, nd

⁸⁰ The New Indian Express, ‘[...scope of MTP Act to include unmarried women...](#)’, 21 July 2022

⁸¹ The New Indian Express, ‘[...Supreme Court say on abortion, marital rape...](#)’, 29 September 2022

4.9 Single women

4.9.1 The DFAT report 2020 noted ‘Single women reportedly make up 21 per cent of India’s female population, at around 73 million. These include unmarried, divorced, separated and widowed women. The 2011 Census recorded an almost 40 per cent increase in their numbers over the preceding decade.’⁸²

4.9.2 According to a 2018 article by IndiaSpend, an online “agency of record” on data and facts on the Indian social and political economy⁸³, “For single women, the main issue is to be able to survive, and to be able to survive with dignity,” said social worker Parul Chaudhary who is associated with the National Forum for Single Women’s Rights... Single women are forced to depend of somebody’s goodwill -- in-laws, parents, brothers and sisters-in-law -- just for a roof over their head or for their children to continue in school.’⁸⁴

4.9.3 In a 2018 article in the Hindu, an Indian daily newspaper⁸⁵, Sreemoyee Piu Kundu, an author who previously undertook interviews with 3,000 single urban women in India, noted:

‘...Between 2001 and 2011, there was an almost 40% increase in their [single women’s] numbers. Media reports say that the Women and Child Development ministry under Maneka Gandhi is slated to revise policy for the first time since 2001 to address the concerns around being single and female, which include social isolation and difficulties in accessing even ordinary services.

‘There’s been a huge growth in this demographic, and ministry officials have said that government policy must prepare for this evolution by empowering single women through skills development and economic incentives.

‘The policy revision also aims to address concerns related to widows and universal health benefits for all women...’⁸⁶

4.9.4 The same article noted, based on conversations with an unspecified number of single Indian women:

‘They spoke of serious struggles with basic life issues such as getting a flat on rent or being taken seriously as a start-up entrepreneur or getting a business loan or even getting an abortion (statistics collated by Mumbai’s International Institute for Population Sciences claim that 76% of the women who come for first-time abortions are single).

‘They confessed to a gnawing sense of loneliness, the looming anxiety about the onset of old age, health issues, of losing parents, siblings and friends over time, of personal security, of being elderly and alone.’⁸⁷

4.9.5 In May 2016, a draft [National Policy for Women 2016](#) was released by the Women and Child Development under Maneka Gandhi, focused on health, including food security and nutrition, education, economy, governance and

⁸² DFAT, ‘[Country information report: India](#)’, page 41, 10 December 2020

⁸³ IndiaSpend, ‘[About us](#)’, nd

⁸⁴ IndiaSpend, ‘[As Indian Women Leave Jobs, Single Women Keep Working...](#)’, 23 June 2018

⁸⁵ The Hindu, ‘[About us](#)’, nd

⁸⁶ The Hindu, ‘[Is single the new black? For Indian women, it’s complicated](#)’, 29 January 2018

⁸⁷ The Hindu, ‘[Is single the new black? For Indian women, it’s complicated](#)’, 29 January 2018

decision-making, violence against women, enabling environments and the environment and climate change⁸⁸. In the sources consulted, CPIT were unable to ascertain the progression of the policy since it was released as a draft in 2016 (see [Bibliography](#)).

4.9.6 The NFHS-5 noted that ‘Widowed, divorced, separated, or deserted women and women from ‘other’ religions are far more likely than any other women to report having experienced sexual violence.’⁸⁹ (see [Rape and sexual assault](#)).

4.9.7 A 2020 article on single women in India by the South China Morning Post, a Hong Kong-based newspaper partly focused on news coverage in Asia⁹⁰, it was noted:

‘Indian society is still largely rooted in patriarchy and gender inequality, with single women often stereotyped as choosy, morally loose or headstrong, according to Patricia Uberoi, a Delhi-based sociologist.

“The idea remains that a single woman unaccompanied by a male [relative or spouse] poses a risk to herself, to family honour and to society at large,” she said. “Though many women now and in the past have broken the stereotype, they have done so at their own risk.”⁹¹

4.9.8 A 2020 article by The Week noted that:

‘...In the absence of a male partner and/or abandonment by their families, they often face sexual and gender-based violence.’⁹² The same article also noted:

‘A draft policy circulated by the Action Aid Association [a non-governmental organisation] seeks to intervene in six broad areas impacting the lives of single women. These include stigma and discrimination; sexual and gender-based violence; access to basic services, including education and health; access to livelihoods and social security; access and control over property and other resources; and participation in governance and decision-making.

‘The policy brings under its ambit a wide definition of single women, including widows, divorced women, unmarried women above the age of 35, separated women, women who have been living without their partner for at least one year and women with missing husbands or who are half-widows (those who have had no contact with their spouses for at least one year).

‘One of the important measures proposed in the draft is for the identification and certification of single women.’⁹³

For further information see the Action Aid ‘[Single But Not Alone](#)’ draft policy.

4.9.9 In the sources consulted, CPIT could not find information pertaining to the current status of the policy proposed by ActionAid Association (see [Bibliography](#)).

4.9.10 A 2022 opinion piece published by The Globalist, an online magazine

⁸⁸ Women and Child Development Department, ‘[National Policy for Women 2016 \(draft\)](#)’, May 2016

⁸⁹ NFHS-5, ‘[India report](#)’, page 642

⁹⁰ South China Morning Post, ‘[Mission Statement](#)’, nd

⁹¹ South China Morning Post, ‘[Single by choice: India’s women reject marriage...](#)’, 14 November 2020

⁹² The Week, ‘[A draft policy for single women in India](#)’, 25 June 2020

⁹³ The Week, ‘[A draft policy for single women in India](#)’, 25 June 2020

reporting on politics, economy and culture⁹⁴, noted 'Currently, women are not safe when they are out and about on their own, on the streets or on public transport. It is also difficult for single women to rent accommodation without being subject to extensive intrusive questioning.'⁹⁵

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4.10 Freedom of movement

For general information on freedom of movement in India, see [Country policy and information note: India, Internal Relocation](#).

- 4.10.1 According to the NFHS-5, 'Women are considered to have freedom of movement if they are usually allowed to go alone to all three of the following places: to the market, to the health facility, and to places outside the village or community.'⁹⁶ The survey also noted that, out of the sample of women aged 15-49, 'Fifty-six percent of women are allowed to go alone to the market, 52 percent to the health facility, and 50 percent to places outside the village or community. Overall, only 42 percent of women in India are allowed to go alone to all three places and 5 percent are not allowed to go alone to any of the three places...

'Trends: Slightly more women age 15-49 have reported that they have freedom of movement in the 4 years since NFHS-4. In NFHS-4, only 41 percent of women they were allowed to go alone to the market, the health facility, and to places outside the village or community. This percentage has increased marginally to 42 percent in NFHS-5.'⁹⁷

- 4.10.2 The NFHS-5 also noted that 'The proportion of women who report freedom of movement varies greatly by state. In Himachal Pradesh, 82 percent of women are allowed to go alone to all three places, compared with only 2 percent in Lakshadweep, 15 percent in Kerala, and less than one-third in Goa, Odisha, Manipur, Nagaland, and Karnataka.'⁹⁸
- 4.10.3 Nestaway, a "Managed Home Rental Network" attempting to provide better rental solutions via design & technology', undertook a study in 2019 on 1,000 women who migrated within India to a city for employment or studies⁹⁹. It found:
- '...there has been a shift in mindsets concerning migration of women to new cities. Women seem to want to pursue professional and academic growth. More and more parents seem to be supportive of their daughters' decision to move...
- 'However, our cities continue to be unsafe for women. Finding appropriate housing is still a challenge. Concerns on safety and lack of women-friendly social infrastructure are the biggest deterrents to migration.'¹⁰⁰
- 4.10.4 The study further noted that Bengaluru (formerly Bangalore) is the 'most

⁹⁴ The Globalist, '[About us](#)', nd

⁹⁵ The Globalist, '[India's single women](#)', 15 January 2022

⁹⁶ NFHS-5, '[India report](#)', page 585

⁹⁷ NFHS-5, '[India report](#)', page 585

⁹⁸ NFHS-5, '[India report](#)', page 585

⁹⁹ Nestaway, '[Migration – a woman's perspective](#)', 8 March 2019

¹⁰⁰ Nestaway, '[Migration – a woman's perspective](#)', 8 March 2019

preferred city' for single women, as per the preference of 27% of the women surveyed by the study¹⁰¹.

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4.11 LGBT women

- 4.11.1 For information on LGTBI+ women, see country policy and information note [India: Sexual orientation and gender identity and expression](#).

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4.12 Women with disabilities

- 4.12.1 A 2018 Human Rights Watch (HRW) report on 'Invisible Victims of Sexual Violence' it was noted:

'Women and girls with different disabilities face high risk of sexual violence in India. Those with physical disabilities may find it more difficult to escape from violent situations due to limited mobility. Those who are deaf or hard of hearing may not be able to call for help or easily communicate abuse, or may be more vulnerable to attacks simply due to the lack of ability to hear their surroundings. Women and girls with disabilities, particularly intellectual or psychosocial disabilities, may not know that nonconsensual sexual acts are a crime and should be reported because of the lack of accessible information.'¹⁰²

- 4.12.2 A 2021 article on Intimate Partner Violence (IPV) against women with disabilities, published by BMJ Journals in 2022, noted that 'Violence against women in India is a major and ongoing public health problem. Women with disabilities are perhaps the most marginalised of all and experience violence to a greater degree than others. This violence derives from a culture that tolerates and perpetuates the marginalisation of both women in general and women with disabilities in particular and contributes to an unacceptable physical and mental health burden.'¹⁰³

- 4.12.3 The NCRB Crime in India report 2021 noted that of the 31,677 recorded cases of rape in India in 2021, 117 were perpetrated against women with 'mental or physical' disabilities¹⁰⁴.

- 4.12.4 The NCRB Crime in India report 2021 does not specifically record other instances of gender-based violence against women with disabilities.

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This section was updated on 13 October 2022

5. Sexual and gender-based violence

5.1 Crime rates

- 5.1.1 According to the PRC report 2022 'Police cases registered as "crimes against women" nearly doubled between 2010 and 2019, and rapes and murders of women have led to massive protests across India.'¹⁰⁵ The BTI

¹⁰¹ Nestaway, '[Migration – a woman's perspective](#)', 8 March 2019

¹⁰² HRW, '[...Sexual Violence, Access to Justice for Women and Girls with disabilities...](#)', 3 April 2018

¹⁰³ BMJ Open, '[...Intimate partner violence against women with disability...](#)', 2021

¹⁰⁴ NCRB, '[Crime in India: 2021](#)', Volume 1, page 264, 2021

¹⁰⁵ Pew Research Centre, '[Key findings on Indian attitudes toward gender roles](#)', 2 March 2022

report 2022 noted that ‘protests against the rape of and violence directed against women have been mainly driven by the middle classes, they are an expression of a growing solidarity on topics that cut across and affect all parts of the Indian society.’¹⁰⁶

- 5.1.2 The USSD report 2021 noted ‘Local authorities made efforts to address the safety of women. The NCRB’s [National Crime Records Bureau] 2021 Crime in India report revealed that overall crime against women fell by 8 percent from 405,326 cases in 2019 to 371,503 cases in 2020. West Bengal and Odisha reported the highest increase in crimes against women while Uttar Pradesh recorded a 17 percent decline in registered cases.’¹⁰⁷
- 5.1.3 The NCW report 2021 noted that, between 2020 and 2021, the Commission received 26,513 complaints related to gender-based violence and harassment against women in 37 different states¹⁰⁸, with most complaints being registered in Uttar Pradesh, Delhi, Maharashtra, Haryana, Bihar, Rajasthan, Madhya Pradesh, Karnataka, Tamil Nadu and West Bengal¹⁰⁹.
- 5.1.4 The NCRB Crime in India report 2021 noted that ‘A total of 4,28,278 cases of crime against women were registered during 2021, showing an increase of 15.3% over 2020 (3,71,503 cases)...’¹¹⁰ The same report noted that, of these crimes, 20.8% were filed under ‘Assault on Women with Intent to Outrage her Modesty’ (20.8%) and 17.6% were filed under ‘Kidnapping & Abduction of Women’ (17.6%)¹¹¹. The NCRB report further noted that ‘The crime rate registered per lakh women population is 64.5 in 2021 in comparison with 56.5 in 2020.’¹¹²
- 5.1.5 In a statement by the Sambhali Trust to the UN Commission on the status of women, it was observed that ‘According to the National Crime Records Bureau data, Rajasthan ranks third highest among Indian states in crimes against women that include rape, sexual harassment, kidnapping, dowry harassment, and domestic violence...The state has gained notoriety in cases of rape and dowry deaths and has reported the second and fourth highest rates, respectively, in the country.’¹¹³
- 5.1.6 An article published in October 2020, by Feminism in India, noted the need for government data on violence against women with disabilities.¹¹⁴
- 5.1.7 An Immigration and Refugee Board of Canada (IRB) COI query response dated 19 October 2020, based on a range of sources, stated:
- ‘According to a report authored by the Housing and Land Rights Network (HLRN), a human rights organization based in New Delhi, and submitted to the UN Special Rapporteur on Violence Against Women, [h]omeless women, particularly young women, suffer the worst kinds of violence and insecurity, and are vulnerable to sexual abuse, exploitation, and trafficking. Instances of

¹⁰⁶ BTI, ‘[India country report](#)’, 2022

¹⁰⁷ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 40, 12 April 2022

¹⁰⁸ NCW, ‘[Annual report 2020-2021](#)’, para 2.8, 2021

¹⁰⁹ NCW, ‘[Annual report 2020-2021](#)’, page 13, 2021

¹¹⁰ NCRB, ‘[Crime in India: 2021 State / UT Snapshots](#)’, page xii, 2021

¹¹¹ NCRB, ‘[Crime in India: 2021 State / UT Snapshots](#)’, page xii, 2021

¹¹² NCRB, ‘[Crime in India: 2021 State / UT Snapshots](#)’, page xii, 2021

¹¹³ Sambhali Trust, ‘[Statement submitted by Sambhali Trust...](#)’, 26 November 2020

¹¹⁴ Feminism in India, ‘[Data On Violence On Girls & Women With Disabilities...](#)’, 26 October 2020

rape, molestation, and women spending sleepless nights guarding their young adolescent girls are a common feature among homeless women...

The same source reports that the perpetrators of violence against homeless women "include the police, shelter managers, government officials and passers-by who do not let homeless women sleep, ask them for sexual favours, abuse them verbally and physically, and frequently destroy their temporary accommodation"...¹¹⁵

- 5.1.8 The NFHS-5 noted that, 'Twenty-nine percent of women age 18-49 have experienced physical violence since age 15, and 6 percent have ever experienced sexual violence in their lifetime. Three percent of ever-pregnant women age 18-49 have experienced physical violence during any pregnancy.'¹¹⁶
- 5.1.9 The DFAT report 2020 notes that 'Available data likely understates the true extent of violence against women due to underreporting of cases.'¹¹⁷
- 5.1.10 For information on reporting, investigation and prosecution of specific types of gender-based violence, including available statistics see the relevant section below.

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5.2 Domestic and dowry-related violence

- 5.2.1 The DFAT report 2020 noted that:

'Media reports COVID-19 lockdowns in 2020 led to an increase in domestic violence incidents. National Legal Services Authority data from 25 March to 15 May showed a 50 per cent increase in reported cases compared to the same period in 2019. One Mumbai charity reported a four-fold increase in calls from women, many reporting a rise in abuse after their husbands lost their jobs. According to women's rights organisation Swayam, by mid-May helpline complaints had increased by 60 per cent since the start of the national lockdown'¹¹⁸
- 5.2.2 The USSD report 2021 noted that 'Domestic violence continued to be a problem. The COVID-19 pandemic and lockdown led to increased instances of domestic violence. Women and children were more vulnerable due to loss of livelihood of the perpetrator and the family being forced to remain indoors, where victims were locked in with their abusers with limited means to escape or access to resources.'¹¹⁹
- 5.2.3 The USSD report 2021 also noted that 'Madhya Pradesh reported the largest number of domestic violence cases'¹²⁰
- 5.2.4 The NCRB Crime in India report 2021 noted that 31.8% of the crimes committed against women under the Indian Penal code (IPC) in 2021 were

¹¹⁵ IRB, '[Responses to information requests, India...](#)', 19 October 2020

¹¹⁶ NFHS-5, '[India report](#)', page 639

¹¹⁷ DFAT, '[Country information report: India](#)', page 40, 10 December 2020

¹¹⁸ DFAT, '[Country information report: India](#)', page 41, 10 December 2020

¹¹⁹ USSD, '[Annual report on human rights in 2021: India](#)', page 40, 12 April 2022

¹²⁰ USSD, '[Annual report on human rights in 2021: India](#)', page 40, 12 April 2022

filed under 'Cruelty by Husband or His Relatives'¹²¹

- 5.2.5 The NCW report 2021 noted that, between 2020 and 2021, 6,049 complaints from women related to domestic violence were made¹²².
- 5.2.6 The NFHS-5 noted that 'Thirty-two percent of ever-married women age 18-49 have experienced physical, sexual, or emotional spousal violence. The most common type of spousal violence is physical violence (28%), followed by emotional violence (14%). Six percent of ever-married women age 18-49 have experienced spousal sexual violence.'¹²³ The same report noted that: 'Ever-married women's ever experience of spousal physical or sexual violence has declined from 31 percent in NFHS-4 to 29 percent in NFHS-5. '...One-fourth of ever-married women age 18-49 who have experienced spousal physical or sexual violence report having physical injuries, including 7 percent who have had eye injuries, sprains, dislocations, or burns and 6 percent who have had deep wounds, broken bones, broken teeth, or any other serious injury. '...Only 14 percent of women who have experienced physical or sexual violence by anyone have sought help to stop the violence.'¹²⁴
- 5.2.7 The NFHS-5 also noted 'Of the acts of physical violence committed by the current or most recent husbands, the most common type is slapping, reported by 25 percent of ever-married women...The form of sexual violence most commonly reported by women is that their husband used physical force to have sexual intercourse when they did not want to (5%)...'¹²⁵
- 5.2.8 The FH report 2022 noted that 'Despite criminalization and hundreds of convictions each year, dowry demands surrounding marriage persist, sometimes resulting in violence...'¹²⁶
- 5.2.9 With specific reference to dowry-related violence, the USSD report 2021 noted 'The law forbids the acceptance of marriage dowries, but many families continued to offer and accept dowries, and dowry disputes remained a serious problem. NCRB data showed a total of 7,045 dowry-related deaths in 2020 as compared with 7,141 in 2019. The highest number of cases were registered in Uttar Pradesh with 2,302 victims.'¹²⁷
- 5.2.10 The NCRB Crime in India 2021 report recorded 6,753 dowry-related deaths in 2021¹²⁸.
- 5.2.11 The NCW report 2021 noted that, between 2020 and 2021, 327 complaints related to dowry death were made¹²⁹ and 4209 complaints were on the basis of 'harassment of married women or dowry harassment.'¹³⁰

¹²¹ NCRB, '[Crime in India: 2021 State / UT Snapshots](#)', page xii, 2021

¹²² NCW, '[Annual report 2020-2021](#)', page 11, 2021

¹²³ NFHS-5, '[India report](#)', page 639

¹²⁴ NFHS-5, '[India report](#)', page 639

¹²⁵ NFHS-5, '[India report](#)', page 644, 2021

¹²⁶ FH, '[Freedom in the World 2022 – India](#)', section G3, 28 February 2022

¹²⁷ USSD, '[Annual report on human rights in 2021: India](#)', page 40, 12 April 2022

¹²⁸ NCRB, '[Crime in India: 2021](#)', Volume 1, page 2, 2021

¹²⁹ NCW, '[Annual report 2020-2021](#)', page 11, 2021

¹³⁰ NCW, '[Annual report 2020-2021](#)', page 11, 2021

- 5.2.12 The DFAT report 2020 noted ‘There have been reported acid attacks... against women in India, with sulfuric acid used to disfigure and sometimes kill women and girls over family feuds, inability to meet dowry demands or rejection of marriage proposals.’¹³¹ (see also [Forced and child marriage](#)).
- 5.2.13 A 2020 article by India Today, an Indian English language online news source¹³² noted:
 ‘A total of 596 acid attack cases were reported in 2017 and 2018, with 623 victims falling prey, but data shows that only 149 people were charge-sheeted in each year. This is almost or less than half the number of incidents in each year. The lowest number of cases (244) was reported in 2014, with 201 people charge-sheeted.
 ‘Uttar Pradesh, West Bengal and Delhi have been consistently ranking among the 10 worst states in term of acid attacks from 2014 to 2018. These three states alone make up 42 per cent of the victims of acid attacks in India during these five years.’¹³³
- 5.2.14 The Acid Survivors Trust International (ASTI) noted: ‘According to the Indian National Crimes Bureau (NCRB) there were 228 acid attacks reported in the country in 2018. It is very likely that a large number of attacks are not reported and number of actual attacks far higher. Research indicates that the majority of victims are women and girls and... attacks often occur in public places such as roads, schools, colleges. The real number of attacks is likely to exceed 1000 attacks a year.’¹³⁴
- 5.2.15 The USSD report 2021 highlighted one reported incident in 2021 whereby a woman was disfigured in an acid attack: ‘...On April 16, a man from Patiala threw acid on his wife for not giving birth to a son. The woman sustained burns on nearly 58 percent of her body in the acid attack. Police charged the man with attempted murder and voluntarily causing grievous hurt.’¹³⁵
- 5.2.16 The NCRB Crime in India report 2021 recorded 176 reported acid attacks in 2021, compared to 182 in 2020 and 249 in 2019¹³⁶.
- 5.2.17 The NCW report 2021 noted that, between 2020 and 2021, of the reported attacks, 9 complaints were made to the Commission for investigation in relation to acid attacks¹³⁷.

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5.3 Rape and sexual assault

- 5.3.1 The NFHS-5 reported that ‘Women age 18-49 were asked if they had ever experienced sexual violence by anyone as a child or as an adult. Overall, 6 percent of women report having ever experienced sexual violence in their lifetime.’¹³⁸ The same survey showed:

¹³¹ DFAT, ‘[Country information report: India](#)’, page 41, 10 December 2020

¹³² India Today, ‘[About](#)’, nd

¹³³ India Today, ‘[India saw almost 1,500 acid attacks in five years](#)’, 12 January 2020

¹³⁴ ASTI, ‘[Country files: India](#)’, nd

¹³⁵ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 41, 12 April 2022

¹³⁶ NCRB, ‘[Crime in India: 2021](#)’, Volume 1, page 2, 2021

¹³⁷ NCW, ‘[Annual report 2020-2021](#)’, page 11, 2021

¹³⁸ NFHS-5, ‘[India report](#)’, page 642, 2021

'Women's experience of sexual violence is somewhat lower among younger women (4% each for women age 18- 19 and 20-24, 6% for women age 25-29, and 7% for women age 30 and over).

'Experience of sexual violence decreases sharply with schooling, from 9 percent among women with no schooling to 3 percent among women with 12 or more years of schooling. Women's experience of sexual violence declines similarly with wealth, from 10 percent among women in the lowest wealth quintile to 3 percent among women in the highest wealth quintile...'139

5.3.2 The same report highlighted that:

'NFHS-5 shows that sexual violence is most often committed by individuals with whom women have an intimate relationship. Among ever-married women age 18-49 who have ever experienced sexual violence, 82 percent report their current husband and 14 percent report a former husband as perpetrators. Among never-married women who reported sexual violence, the most common perpetrators were 'other' relatives (39%), followed by a current or former boyfriend (16%) and a family friend (12%). Some never-married women mention stranger (5%), teacher, father/step-father, and brother/step-brother (4% each) as perpetrators.'140

5.3.3 The USSD report 2021 noted:

'Official statistics reported rape as one of the country's fastest-growing crimes, prompted at least in part by the increasing willingness of survivors to report rapes, but observers believed the number of rapes remained vastly underreported.

'...The NGO International Center for Research on Women noted low conviction rates in rape cases was one of the main reasons sexual violence continued unabated and at times unreported.'141

5.3.4 The same report highlighted, in reference to prevalence of rape:

'Rape continued to be a persistent problem, including gang rape, rape of minors, rape against lower-caste women or women from religious and nonreligious minority communities by upper-caste men...

'... The Investigation Tracking System for Sexual Offenses monitors sexual assault investigations. According to latest government data, 77 cases of rape per day were reported across the country in 2020.

'On April 7, a 24-year-old Delhi woman was gang raped by five men in Gurugram, Haryana. The woman was raped repeatedly and left near Farrukhnagar, Haryana. To date, no suspects have been arrested.

'... Women in areas such as in Jammu and Kashmir, northeastern states, Jharkhand, and Chhattisgarh... were often victims of rape or threats of rape...'142

5.3.5 The USSD report 2021 also noted that 'Rajasthan reported the highest

¹³⁹ NFHS-5, '[India report](#)', page 642

¹⁴⁰ NFHS-5, '[India report](#)', page 642

¹⁴¹ USSD, '[Annual report on human rights in 2021: India](#)', page 38, 12 April 2022

¹⁴² USSD, '[Annual report on human rights in 2021: India](#)', page 39-40, 12 April 2022

number of rapes.¹⁴³

- 5.3.6 The NCRB Crime in India 2021 report recorded 31,677 cases of rape in 2021, constituting 7.4% of all crimes reported in 2021¹⁴⁴ and 3,800 cases of attempted rape, compared to 28,046 cases of rape in 2020 and 32,032 cases in 2019¹⁴⁵.
- 5.3.7 The NCW report 2021 noted that, between 2020 and 2021, 1,802 complaints were made to the Commission for investigation in relation to ‘outraging modesty of women/molestation’¹⁴⁶, 1,293 complaints were made in relation to cases of rape or attempted rape¹⁴⁷, 93 complaints were made in relation to ‘sexual assault’¹⁴⁸, 480 complaints were made in relation to ‘sexual harassment’¹⁴⁹ and 216 complaints were made regarding sexual harassment in the workplace¹⁵⁰.
- 5.3.8 The FH report 2022 noted that, ‘Indian participation in the international #MeToo movement against sexual harassment and assault has raised awareness of the problem, but women have also endured reprisals after reporting cases, and the movement’s reach has largely been limited to the country’s urban middle class.’¹⁵¹
- 5.3.9 According to the HRW report 2022, ‘In August [2021], a 24-year-old woman and her male friend from Uttar Pradesh died after setting themselves on fire in front of the Supreme Court, alleging harassment by state police and judiciary in retaliation for her rape complaint against a member of parliament.’¹⁵² (see also [Treatment by, and attitudes of, the justice system and the police](#)).
- 5.3.10 The DAI and EN report 2021 noted that ‘... traditional dispute resolution mechanisms, such as khap/jati panchayats in India... also play a significant role in encouraging or coercing survivors into extra-legal settlements. Such settlements can also involve marriage of the perpetrator to the rape survivor... khap or jati panchayats, usually composed of dominant caste community members, are known to frequently pressure rape survivors and their families to compromise rape cases, including using their social and political power to intimidate or bribe the police officers investigating the case, threats of economic and physical retaliation, social boycott, banishment from the village or other such means.’¹⁵³

(See also [Violence against Dalits and women from tribal communities](#) and [Single women](#) for information on prevalence of rape and sexual assault against Dalit women and girls and single women.

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¹⁴³ USSD, [Annual report on human rights in 2021: India](#), page 40, 12 April 2022

¹⁴⁴ NCRB, [Crime in India: 2021 State / UT Snapshots](#), page xii, 2021

¹⁴⁵ NCRB, [Crime in India: 2021](#), Volume 1, page 3, 2021

¹⁴⁶ NCW, [Annual report 2020-2021](#), page 11, 2021

¹⁴⁷ NCW, [Annual report 2020-2021](#), page 12, 2021

¹⁴⁸ NCW, [Annual report 2020-2021](#), page 12, 2021

¹⁴⁹ NCW, [Annual report 2020-2021](#), page 12, 2021

¹⁵⁰ NCW, [Annual report 2020-2021](#), page 12, 2021

¹⁵¹ FH, [Freedom in the World 2022 – India](#), section F4, 28 February 2022

¹⁵² HRW, [World Report 2022 – India](#), 13 January 2022

¹⁵³ DAI and EN, [Sexual Violence In South Asia: Legal And Other Barriers...](#) 20 April 2021, page 47

5.4 Female Genital Mutilation (FGM)

5.4.1 In the July 2022 Joint Stakeholder Submission to the Universal Periodic Review of India: Female Genital Mutilation/Cutting (FGM/C) published by Equality Now, it was noted: 'Female Genital Mutilation/Cutting (FGM/C) is known to be practiced in India by the Dawoodi, Alvi and Suleimani Bohra communities, as well as certain sections of Sunni Muslims... In the Bohra community, khatna/khafz (which largely consists of the removal of the prepuce tissue off the clitoris) is equivalent to Type I or Type IV FGM/C as classified by the World Health Organization...'¹⁵⁴

5.4.2 The same report stated:

'The Bohra community is a small Muslim minority group in India of approximately 1 million individuals. As a professed expression of religion... they practice FGM/C type I/IV (cutting of the clitoral hood or the clitoris causing injury to clitoral glans and/or the prepuce) on Bohra minor girls, who are usually subjected to FGM/C around the age of 7. The community refers to the practice as "Khafz", semantically distancing it from FGM/C. Studies revealed that more than 75% of Bohra girls, aged around seven years, were subjected to FGM/C in India, whereas the latest study reveals the number to be 99%.'¹⁵⁵

5.4.3 The DFAT report 2020 noted:

'During a 2018 hearing, India's Supreme Court said female genital mutilation (FGM) violated Articles 15 and 21 of the constitution. The practice is common to the Bohra community, a Shia sub-sect, who live in Gujarat, Maharashtra, Rajasthan, Madhya Pradesh and Kerala. In 2018, a study published by WeSpeakOut, a survivor-led movement, claimed 75 per cent of daughters (aged seven years and above) of all respondents in the sample from the Bohra community had been subjected to FGM.'¹⁵⁶

5.4.4 The NCRB Crime in India 2021 report did not record instances of FGM¹⁵⁷.

5.4.5 FGM was not listed as reported as a complaint to the National Commission for Women (NCW) between 2020-2021¹⁵⁸.

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5.5 Forced and child marriage

5.5.1 Girls Not Brides, a 'a global network of more than 1,600 civil society organisations from over 100 countries committed to ending child marriage'¹⁵⁹ noted:

'27% of girls in India are married before their 18th birthday and 7% are married before the age of 15.4% of boys were married off before their 18th birthday.

'India has the highest absolute number of women married or in a union

¹⁵⁴ Equality Now, '[Joint Stakeholder Submission... Female Genital Mutilation/Cutting...](#)', 18 July 2022

¹⁵⁵ Equality Now, '[Joint Stakeholder Submission... Female Genital Mutilation/Cutting...](#)', 18 July 2022

¹⁵⁶ DFAT, '[Country information report: India](#)', page 42, 10 December 2020

¹⁵⁷ NCRB, '[Crime in India: 2021](#)', Volume 1, 2021

¹⁵⁸ NCW, '[Annual report 2020-2021](#)', page 11-12, 2021

¹⁵⁹ Girls Not Brides, '[About us](#)', nd

before the age of 18 in the world – 15,648,000.

‘Child marriage is more prevalent in rural areas than in urban areas and, in general, rates of child marriage are highest in the central and western parts of India. For instance, child marriage rates in districts of Rajasthan and Bihar range from 47% to 51%.’¹⁶⁰

- 5.5.2 The NFHS-5 noted that ‘The median age at first marriage is 18.8 years for women and 24.9 years for men age 25-49.’¹⁶¹ The same report also noted: ‘Early marriage has been declining over time. Marriage before the legal age of 18 is 23 percent for women age 20-24, compared with 47 percent for women age 45-49. Similarly, for men, marriage before the legal age of 21 years has dropped from 27 percent for men age 45-49 to 18 percent for men age 25-29. The median age at first marriage for women age 20-49 slightly increased from 19.0 years in 2015-16 to 19.2 years in 2019-21. For men age 25-49, the median age at first marriage slightly increased between 2015-16 and 2019-21 (from 24.5 to 24.9 years).’¹⁶²
- 5.5.3 The DFAT report 2020 noted ‘According to UNICEF, around one in four girls in India is married before her 18th birthday... However, UNICEF reports the practice of early marriage is less common in India today than in previous generations. Girls who live in rural areas, come from poorer households or have lower levels of education are considered most at risk.’¹⁶³
- 5.5.4 The USSD report 2021 noted:
“Financial distress, parental deaths, and school closures have put more girls at risk of child marriage. According to media reports, more than 500 cases of child marriage took place in West Bengal between March and June 2020 during the COVID-19 national lockdown. The NCRB reported 785 cases of child marriages were registered throughout the country in 2020, an increase of 50 percent from the previous year. Officials reported that in most cases underage girls were forced to marry because of their family’s loss of earnings and financial distress caused by the lockdown. According to a recent study, 65 percent of the child marriage cases were related to so-called romantic marriages, another 30 percent were arranged, and 5 percent were forced.’¹⁶⁴
- 5.5.5 An August 2021 article by Save the Children noted that:
‘Girls in India are increasingly being exploited on social media as children spend more time online during the pandemic with a spike in child marriages making them vulnerable to traffickers, Save the Children warned today.
‘Reports of child marriage and sexual abuse have risen by up to 52% in some states in India, as families have lost their livelihoods and children – particularly girls – have dropped out of school.
‘In the southern Indian state of Telangana, authorities intervened to stop 1,355 child marriages between April 2020 and March this year – a 27%

¹⁶⁰ Girls Not Brides, ‘[Child marriage atlas – India](#)’, nd

¹⁶¹ NFHS-5, ‘[India report](#)’, page 207

¹⁶² NFHS-5, ‘[India report](#)’, page 208

¹⁶³ DFAT, ‘[Country information report: India](#)’, page 41, 10 December 2020

¹⁶⁴ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 49, 12 April 2022

increase on the previous year.¹⁶⁵

- 5.5.6 The NCRB Crime in India 2021 report recorded 28,012 reported cases of 'Kidnapping and Abduction of Women to compel her for marriage' (of which 12,300 were girls)¹⁶⁶. In 2021, 13,192 alleged perpetrators were charge sheeted (from 2020 and 2021)¹⁶⁷, 894 cases were convicted and 2,080 were acquitted¹⁶⁸.
- 5.5.7 The NCW report 2021 noted that, between 2020 and 2021, 479 complaints were made to the Commission for investigation in relation to 'right to exercise choice in marriage / honour crimes',¹⁶⁹ however the break-down of the statistics between forced marriage and honour crimes was not provided¹⁷⁰.

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5.6 'Honour' crimes

- 5.6.1 Recognising the scarce data on prevalence of honour crimes in India (and Pakistan), the Indian Journal of Women and Social Change cited a study published in April 2020 by the World Bank which examined 'content analysis of media-reported honour killings... to examine... motivations, types and other characteristics of honour killings...and highlight any key risk and protective factors that emerge.'¹⁷¹ The study was based on 101 media-reported cases of 'honour killings' in India¹⁷². It found:

'...two broad types of motivation underlie honour killings in India...control over women's sexuality and reproduction...'

'...[and] ... anxiety over women's and girls' exposure to 'modernity'. ... The ... opening wide of communication has contributed to shifting social norms, opportunity and attitudes among young women and men. In particular, when women's physical mobility is restricted and scrutinized, a cell phone allows women to have existential mobility, to express themselves, initiate and continue romantic relationships with men, and have agency in a digital space which is less controlled than their physical one.'

'Thus, it is no surprise that women's families and communities have attempted to crack down on access to digital freedom as it directly challenges patriarchal control over women's sexuality and reproduction by offering them ways to make their own choices... In 2016, a village panchayat in Gujarat in India introduced a fine for women talking on cell phones on the pretext that young women on cell phones can 'break families and ruin relationships'... Similar bans have followed in Aligarh village in Agra and in Barmer in Rajasthan, both also in India...'¹⁷³

¹⁶⁵ Save the Children, '[India: Girls In India Facing Greater Online Risk...](#)', 26 August 2021

¹⁶⁶ NCRB, '[Crime in India: 2021](#)', page 230, Volume 1, 2021

¹⁶⁷ NCRB, '[Crime in India: 2021](#)', page 242, Volume 1, 2021

¹⁶⁸ NCRB, '[Crime in India: 2021](#)', page 244, Volume 1, 2021

¹⁶⁹ NCW, '[Annual report 2020-2021](#)', page 11, 2021

¹⁷⁰ NCW, '[Annual report 2020-2021](#)', page 11, 2021

¹⁷¹ Indian Journal of Women and Social Change, '[For the Sake of Family...](#)', 30 April 2020

¹⁷² India Journal of Women and Social Change, '[For the Sake of Family...](#)', 30 April 2020

¹⁷³ India Journal of Women and Social Change, '[For the Sake of Family...](#)', 30 April 2020

5.6.2 The DFAT report 2020 highlighted:

“Honour killings’ of women (purportedly to uphold the family honour) have ... been carried out in cases of alleged adultery, premarital relationships, rape or falling in love against family wishes. Media reported Indian police registered 251 ‘honour killings’ in 2015, compared with 28 a year earlier when India began counting them separately from murder. In 2019, media claimed the newly-released NCRB’s 2017 Crime in India report had left out ‘honour killings’ because it found the available data ‘unreliable’ and ‘vague’. Most ‘honour killings’ are reportedly from the northern states where the influence of conservative Khap Panchayats over communities is greater.’¹⁷⁴

5.6.3 The USSD report 2021 noted:

‘So-called honor killings remained a problem, especially in Punjab, Uttar Pradesh, and Haryana; they were usually attributable to the victim marrying against his or her family’s wishes...

‘The Telangana High Court questioned police statistics that reported only four “honor killings” and three cases of assault on individuals who married outside of their caste in the preceding four years in the state. A social activist filed a petition alleging 36 “honor killings” took place in the state in recent years.’¹⁷⁵

5.6.4 The NCW report 2021 noted that, between 2020 and 2021, 479 complaints were made to the Commission for investigation in relation to ‘right to exercise choice in marriage / honour crimes,’¹⁷⁶ however the break-down of the statistics between forced marriage and honour crimes was not provided¹⁷⁷.

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5.7 Violence against Dalits and women from tribal communities

5.7.1 The FH report 2022 stated that, ‘Rape and other sexual abuse are serious problems, and scheduled-caste and tribal women are especially vulnerable.’¹⁷⁸

5.7.2 A report by Swabhiman Society and Equality Now, published in November 2020, stated that ‘[a]lmost 10 Dalit women or girls are raped every day across the country... with rape also being used as a means of power to oppress Dalit women and girls.’¹⁷⁹

5.7.3 The USSD report 2021 noted, with specific reference to rape and sexual assault against women and girls from Dalit and tribal communities ‘...vulnerable Dalit or tribal women, were often victims of rape or threats of rape. National crime statistics indicated Dalit women were disproportionately victimized.’¹⁸⁰

5.7.4 The USSD report 2021 also noted ‘Women and children from the Dalit and

¹⁷⁴ DFAT, ‘[Country information report: India](#)’, page 41, 10 December 2020

¹⁷⁵ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 41, 12 April 2022

¹⁷⁶ NCW, ‘[Annual report 2020-2021](#)’, page 11, 2021

¹⁷⁷ NCW, ‘[Annual report 2020-2021](#)’, page 11, 2021

¹⁷⁸ FH, ‘[Freedom in the World 2022 – India](#)’, section G3, 28 February 2022

¹⁷⁹ Swabhiman Society and Equality Now, ‘[Justice denied: Sexual violence...](#)’, 24 November 2020

¹⁸⁰ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 40, 12 April 2022

tribal communities were vulnerable to forced labor... The increase in economic insecurity and unemployment due to the pandemic further increased vulnerability to forced labor.’¹⁸¹

5.7.5 The same report noted that ‘On June 11, two minor tribal girls in Assam’s Kokrajhar District were found hanging from a tree after they were raped and killed. Police arrested seven suspects. On August 1, a nine-year-old Dalit girl was allegedly raped, suffocated to death, and her body cremated in New Delhi. Police arrested and charged four suspects, two of whom admitted to raping her because she was a Dalit.’¹⁸²

5.7.6 According to the International Dalit Solidarity Network (IDSN), a Dalit human rights network¹⁸³:

‘A three-year study of 500 Dalit women’s experiences of violence across four Indian states shows that the majority of Dalit women report having faced one or more incidents of verbal abuse (62.4%), physical assault (54.8%), sexual harassment and assault (46.8%), domestic violence (43.0%) and rape (23.2%).

‘Verbal abuse included regular derogatory use of caste names and caste epithets possibly amounting to ‘hate speech’, as well as sexually explicit insults, gendered epithets and threats.

‘Most women do not report violence and the study shows that only 1% of the cases that are actually filed end in convictions.’¹⁸⁴

5.7.7 The same source noted:

‘Dalit women are subjected to multiple forms of discrimination due to their caste, gender, and low economic status, and are particularly vulnerable to sexual violence. Despite their historic status as ‘untouchable’ at the very bottom of the caste hierarchy, they are considered legitimate sexual targets by members of dominant castes...

‘According to, albeit incomplete, official statistics, there has been a significant rise in atrocities – the official term for caste-based crimes – against Indian Dalit women and girls in recent years. The National Crime Records Bureau (NCRB) recorded 46 percent more incidents in 2019 than five years previously. The increase in registered rape cases was even higher at 56 percent.

‘According to AIDMAM, a movement campaigning for the rights of Dalit women and a part of IDSN member NCDHR, the rise in atrocities indicates that “existing laws meant to safeguard the rights of Dalit women and girls are not fully and appropriately enforced”’.¹⁸⁵

5.7.8 The IDSN report also noted:

‘Haryana is known as the “gang rape capital of India”, but the report’s findings are also relevant elsewhere. They are based on 40 cases of rape

¹⁸¹ USSD, [‘Annual report on human rights in 2021: India’](#), page 60, 12 April 2022

¹⁸² USSD, [‘Annual report on human rights in 2021: India’](#), page 39-40, 12 April 2022

¹⁸³ IDSN, [‘About us’](#), nd

¹⁸⁴ IDSN, [‘Dalit women in India’](#), nd

¹⁸⁵ IDSN, [‘Dalit women and girls targets of caste-based sexual violence’](#) 14 November 2021

against Dalit women and girls and reach the following conclusions:

- The perpetrators of sexual violence against Dalit women and girls are predominantly men from dominant castes.
- Dalit women and girls may be specifically targeted by dominant caste males relying on impunity for their actions.
- The findings indicate a higher prevalence of gang-rape against Dalit women and girls than in rape cases against women in general. Thereby, sexual violence against Dalits takes the form of a collective exercise of power by dominant castes.
- The findings also indicate that Dalit women and girls in Haryana face more severe forms of rape than other women, such as gang rapes and rape/gang rape with murder.
- It is very difficult to obtain convictions in cases of sexual violence against Dalits, especially for adult women and teenage girls. Cases of extreme violence involving rape followed by murder and sexual assault against small children remain exceptions.
- Community and social pressure, including interference by unofficial village councils, often pushes and forces survivors into compromises and extra-legal settlements.
- There are very few public support services for Dalit survivors of sexual crimes.¹⁸⁶

5.7.9 According to the NCRB data tables, in 2021 there were a total of 50,900 'Crime / Atrocities' recorded against Scheduled Caste(s) and 8,802 Crime/Atrocities against Scheduled Tribe(s)¹⁸⁷. The data on offences is not broken down by gender of victims, only where there is an offence that specifies the victim is a woman is it possible to ascertain whether it constitutes gender-based violence.

5.7.10 The NCRB noted that, in 2021, 'assault on women with intent to outrage her modesty' formed 10% of all crimes against members of Scheduled Tribes¹⁸⁸.

5.7.11 The NCRB data shows in relation to Scheduled Castes (Dalit) there were 2,585 reported cases of rape of a woman and 812 reported cases of rape of a woman from a Scheduled Tribe across India in 2021¹⁸⁹.

For information on treatment of Dalits generally, see country policy and information note [India: Religious minorities and scheduled castes and tribes](#).

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5.8 Other forms of violence, discrimination and harassment

5.8.1 The USSD 2021 report highlighted the practice of 'devadasi':

'There were reports women and girls in the devadasi system of symbolic marriages to Hindu deities (a form of so-called ritual prostitution) were

¹⁸⁶ IDSN, '[Dalit women and girls targets of caste-based sexual violence](#)' 14 November 2021

¹⁸⁷ NCRB, '[Crime in India 2021 – Statistics volume 2](#)', page 537, 654

¹⁸⁸ NCRB, '[Crime in India 2021 – Snapshots – State/UT](#)', page xiii

¹⁸⁹ NCRB, '[Crime in India 2021 – Statistics volume 2](#)', 559, 647

victims of rape or sexual abuse at the hands of priests and temple patrons, including sex trafficking. This practice was found in Karnataka, Maharashtra, Andhra Pradesh, and Tamil Nadu, and almost always targeted girls from Scheduled Caste and Scheduled Tribe communities. NGOs suggested families exploited some girls from lower castes to mitigate household financial burdens and the prospect of marriage dowries. The practice deprived girls of their education and reproductive rights and subjected to stigma and discrimination.

'Tamil Nadu, Andhra Pradesh, Karnataka, and Maharashtra have legislation that prohibits the devadasi system and provides rehabilitation services to women and girls affected by the practice. Enforcement of these laws remained lax. In February police rescued a 19-year-old girl from Karnataka after she alerted them to her parents' plan to force her into the devadasi system. Officials noted the victim's mother was a former devadasi and insisted her daughter join the practice.'¹⁹⁰

5.8.2 The same report also highlighted isolated incidents of women accused of witchcraft:

'No federal law addresses accusations of witchcraft; however, authorities may use other legal provisions as an alternative for an individual accused of witchcraft. The NCRB reported 88 deaths with witchcraft listed as the motive in 2020. Madhya Pradesh registered 17 cases of murder against those accused of witchcraft. Bihar, Odisha, Chhattisgarh, Rajasthan, Assam, and Jharkhand have laws criminalizing accusing others of witchcraft.

'On March 9, a woman's dismembered body was found buried in Jharkhand. According to police, villagers suspected the woman of practicing witchcraft.

'On May 25, a group of villagers in Assam's Baksa District beat a 50-year-old tribal man to death. Police suspected a case of witch hunting and detained five persons.'¹⁹¹

5.8.3 The NCW report 2021 noted that, between 2020 and 2021, 797 cases of 'cyber crime' were reported to the Commission for investigation¹⁹², as well as 87 cases of 'denial of maternity benefits to women', 'free legal aid for women', 'indecent representation of women', 'police apathy against women', 8,688 cases relating to 'right to live with dignity', 164 of 'stalking / voyeurism', 6 of 'traditional practices derogatory to women rights, i.e. sati pratha, devdasi pratha, witch hunting', 42 of 'trafficking / prostitution of women' and 8 of 'women's right of custody of children in the event of divorce'¹⁹³.

5.8.4 According to the 2021 EEAS annual report on human rights and democracy in the world, 'Beyond discrimination, India has some of the world's worst statistics in terms of girls "missing at birth" due to pre-natal gender-based sex selection.'¹⁹⁴

5.8.5 The US Department of State's Overseas Security Advisory Council (OSAC)

¹⁹⁰ USSD, ['Annual report on human rights in 2021: India'](#), page 41-42, 12 April 2022

¹⁹¹ USSD, ['Annual report on human rights in 2021: India'](#), page 42, 12 April 2022

¹⁹² NCW, ['Annual report 2020-2021'](#), page 11, 2021

¹⁹³ NCW, ['Annual report 2020-2021'](#), page 11, 2021

¹⁹⁴ EEAS, ['...Annual Report on Human Rights and Democracy in the World'](#), page 200, 21 June 2021

2022 report aimed primarily at US traveller safety abroad¹⁹⁵ noted:

‘Although violent crimes are generally uncommon, crimes against women remain a top security concern... Occasionally, local women riding motorbikes have had jewelry snatched by passing riders...

‘Reports of harassment of women on trains persist... the female-only compartment... offer[s] a measure of security. Nonetheless, there have been reports of criminal gangs targeting women in these cabins.’¹⁹⁶

5.8.6 With regards to workplace sexual harassment, an Immigration and Refugee Board of Canada (IRB) COI query response dated 19 October 2020, based on a range of sources, stated:

‘According to a survey conducted by the Network of Women in Media, India (NWMI) [1] and Gender at Work [2] with 456 women working in media, mostly based in metropolitan centres such as Delhi and Kolkata, over 36 percent of all respondents reported experiencing workplace sexual harassment (NWMI and Gender at Work 8 Mar. 2020, 2, 4, 11). The same survey found that the most common forms [of harassment experienced by survey respondents] were sexist comments, unwelcome sexual jokes, embarrassing gestures or body language, attempts to establish unwanted romantic and/or sexual relationships, and pestering for dates. The promise of rewards for compliance, accompanied by threats of mistreatment because of a refusal to engage in sexual behaviour, was also reported. In addition, unwanted touching, fondling, sexual assault and rape were documented. (NWMI and Gender at Work 8 Mar. 2020, 11)’¹⁹⁷

(See also [Violence against Dalits and women from tribal communities](#)).

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This section was updated on 13 October 2022

6. State treatment and attitudes

6.1 Treatment by, and attitudes of, the justice system and the police

6.1.1 For information on the criminal justice system and general effectiveness of the police and judiciary, see [Country policy and information note: Actors of protection](#).

6.1.2 PRS Legislative Research India, a non-profit Indian research organisation¹⁹⁸ noted in December 2012 (following the gang rape and murder of Jyoti Singh whilst travelling on a bus in 2012), a judicial committee was set up to study and take suggestions as to how to amend laws to protect women, provide quicker investigation into cases of rape and prosecute offenders¹⁹⁹. ThinkProgress, an American news website²⁰⁰ noted in 2013, the year following the gang rape and murder:

‘The government launched a crackdown on rape... [and] passed a slew of

¹⁹⁵ OSAC, ‘[Who we are](#)’, nd

¹⁹⁶ OSAC, ‘[India Country Security Report](#)’, 11 February 2022

¹⁹⁷ IRB, ‘[Responses to information requests, India...](#)’, 19 October 2020

¹⁹⁸ PRS, ‘[About us – What we do](#)’, nd

¹⁹⁹ PRS, ‘[Justice Verma Committee Report Summary](#)’, nd

²⁰⁰ ThinkProgress, ‘[About us](#)’, nd

tough new sexual assault laws, including a mandatory minimum of 20 years for gang rape. Stalking, voyeurism, and sexual harassment was criminalized, and six new fast-track courts were created solely for rape prosecutions. Despite these measures targeting rapists, the government faced criticism from the United Nations for ignoring other recommendations to address root causes of violence and misogyny.’²⁰¹

- 6.1.3 In a 2019 article published by Scroll.In, an independent Indian news source²⁰², it was noted that the skewed proportion of women police officers to the population of women in India was “leading to impediments in effective implementation of the legislations [on crimes against women].”²⁰³

‘Women make up only 7.28% of India’s police force. Of these women, 90% are constables, while less than 1% hold supervisory positions, according to the recently released “Status of Policing in India Report, 2019”. The numbers are low despite 20 states having reservations for women in the police.’²⁰⁴

- 6.1.4 A 2019 article by National Geographic noted:

‘Local and national agencies have poured money into new women’s safety initiatives. In 2013 the leadership then in power set aside \$145 million, calling it the Nirbhaya Fund, for measures to boost women’s security. The current government has promised nearly three times that amount to start turning eight major cities, including Delhi, into safer, better lit, and possibly more compassionate places for women.

‘The first stages of work are under way: In Delhi police now offer free 10-day self-defense programs for women, and they’ve fanned out through the city to give “doorstep training” to larger groups. In the southern state of Kerala, all-female police units, the Pink Police, have been assembled to patrol the streets and respond to crisis calls from women.

‘Pink is the designated color for most of the women-only services in the urban public transportation sector...’²⁰⁵

- 6.1.5 An Immigration and Refugee Board of Canada (IRB) COI query response dated 19 October 2020, based on a range of sources, stated:

‘...The BBC reports that a woman in Unnao, northern Uttar Pradesh state, was set on fire while on the way to a court appearance to testify against her alleged rapists; “[f]ive men, including the alleged rapists, have been arrested,” and the woman later died of her injuries...

‘Sources report that in 2019, a group of men raped, murdered, and burnt the body of a 27-year-old veterinarian in the city of Hyderabad... Sources further state that, in response, police fatally shot the four suspects who were reportedly trying to flee after being brought to the crime scene...’²⁰⁶

- 6.1.6 In its submission to the 41st session on the UPR working group, Amnesty International noted that, ‘...stigma and discrimination from police officials

²⁰¹ ThinkProgress, ‘[One Year After Horrific New Delhi Gang Rape...](#)’, 29 December 2013

²⁰² Scroll.in, ‘[About](#)’ nd

²⁰³ Scroll.in, ‘[...Only 7% of India’s police force is women. This hurts...](#)’, 21 September 2019

²⁰⁴ Scroll.in, ‘[...Only 7% of India’s police force is women. This hurts...](#)’, 21 September 2019

²⁰⁵ National Geographic, ‘[How women in India demanded... safer streets](#)’, 15 October 2019

²⁰⁶ IRB, ‘[Responses to information requests, India...](#)’, 19 October 2020

deter women from reporting gender-based violence.²⁰⁷

- 6.1.7 The USSD report 2021 noted that NGOs observed the ‘length of trials, lack of victim support, and inadequate protection of witnesses and survivors remained major concerns and were more pronounced during the COVID-19 pandemic...’²⁰⁸
- 6.1.8 The EEAS 2021 annual report on Human Rights and Democracy in the World noted ‘Despite domestic laws in place to protect women’s and girl’s rights... Lack of facilities and training to implement the laws remained problematic.’²⁰⁹
- 6.1.9 Considering state legislation generally and how it impacts upon women, the BTI 2022 report noted:
‘...key feature of Prime Minister Modi’s reforms in the social sector has been the drive toward digitalization, cash-free transactions, and connecting welfare programs and the “Aadhar” program of biometric data collection. Despite potentially increased efficiency and reduced costs, these moves have a range of downsides in terms of the marginalization of the weakest target groups, as well as women and girls, who frequently suffer discrimination within their families.’²¹⁰
- 6.1.10 With regards to implementation of legislation prohibiting discrimination in the workplace, the USSD report 2021 noted that ‘whilst the law prohibits discrimination in the workplace and requires equal pay for equal work, the government did not effectively enforce discrimination laws.’²¹¹ The same report also noted that the laws surrounding prohibiting child and forced marriages, as well as rape victims being forced into marriage, was not consistently enforced²¹².
- 6.1.11 Further considering gender-based issues in the workplace, according to the HRW report 2022:
‘In February [2021], former BJP minister M.J. Akbar lost his defamation case against journalist Priya Ramani, who among several other women, had accused him of sexual harassment in the workplace. The ruling by a Delhi court, the first major legal victory in India’s #MeToo movement, noted that “a woman cannot be punished for raising her voice against sexual abuse.” However, the law addressing sexual violence in the workplace remained poorly enforced, especially for women in the informal sector.’²¹³
- 6.1.12 In regard to state responses to rape, the FH report 2022 noted that new rape cases continued to surface in 2021 despite legal reforms put in place since 2012²¹⁴. The same report also noted that ‘The criminal justice system as well as prominent politicians have been repeatedly faulted for their poor handling

²⁰⁷ AI, ‘[India: Persecution of minorities and shrinking space for...](#)’, 21 April 2022

²⁰⁸ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 38, 12 April 2022

²⁰⁹ EEAS, ‘[...Annual Report on Human Rights And Democracy in the World](#)’, page 200, 21 June 2021

²¹⁰ BTI, ‘[India country report](#)’, page 17, 2022

²¹¹ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 44, 12 April 2022

²¹² USSD, ‘[Annual report on human rights in 2021: India](#)’, page 49, 12 April 2022

²¹³ HRW, ‘[World Report 2022 – India](#)’, 13 January 2022

²¹⁴ FH, ‘[Freedom in the World 2022 – India](#)’, section G3, 28 February 2022

of such matters.²¹⁵

- 6.1.13 The USSD report 2021 also highlighted the response to rape victims in India and noted ‘Law enforcement and legal recourse for rape survivors were inadequate, and the judicial system was unable to address the problem effectively. Police sometimes worked to reconcile rape survivors and their attackers. In some cases they encouraged female rape survivors to marry their attackers.’²¹⁶ The same report further noted an unspecified number of rapes by government officials during the year²¹⁷.
- 6.1.14 The DAI and EN report 2021 noted that the widespread problem of police officers failing to register reports of rape ‘prompted the Indian government to amend the law in 2013 to specifically include a criminal penalty for police officers who fail to file an FIR [First Information Report] in rape cases.’²¹⁸ The same report also noted that ‘Indian law imposes a time limit of 60 days for the filing of the charge sheet in sexual violence cases and some stakeholders have indicated that the amendment in the law has helped speed up police investigations, though the time limit is not adhered to in all cases.’²¹⁹
- 6.1.15 The same report noted:
‘Indian law has the strictest time limit (60 days) for conducting rape trials. However, the stakeholders interviewed were united in their agreement that this prescribed time limit is almost never followed. For instance, a study conducted on rape trials in Delhi in 2017 found that, on average, merely recording the statement of the survivor took 8.5 months. In fact, official crime statistics show that the pendency percentage in rape cases in 2019 (i.e., the number of cases still pending at the end of the year out of the total rape cases for trial during the year) was 89.5%.’²²⁰
- 6.1.16 Considering state treatment of victims of rape, the DAI and EN report 2021 highlighted that: ‘The Supreme Court of India banned the use of the two-finger test in 2013. The guidelines issued by the Ministry of Health also ban the use of this test during the medical examination of survivors of sexual violence.’²²¹ However, the report also found that, in India, ‘there is evidence that the two-finger test...continues to be conducted as part of the medical examination of rape survivors.’²²² The report further noted, in terms of prevalence of the continuing use of the ‘two-finger test’, ‘A study in 2018 found that the... test was still being used and referred to in medico-legal examination reports in 4 states. Further, a study of fast-track court judgments in the state of Karnataka found that 25% of the judgments made explicit reference to the two-finger test and to the victim being habituated to sexual intercourse.’²²³

²¹⁵ FH, ‘[Freedom in the World 2022 – India](#)’, section G3, 28 February 2022

²¹⁶ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 38, 12 April 2022

²¹⁷ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 39, 12 April 2022

²¹⁸ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 36

²¹⁹ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 37

²²⁰ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 38

²²¹ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 41

²²² DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 6

²²³ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 41

6.1.17 Considering corruption, the DAI and EN report 2021 noted ‘The issue of corruption appears to be most acute in India... Multiple rape survivors from India reported that they were forced to pay a bribe to the police in order to get their case registered or for investigation to take place. Stakeholders from these countries also confirmed that they were aware of numerous instances of police demanding such bribes from survivors.’²²⁴

6.1.18 On 17 May 2022, Deutsche Welle reported that in regard to the issue of marital rape:

‘Last week, a two-judge bench of the Delhi High Court delivered a split verdict on petitions seeking to criminalize marital rape in India, in a setback for women’s rights groups that have long campaigned for its criminalization.

‘While one judge struck down Section 375 of the Indian Penal Code, which says a man cannot be prosecuted for rape within marriage, the other judge disagreed and upheld the provision.

‘Favoring criminalization, Justice Rajiv Shakdher said the section violated Article 14 of the Indian constitution — which guarantees equality before the law — and therefore should be struck down.

“The right to withdraw consent at any given point in time forms the core of the woman’s right to life and liberty,” he said in his order.

‘Justice Hari Shankar, however, disagreed and said the provision does not violate any law and the exception was “reasonable” and could continue.

‘The case is now expected to be appealed in the Supreme Court.’²²⁵

6.1.19 On 29 September 2022, CNN reported in regard to a ruling made in relation to marital rape and abortion:

‘Marital rape was defined as rape in a landmark decision by India’s Supreme Court on Thursday.

‘The country’s top court also stated that all women, regardless of their marital status, have the right to an abortion up until 24 weeks...

‘The statements were made as part of an interpretation of the 1971 Medical Termination of Pregnancy Act, which originally applied only to married women or in cases of rape or a threat to the mother’s life up until 20 weeks.

‘Thursday’s order stopped short of criminalizing forcible sex by a husband but said abortion would be allowed, as such cases would be considered as sexual assault.

“It is only by a legal fiction that ... removes marital rape from the ambit of rape,” the order read.

“We would be remiss in not recognizing that intimate partner violence is a reality and can take the form of rape. The misconception that strangers are exclusively or almost exclusively responsible for sex- and gender-based violence is a deeply regrettable one. Sex- and gender-based violence (in all its forms) within the context of the family has long formed a part of the lived

²²⁴ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 45

²²⁵ DW, ‘[Time to declare marital rape a crime in India?](#)’, 17 May 2022

experiences of scores of women,” ...²²⁶

6.1.20 On 29 September 2022, the New Indian Express also reported on the issue and noted:

“Married women may also form the part of the class of survivors of sexual assault or rape. The ordinary meaning of the word rape is sexual intercourse with a person without consent or against their will. Regardless of whether such forced intercourse occurs in the context of matrimony, a woman may become pregnant as a result of non-consensual sexual intercourse performed upon her by her husband. Any pregnancy alleged to be caused by force by a pregnant woman is rape.”

‘Though the apex court is yet to adjudicate the marital rape issue, the comments from the bench on marital rape for the purpose of unwanted pregnancy may pave the way for later judgment on the issue.’²²⁷

6.1.21 The DAI and EN report noted the existence of state witness protection programmes for victims of sexual and assault and their effectiveness:

‘The national Witness Protection Scheme 2018 has been endorsed by the Supreme Court, but there is no law dealing with the issue. The scheme has yet to be effectively implemented by most state governments and there is a lack of awareness of the scheme at the ground level. Stakeholders noted that it still remains difficult (or practically impossible in some states) to obtain police protection for survivors and witnesses and even when such protection is provided, it is inadequate or given only for short periods of time.’²²⁸

6.1.22 The same report also highlighted the existence of one-stop counselling centres but noted that ‘...there is often a shortage of trained counsellors to provide psychosocial care at these centres. Further, even when one-stop centres are functioning in a particular district, the police often do not refer survivors to the centre to access services. There are even some reports of staff from these centres engaging in victim-blaming or persuading survivors to settle the case.’²²⁹ The report also noted:

‘...the laws of India... have provisions requiring the state to pay compensation to victims of rape, including interim compensation which is payable even before completion of the criminal process... survivors can apply for a portion of the compensation immediately after filing the police complaint and the money is paid out by the government from the Victim’s Compensation Fund. However, procedural and administrative difficulties and the complicated application process can make accessing this compensation difficult for survivors of sexual violence.’²³⁰

6.1.23 Considering the lack of legislation prohibiting FGM, the July 2022 Joint Stakeholder Submission to the Universal Periodic Review of India: Female Genital Mutilation/Cutting (FGM/C) published by Equality Now,

‘...a public interest litigation requesting a legal ban on the practice of FGM in

²²⁶ CNN, ‘[...court ruling says rape includes marital rape and extends abortion...](#)’, 29 September 2022

²²⁷ The New Indian Express, ‘[...Supreme Court say on abortion, marital rape...](#)’, 29 September 2022

²²⁸ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 51

²²⁹ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 52

²³⁰ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 52

India was filed before the Supreme Court. However, the case has now been tagged with other cases relating to the right to religious freedom under the Constitution and referred to a 9-Judge Bench to decide on the larger issue of the scope and ambit of the right to religious freedom; and balancing the right to religion with other fundamental rights. Prior... judges on the bench made oral remarks stating that FGM prima facie appears to be a violation of the right to privacy guaranteed by the Constitution, and the bodily integrity of the child.... The Court also noted that there seems to be no scientific or medical basis for the practice of FGM...

'Despite the pending case before the Indian Supreme Court, the Indian government still retains the primary responsibility to take action and pass a law banning FGM/C in India...'²³¹

6.1.24 The same report noted that:

'Despite...alarming rates of prevalence of FGM/C amongst the Bohra community, the Indian government has refused to acknowledge the prevalence of FGM/C in India, except on one occasion, where the Minister of Women and Child Development publicly announced the government's intention to pass a law banning FGM/C if the Bohra community did not voluntarily abandon the practice, in response to a meeting with activists and survivors who highlighted the impact of FGM/C and the data on the practice... Unfortunately, no progress has been made since then. In 2018, the Government's Ministry of Women and Child Development gave a written submission in Indian Parliament that there is no evidence of FGM/C in India as there is no data on FGM/C.'²³²

6.1.25 With specific reference to dowry-related violence, the USSD report 2021 noted that 'Most states employed dowry prohibition officers. A 2010 Supreme Court ruling mandates all trial courts to charge defendants in dowry death cases with murder.'²³³

6.1.26 A March 2021 research paper by Reach Alliance, a 'partnership between the University of Toronto's Munk School of Global Affairs & Public Policy and the Mastercard Center for Inclusive Growth'²³⁴ noted the implementation and effectiveness of Women Police Stations (WPS):

'WPSs intend to provide a safe space for women to access formal legal services. They also aim to play an important role in shifting the prevalent attitudes and behaviours within both Indian women and the society at large regarding victims of VAW [Violence Against Women]. Although WPSs have contributed to increased reporting rates of VAW crimes, our analysis of national surveys and statistics from the National Crime Records Bureau revealed that these strides in increased reporting rates are overshadowed by the societal and judicial context within which WPSs operate. In their objective to reach women, WPSs have failed to make justice accessible to women of lower classes and castes... WPSs exclude a significant proportion of the public, leaving women without formal avenues to manage their

²³¹ Equality Now, '[Joint Stakeholder Submission... Female Genital Mutilation/Cutting...](#)', 18 July 2022

²³² Equality Now, '[Joint Stakeholder Submission... Female Genital Mutilation/Cutting...](#)', 18 July 2022

²³³ USSD, '[Annual report on human rights in 2021: India](#)', page 40, 12 April 2022

²³⁴ Reach Alliance, '[Why Women's Police Stations in India Fail...](#)', 2019-2020

grievances or improve situations of violence in their homes. Even for women who access WPSs' services, the outcomes remain bleak... The sheer volume of cases overwhelms the law enforcement and judicial systems, creating an excessive backlog that persists year after year. Given the delays in police investigations and court hearings, the increases in reporting rates fail to translate into substantial increases in the court-mediated resolution of VAW cases.²³⁵

- 6.1.27 Specifically considering implementation of legislation relating to child marriages, the USSD report 2021 noted 'The law establishes a full-time child marriage prohibition officer in every state to prevent child marriage. These individuals have the power to intervene when a child marriage is taking place, document violations of the law, file charges against parents, remove children from dangerous situations, and deliver them to local child protection authorities.'²³⁶
- 6.1.28 Considering action taken to tackle child marriages, the USSD report 2021 noted 'In 2020 the government constituted a task force to review the increase of the minimum permissible age for marriage of girls from 18 to 21 years. Critics believed the proposal did not address the core concerns regarding child marriage, such as extreme poverty and lack of education.'²³⁷
- 6.1.29 According to data by the NCRB, of the crimes against women (under the Indian Penal Code (IPC) and Special & Local Laws (SLL)) reported in 2021 (428,278)²³⁸, 248,282 cases (58%) resulted in suspects being formally charged ('chargesheeted')²³⁹. 631,052 cases of crime against women were under investigation in 2021 (from 2020 and 2021)²⁴⁰. The total number of convictions in 2021 of defendants charged with crimes against women totalled 23,243²⁴¹.
- 6.1.30 For NCRB methodology and detailed statistics see the data tables in Volume 1 of the [NCRB 2021 report](#).
- 6.1.31 Regarding conviction rates, the DAI and EN report 2021 noted, considering low conviction rates for rape and sexual assault across the South-Asian region, including India:
- '...women's rights activists across the region have repeatedly argued, simply increasing the penalty will not have the desired deterrent effect on rapists. Given the extremely low conviction rates in rape cases, what is important is the certainty of punishment, not the brutality of it. In fact, experts have opined that severe mandatory minimum punishments/sentences can contribute to lower conviction rates, since in some cases judges prefer to acquit rather than impose a life sentence or the death penalty.'²⁴²
- See also [Statutory provisions](#) for information on the legislation relevant to

²³⁵ Reach Alliance, '[Why Women's Police Stations in India Fail to Mitigate...](#)', March 2021, page 1

²³⁶ USSD, '[Annual report on human rights in 2021: India](#)', page 49, 12 April 2022

²³⁷ USSD, '[Annual report on human rights in 2021: India](#)', page 49, 12 April 2022

²³⁸ NCRB, '[Crime in India: 2021](#)', Volume 1, page 227, 2021

²³⁹ NCRB, '[Crime in India: 2021](#)', Volume 1, page 236, 2021

²⁴⁰ NCRB, '[Crime in India: 2021](#)', Volume 1, page 238, 2021

²⁴¹ NCRB, '[Crime in India: 2021](#)', Volume 1, page 244, 2021

²⁴² DAI and EN, '[Sexual Violence In South Asia: Legal And Other Barriers...](#)' page 44, 20 April 2021

gender-based violence against women and girls.

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6.2 Access to justice and state support

6.2.1 According to the National Commission for Women (NCW): 'The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 (Act No.20 of 1990 of Govt.of India) to review the Constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women.'²⁴³

6.2.2 The NCW also noted, in terms of their mission: 'To strive towards enabling women to achieve equality and equal participation in all spheres of life by securing her due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for solution of specific problems/situations arising out of discrimination and atrocities against women.'²⁴⁴

6.2.3 According to the NCW annual report 2021:

'The Commission is actively involved in redressal of grievances and complaints concerning deprivation of women's rights and non-implementation of laws enacted to safeguard their rights in the country. It is one of the most important tasks and mandate of the Commission. The Commission goes a long way in addressing and ensuring actual access to the Constitutional and Legal Rights of a woman at grass-root level; as the laws, rights, entitlements, schemes, programmes, projects, etc. are only effective if their implementations are in place. Speedy redressal of grievances and disposal of complaints/cases are important to the Commission. The priority is to reduce such complaints and grievances.

'The Complaints and Investigation Cell deals with complaints received from all over the country regarding deprivation of women's rights/non-implementation of laws, etc. The Cell receives the complaints in writing or through online mode i.e. www.ncw.nic.in. The Commission utilizes the services of professionals and experts in related fields such as psychologists, psychiatrists, legal counsellors, etc. to address complaints.'²⁴⁵

6.2.4 The same report noted the categories of complaints the Commission covers, including rape and attempted rape, acid attacks, sexual assault, sexual harassment, stalking/voyeurism, trafficking/prostitution of women, outraging modesty of women/ molestation, cyber crimes against women, police apathy against women, harassment of married women/dowry harassment, dowry death, bigamy/polygamy, protection for women against domestic violence, women's right of custody of children/divorce, right to exercise choice in marriage/honour crimes, right to live with dignity, sexual harassment of women at workplace, denial of maternity benefits to women, gender discrimination including equal right to education and work, indecent

²⁴³ NCW, '[Brief History](#)', nd

²⁴⁴ NCW, '[Mission – women](#)', nd

²⁴⁵ NCW, '[Annual report 2020-2021](#)', para 2.1-2.2, 2021

representation of women, sex selective abortion and female foeticide or amniocentesis, traditional practices derogatory to women's rights including witch hunting and free legal aid to women²⁴⁶.

- 6.2.5 A Human Rights Watch report published in 2018 noted with regards to access to justice for women with disabilities:

'Access to justice is particularly difficult for women and girls with disabilities largely due to the stigma associated with their sexuality and disability. As a result, they often do not get the support they need at every stage of the justice process: reporting the abuse to police, getting appropriate medical care, and navigating the court system. As former chairwoman of the National Commission for Women, Lalitha Kumaramangalam, said in December 2015: "One of the biggest challenges for women [with disabilities] is access [to services], not just physical but access across the board."²⁴⁷

- 6.2.6 Specifically considering the efficacy of the NCW in relation to instances of FGM in India, according to the July 2022 Joint Stakeholder Submission to the Universal Periodic Review of India: Female Genital Mutilation/Cutting (FGM/C) published by Equality Now:

'The failure of the government to take action or even acknowledge the existence of FGM/C within the country is despite the efforts of survivors and civil society organisations to raise awareness on the issue since 2015, when an online petition on Change.org titled 'End Female Genital Mutilation in India' was started by WeSpeakOut. This petition has received 211,770 signatures from around the world. The petition was submitted to the then National Commission [Commission] for Women (NCW) Chair, Ms Lalitha Kumaramangalam, on 6 February 2017, who pledged support to Speak Out On FGM (now WeSpeakOut) in their campaign to end FGM/C in India and acknowledge the need to eliminate a practice like this which is steeped in patriarchy... However since then, there has been no action taken by the NCW.'²⁴⁸

- 6.2.7 Considering women's general access to justice, an Immigration and Refugee Board of Canada (IRB) COI query response dated 19 October 2020, based on a range of sources, stated: 'The Guardian indicates that it is "common for court cases to last years or even decades"... The BBC states that "[i]t can be difficult to secure convictions given the length of time it takes for cases to reach court, and the pressures that are sometimes exerted on both the victim, and potential witnesses"...'²⁴⁹

- 6.2.8 The same response considered women's ability to access legal aid in India:

'Article 12 of the Legal Services Authorities Act, 1987 provides that "[e]very person who has to file or defend a case shall be entitled to legal services under this Act if that person is— ... (c) a woman or a child ..." (India 1987). A chapter on legal aid authored by the Centre for Social Justice... and the Commonwealth Human Rights Initiative (CHRI) in a report on the Indian justice system indicates that since 1995, "barely" 15 million people have

²⁴⁶ NCW, '[Annual report 2020-2021](#)', para 2.7, 2021

²⁴⁷ HRW, '[...Sexual Violence, Access to Justice for Women... with disabilities...](#)', 3 April 2018

²⁴⁸ Equality Now, '[Joint Stakeholder Submission... Female Genital Mutilation/Cutting...](#)', 18 July 2022

²⁴⁹ IRB, '[Responses to information requests, India...](#)', 19 October 2020

accessed legal aid services nationwide out of "almost" 80 percent of the more than 1.25 billion population eligible for free legal aid... Times of India, an India-based English-language newspaper, quotes Sharad Bobde, a senior judge of India's Supreme Court, as stating that "I find it startling that the availability of the legal aid couldn't be reached to women, children, Dalits and other marginalized sections despite the fact that about 80% of population is entitled for it" and further describes access to legal aid as "still a luxury"... An article on legal aid published in Scroll.in, an India-based online publication focusing on "political and cultural stories"... quotes Audrey D'Mello, a lawyer with Majlis, a "non-profit feminist legal service," as stating that domestic violence is one of the most common type of cases for which legal aid is sought, although the "majority of legal aid lawyers are not experienced in handling such cases"²⁵⁰

6.2.9 The same response stated, with specific reference to state-funded services available to women in Delhi:

'The website of the Delhi Commission for Women (DCW) indicates that the DCW is a government body with the power of a civil court created by the Delhi Commission for Women Act, 1994 and provides services to women in distress, including the following:

"Sahyogini", a "pre-litigation counseling unit," hears disputes, provides counselling and attempts reconciliation;

'A telephone helpline offers intervention for cases including rape, by providing counseling, legal advice and a field team for emergencies;

'Rape Crisis Cell provides legal services to rape victims and their families, including filing the complaint at the police station, ensuring "sensitive handling" of the case by the police, and representing the victim's interest at court;

'Rape Crisis Interventions Centres (CICs), jointly run by the DCW, the Delhi police and NGOs, provide counselling, medical assistance and financial assistance to the victims and their families; CICs have been set up in eleven districts in Delhi...

'Media sources report that the DCW launched a WhatsApp number for complaints of domestic violence during the COVID-19 pandemic...

'A report on government policies on women's safety in Delhi by the Centre for Budget and Governance Accountability (CBGA) and Jagori indicates that despite the fact that funding to the DCW has been increasing, it has been "hampered by a lack of resources," which is reflected in "inadequate infrastructure and a shortage of human resources". The same report quotes the 2015-2016 annual report of the DCW as stating the following:

"The lack of resources coupled with increased workload has created a situation in the Commission where despite the Chairperson and Members of the Commission as well as the staff working round the clock, there remain several aspects of the mandate of the Commission which remain

²⁵⁰ IRB, '[Responses to information requests, India...](#)', 19 October 2020

unfulfilled.²⁵¹

- 6.2.10 The same response highlighted, with reference to services available to women in Mumbai:

‘Sources indicate that Dilaasa centres were established by the Municipal Corporation of Greater Mumbai [and the Centre for Enquiry into Health and Allied Themes (CEHAT) in 11 "municipal" or "peripheral" hospitals in Mumbai to provide counselling to female victims of violence. A report by the International Center for Research on Women describes Dilaasa as a "one-stop crisis center" (OSCC)," which provides "psychosocial and medical support" to victims of domestic violence and rape, referral to social and legal services and the police, and training to health professionals, police and counsellors. The same report cites an "external evaluation" of Dilaasa as indicating that situating Dilaasa in a public hospital "enhances accessibility and early detection" of violence against women. The Sexual Violence Research Initiative (SVRI), a network on research on violence against women and children reports that Dilaasa crisis centres have been declared as "essential health services" ...’²⁵²

- 6.2.11 Specifically on services in Bengaluru, the IRB response continued:

‘According to its website, Parihar is a charitable initiative of the Bengaluru City Police providing counselling, police support, medical support, "[r]escue," short-term home stays and legal aid through a team of counsellors, trained volunteers and police officers... Media sources report that the Parihar helpline is continuing to receive calls during the COVID-19 pandemic... The Hindu, an Indian English-language daily newspaper, states that Parihar receives an estimated 1,500 cases per month and 150 in-person cases, which is handled by six core counsellors with support staff and volunteers, and is unable to hire more staff due to limited funding...’²⁵³

- 6.2.12 DFAT’s 2020 report considered state-funded assistance to women generally:

‘The [Protection of Women from Domestic Violence Act 2005] PWDVA requires the states to provide shelters, counselling services and legal aid to survivors of domestic violence; however, the quality and availability of services are limited in practice. Local sources claim women’s shelters in India are run very strictly and do not always provide a safe environment. Shelter residents have reportedly described conditions as ‘unhygienic’ and ‘jail-like’. Shelters were first established to ‘protect’ vulnerable women from prostitution and trafficking rackets under the Immoral Traffic and Prevention Act, 1956. As such, there is stigma associated with attending shelters, with women seen as ‘immoral’ or ‘deviants’ for doing so. Researchers report a shortage of data on the facilities available across states, and on the experiences of women residents in state and NGO-run shelters.

‘Local sources told DFAT there are about twenty shelters across the state of West Bengal, with many women staying more than a decade in the shelters. Sources report rehabilitation is difficult and few women have viable options to leave. Women accessing shelter services are often stigmatised and their

²⁵¹ IRB, [‘Responses to information requests, India...’](#), 19 October 2020

²⁵² IRB, [‘Responses to information requests, India...’](#), 19 October 2020

²⁵³ IRB, [‘Responses to information requests, India...’](#), 19 October 2020

families 'will not take them back'. DFAT is not aware of shelter numbers in other states.

'Counselling services tend to be of poor quality and limited availability. Lawyers Collective Women's Rights Initiative reports a mismatch between the availability of counselling services 'on paper', and the quality, nature and professionalism of such services. The provision of counselling services as mandated by PWDVA envisions empowering survivors. However, in practice, women often choose 'reconciliation' with perpetrators of domestic violence due to a lack of alternative options, such as economic and housing support or reliable social security schemes.'²⁵⁴

- 6.2.13 Assessing the efficacy of state-funded assistance provisions for women, according to the DAI and EN 2021 report 'In [India] the victim/witness protection schemes [was] poorly implemented or there are insufficient shelters/safe houses, jeopardising the safety of rape survivors and leaving them vulnerable to violence and threats from perpetrators and/or their families... India [has] schemes for payment of compensation by the government to rape survivors including eligibility for interim compensation immediately after filing the police complaint. Even where provisions for payment of compensation exist, practical barriers often make compensation inaccessible for survivors.'²⁵⁵
- 6.2.14 The USSD report 2021 highlighted, with regards to state-funded provisions to assist women who have been victims of gender-based violence:
- '... the central government implemented interventions to improve the safety and security of women while reporting violence. This includes centers for reporting and accessing health support, women help desks at police stations to facilitate reporting, emergency response support system via a mobile application for reporting emergencies, and training programs for police, prosecutors, medical officers, and the judiciary to respond to victims in compassionate and respectful ways.'²⁵⁶
- 6.2.15 With reference to provisions in place for victims with regards to medical care, the USSD report 2021 also noted:
- 'The government recognized the role of health-care professionals in treating survivors of sexual violence and implemented protocols that meet international standards for such medical care. Government directives instruct health facilities to ensure survivors of all forms of sexual violence receive immediate access to health care services, including emergency contraception, police protection, emergency shelter, forensic services, and referrals for legal aid and other services. Implementation of the guidelines was uneven, however, due to limited resources and social stigma.'²⁵⁷
- 6.2.16 The same report also highlighted government action to progress pending rape cases to tackle low convictions rates: 'The government sought to expedite cases involving women by setting up more than a thousand fast-track special courts to handle pending rape cases. In addition, several high

²⁵⁴ DFAT, '[Country information report: India](#)', page 42, 10 December 2020

²⁵⁵ DAI and EN, '[Sexual Violence In South Asia: Legal And Other Barriers...](#)' 20 April 2021, page 6

²⁵⁶ USSD, '[Annual report on human rights in 2021: India](#)', page 39, 12 April 2022

²⁵⁷ USSD, '[Annual report on human rights in 2021: India](#)', page 43, 12 April 2022

courts have also directed state governments to establish more fast-track courts to promptly dispose of pending rape cases.’²⁵⁸

6.2.17 In considering the efficacy of fast-track courts, the DAI and EN report 2021 noted:

‘The evidence from India indicates that the efficacy of fast-track courts varies widely from state to state. Many states have chosen not to set up fast-track courts at all. Official crime statistics from 2019 demonstrate that in states which have established fast-track courts, over 80% of trials before fast-track courts took over a year to complete, with 46% of cases taking over 3 years to complete the trial. One study of fast track courts in Delhi also found that, on average, there was very little difference between the time taken by a fast track court and a regular court in completing the trial (around ten days).’²⁵⁹

6.2.18 Further considering the experience of women during the court process, the same report highlighted that ‘...courts in... India... have held that convictions in rape cases can be based on the sole testimony of the victim. In practice, it is found that courts often look for corroboration through medical evidence or other testimonies...’²⁶⁰

6.2.19 The same report also noted that ‘...despite the existence of a law prohibiting questioning on the past sexual experience of the survivor, in practice it is found that defence lawyers often find creative ways to skirt the law and ask humiliating and derogatory questions to the survivors, many of which are aimed at implying that the survivor consented to the rape.’²⁶¹ The DAI and EN report 2021 also found, considering women’s access to justice through the state ‘... one of the major barriers to successful prosecution of rape cases is the pressure put on the survivor or her family to enter into an extralegal settlement or compromise with the perpetrator. This problem is particularly acute in... India...where over 60% of the survivors interviewed reported facing pressure to settle/compromise the case.’²⁶² The report also found that ‘Conviction rates in India (27.12%)... are also fairly low, resulting in impunity for perpetrators of rape across the region’²⁶³ and that ‘Survivors and stakeholders ...[in] India... highlighted that the susceptibility of justice system officials, including police, medical officers and public prosecutors, to bribery and corruption was a severe challenge to accessing justice in rape cases.’²⁶⁴

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This section was updated on 13 October 2022

7. Non-state assistance available to women

7.1 Civil society organisations

7.1.1 A 2019 article by National Geographic noted: ‘...hashtag campaigns of Indian women too... #TakeBackTheNight, a global effort that banded

²⁵⁸ USSD, ‘[Annual report on human rights in 2021: India](#)’, page 38-39, 12 April 2022

²⁵⁹ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 39

²⁶⁰ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 28

²⁶¹ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 42

²⁶² DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 6

²⁶³ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 6

²⁶⁴ DAI and EN, ‘[Sexual Violence In South Asia: Legal And Other Barriers...](#)’ 20 April 2021, page 6

audacious women in India to walk outside together after dark. #MeetToSleep, which organized 600 women across the country last year to safely spend a night sleeping outdoors, as Indian men often like to do.²⁶⁵

- 7.1.2 A November 2020 joint report published by Swabhiman Society and Equality Now, a grassroots and human rights organisation respectively²⁶⁶, noted the existence of the Swabhiman Society, an organisation which organises Dalit women in Haryana to end caste-based oppression at the grassroots level, and provides, legal aid and support services to survivors of sexual violence²⁶⁷.
- 7.1.3 With specific reference to employment support, the USSD report 2021 noted that 'Membership-based organizations such as the Self-Employed Women's Association successfully organized informal-sector workers and helped them to gain higher payment for their work or products.'²⁶⁸
- 7.1.4 The USSD report 2021 noted, 'Civil society organizations provided awareness and survivor-centered, nonstigmatizing, confidential and free care to victims of violence and facilitate referrals to tertiary care, social welfare, and legal services. Some also provided short-term shelter for women and child survivors of rape. These services were intended to encourage women and children to come forward and report cases.'²⁶⁹
- 7.1.5 The Borgen Project noted a number of organisations and initiatives working towards increasing the number of women and girls in education in India:
- 'Many organizations, including Pratham, Girl's Who Code and Educate Girls Bond are fighting against global poverty by emphasizing the importance of gender equality and women's education in India.
- 'Pratham... is an organization designed to improve education for children in Mumbai... The organization seeks to provide necessary resources to educators in India, increasing the quality of education... In the year 2018, Pratham improved gender equality and education for 15.7 million children in India.
- 'Girls Who Code... is an international organization that aims to provide opportunities for women to learn about and obtain specialized skills in computer science. Though the organization functions in many countries, its Indian branch is one of the most successful... As of 2019, the organization has provided education for 300,000 girls at their camps.
- 'Educate Girls Bond... is a Development Impact Bond that utilizes finances from independent investors to create new opportunities for girls' education. As a part of this goal, the organization has created 166 schools in Rajasthan, North India... [and] promotes gender equality by providing education for young girls throughout India. In just the first year, 44% of the targeted girls successfully enrolled in schools...'²⁷⁰

²⁶⁵ National Geographic, '[How women in India demanded... safer streets](#)', 15 October 2019

²⁶⁶ Swabhiman Society and Equality Now, '[Justice denied: Sexual violence...](#)', 24 November 2020

²⁶⁷ Swabhiman Society and Equality Now, '[Justice denied: Sexual violence...](#)', 24 November 2020

²⁶⁸ USSD, '[Annual report on human rights in 2021: India](#)', page 59,12 April 2022

²⁶⁹ USSD, '[Annual report on human rights in 2021: India](#)', page 39,12 April 2022

²⁷⁰ The Borgen Project, '[Women's education in India: What you need to know](#)', 8 March 2021

- 7.1.6 GracesList, an international ‘emergency services and humanitarian aid directory’²⁷¹ lists shelters available to women in India in [Ahmedabad](#), [Bangalore](#), [Bhubaneswar](#), [Chandigarh](#), [Chennai](#), [Delhi](#), [Goa](#), [Hyderabad](#), [Indore](#), [Jaipur](#), [Kerala](#), [Kolkata](#), [Lucknow](#), [Mumbai](#), [Pune](#) and [Surat](#).

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7.2 Social welfare schemes

- 7.2.1 Various government welfare schemes are available to women throughout India, some of which provide financial benefits, and can be found on the website for the [Government of India](#).
- 7.2.2 The website Sarkari Yojana also provided a list of over 300 central and state government welfare schemes, including programmes on education, healthcare and self-employment, which are available to women²⁷².

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²⁷¹ GracesList, ‘[About](#)’, nd

²⁷² Sarkari Yojana, ‘[List of All Women Empowerment Schemes](#)’, updated 18 January 2022

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - The Constitution
 - Statutory provisions
 - Other measures taken by the Central Government to protect women
 - Implementation and enforcement of legislation
- Social, economic and political rights and attitudes
 - Cultural context
 - Economic participation
 - Political participation
 - Education
 - Access to health, and reproductive rights
 - Single women
 - Freedom of movement
 - LGBT women
- Sexual and gender-based violence
 - Domestic violence, and dowry-related domestic violence
 - Rape
 - Acid attacks
 - Forced and child marriage
 - 'Honour' crimes
 - Abuses against women with disabilities
 - Violence against Dalit and Adivasi women
 - Domestic workers
 - Women living in areas of military conflict
 - Other forms of violence, abuse and harassment
- State treatment and attitudes
 - Implementation and enforcement of legislation
 - Access to justice and the police

- Assistance available to women
 - Legal aid
 - Support centres and shelters
 - Social security

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Clearance

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