

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	263
Land:	Indien
Kilde:	Immigration and Refugee Board of Canada
Titel:	India: Violence against women, including domestic violence, homelessness, workplace violence; information on legislation, state protection, services, and legal recourse available to women who are victims of violence (2013 – April 2015)
Udgivet:	15. maj 2015
Optaget på baggrundsmaterialet:	28. juli 2015

[EN](#) | [DE](#)

- **Source:**
IRB - Immigration and Refugee Board of Canada
- **Title:**
India: Violence against women, including domestic violence, homelessness, workplace violence; information on legislation, state protection, services, and legal recourse available to women who are victims of violence (2013-April 2015) [IND105130.E]
- **Publication date:**
15 May 2015
- **ecoi.net summary:** Query response on violence against women from 2013 to April 2015 [ID 303847]
- **Countries:**
India
- **Original link** <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455891&pls=1>

Recommended citation:

IRB - Immigration and Refugee Board of Canada: India: Violence against women, including domestic violence, homelessness, workplace violence; information on legislation, state protection, services, and legal recourse available to women who are victims of violence (2013-April 2015) [IND105130.E], 15 May 2015 (available at ecoi.net)
http://www.ecoi.net/local_link/303847/426927_en.html (accessed 27 July 2015)



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

India: Violence against women, including domestic violence, homelessness, workplace violence; information on legislation, state protection, services, and legal recourse available to women who are victims of violence (2013-April 2015) [IND105130.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview: Violence Against Women

Sources report that violence against women in India has increased (Ghosh 2013, 409; UN 26 Aug. 2013). According to *Crime in India 2013*, a report published by India's National Crime Records Bureau (NCRB), which is part of the Ministry of Home Affairs (MHA), 309,546 crimes against women were reported in 2013, including 33,707 rapes and 51,881 cases of kidnapping and abduction (India 2013a, 81). There was an increase of 26.7 percent in crimes against women from 2012 (ibid., 79). The same source reports that in 2013 more than 8,000 women were killed in dowry-related crimes, and more than 100,000 were victims of cruelty by their husbands or male relatives (ibid.). A 30 September 2014 article published by Inter Press Service (IPS), citing "the latest records published by the ... NCRB," reports that 92 women are raped every day in India. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that under-reporting of violence against women is common (AI 2015, 182; CNN 15 Dec. 2013). Similarly, a 19 December 2014 article by the *Hindu*, an English-language daily newspaper, states that the rate of unreported sexual violence in India is "far higher" than statistics indicate. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.1 Domestic Violence

A 2015 journal article on domestic violence in India, by Claire Snell-Rood, a medical anthropologist at the Department of Behavioural Science with the University of Kentucky, notes that 75-86 percent of women do not disclose that they are victims of abuse by their families (Snell-Rood 2015, 64). A 3 March 2015 article by IPS reports that, according to "the most recent government household survey," 40 percent of women have been abused in their homes; while, according to an independent survey supported by the Planning Commission of India [1], the number is closer to 84 percent (IPS 3 Mar. 2015).

A 13 March 2015 press release by India's Ministry of Women and Child Development reports that over the previous three years, the number of cases registered under *The Protection of Women from Domestic*

Violence Act, 2005, which came into force in 2005, has decreased (India 13 Mar. 2015a). The same source indicates that 531 cases were registered in 2014, 4,204 in 2013 and 16,351 in 2012 (ibid.). *The Hindu* reports that, according to household surveys conducted in India by the United Nations Office on Drugs and Crime (UNODC), 10 percent of women in India reported that they have experienced sexual violence by their husbands in their lifetime (*The Hindu* 19 Dec. 2014). Reuters reported in June 2012 that, according to the Health and Programme Development Adviser at Save the Children UK, an international NGO that works in 120 countries to "save children's lives" (Save the Children n.d.), despite India's domestic violence Act, "women and girls continue to be sold as chattels, married off as young as 10, burned alive as a result of dowry-related disputes and young girls [are] exploited and abused as domestic slave labour" (Reuters 13 June 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

For information on honour crimes, including their prevalence in both rural and urban areas, as well as government protection and services offered to victims of honour crimes, see Response to Information Request IND104370.

1.2 Violence Against Women in Delhi

In a February 2015 article on crimes against women and children in Delhi, published by the *Economic and Political Weekly* (EPW), a weekly social science journal published in Mumbai (EPW n.d.), Shivani Satija, with the Tata Institute of Social Sciences in Mumbai, and Amrita Datta, with the Institute for Human Development in New Delhi, note that "Delhi is increasingly being perceived as the most unsafe city in India" (Satija and Datta 28 Feb. 2015, 87). The same source notes that Delhi has the highest crime and rape rates in India (ibid., 89). Similarly, the NCRB's 2013 report on crime in India states that "among 53 cities, Delhi has reported the highest incidents of sexual crimes, accounting for 29.4 percent" of the total cases reported (India 2013a, 43). A 31 January 2015 article by *Millennium Post*, a newspaper published in New Delhi, provides the following statistics pertaining to violence against women, including rape, molestation and harassment, in Delhi:

- In 2014 there were 2,069 reported rape cases compared to 1,571 in 2013.
- In 2014 there were 4,179 reported cases of molestation compared to 3,345 in 2013.
- In 2014 there were 6,944 reported abduction cases compared to 3,316 in 2013. (*Millennium Post* 31 Jan. 2015)

According to Satija and Datta, kidnapping of girls and cruelty by parents and relatives are among the crimes committed most often against women in Delhi (Satija and Datta 28 Feb. 2015, 89). A document published in 2013 by Oxfam and Landesa, an organization that works to "secure land rights for the world's poorest people" (Landesa n.d.), similarly reports that, according to 2012 data pertaining to violence against women in India, the number of cases reported regarding "cruelty by husband or his relatives" was the highest, at approximately 44 percent of all crimes against women (Oxfam and Landesa Oct. 2013).

According to a 2013 article published by UN Women, a UN entity for gender equality and the empowerment of women, a household survey conducted from October to November 2012 by UN Women and the International Center for Research on Women (ICRW), reports that "nearly 73 percent of women [in Delhi] said they do not feel safe in their own surroundings ... and reported feeling unsafe all of the time" (UN 20 Feb. 2013). The 2013 report by Oxfam and Landesa similarly notes that according to a recent survey in Delhi, "95 percent of women feel unsafe in public places" (Oxfam and Landesa Oct. 2013).

The UN Women and ICRW study reportedly states that in cases of sexual violence,

many men blamed women for their behavior. In the study, three out of four agreed with the statement "women provoke men by the way they dress" and two men out of five fully or partially agreed with that "Women moving around at night deserve to be sexually harassed." (UN 20 Feb. 2013)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that on 16 December 2012 a 23 year-old female medical student was brutally gang-raped and murdered in Delhi (*The Guardian* 6 Mar. 2015; CNN 15 Dec. 2013). According to CNN, the incident occurred on a bus and the woman was dumped on the road, and because of this the police were not sure "who had jurisdiction" (ibid.). Since this incident, the issues of women's safety and security, and violence against women has been brought to the attention of the public in India and the world (Satija and Datta 28 Feb. 2015, 87; *The Hindu* 19 Dec. 2014; UN 25 Nov. 2013).

1.3 Violence Against Women in Chandigarh

A 9 April 2015 article by the *Pioneer*, a daily newspaper published in India, reports that Haryana [a northern Indian state] ranked third in the country with regards to the number of crimes against women in 2014-2015. The same source notes that 1,720 cases of crimes against women were registered in Haryana with the National Commission for Women (*The Pioneer* 9 Apr. 2015). Of the 1,720 cases, 433 complaints were "of police apathy where victims failed to get their complaints registered"; other cases were related to domestic violence, property disputes, rape, harassment, dowry and sexual harassment in the workplace (*ibid.*). A 4 March 2015 article by the *Pioneer* states that approximately 650 complaints of domestic abuse have been made by women with the Haryana Commission for Women and of the 650 complaints, 600 were "disposed of." Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.4 Violence Against Women in Mumbai

The Oxfam and Landesa report notes that the perception that Mumbai is a safe city for women was received as a "blow" following the 31 July 2013 gang rape of a photojournalist in Mumbai (Oct. 2013). An 8 August 2013 article by the Global Post, an international news website, similarly reports that the July gang rape of a young photographer in Mumbai "shocked" the city since it has been viewed as one of the safer cities for Indian women. Satija and Datta indicate that violence against women has increased in Mumbai (Satija and Datta 28 Feb. 2015, 89). The same source notes that rape in Mumbai has fallen from 17.6 percent during the 2004-2006 period to 14.7 percent from 2010-2012 (*ibid.*).

According to the Global Post, "police in and around Mumbai have come under fire for targeting unmarried couples or single women out late instead of sex offenders" (8 Aug. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.5 Violence Against Women and Homelessness

Sources indicate that there are 10,000 to 15,000 homeless women in Delhi (Chaudhry et al. Mar. 2014, 8; SAM:BKS Jan. 2014, 1). According to a 2014 report on violence against women in Delhi by Shahri Adhikar Manch: Begharon Ke Saath (SAM:BKS), a "Delhi-based coalition of homeless people and civil society groups" that is "actively involved in the campaign for the rights of the homeless" (*ibid.* 7 Jan. 2010), most homeless women and girls have left their homes to escape domestic abuse and violence by their husbands, their in-laws or their maternal family (*ibid.* Jan. 2014, 1). A March 2014 report on violence against homeless women in Delhi, published on the website of the South Asia Regional Programme Housing and Land Rights Network, reports that domestic abuse can "greatly" increase a women's chances of becoming homeless (Chaudhry et al. Mar. 2014, 6).

In a telephone interview with the Research Directorate, an associate professor of political science at Carleton University, whose research interests include South Asian politics and who has co-authored a book on domestic violence in Mumbai, noted that "violence against homeless women in India is rampant" (Associate Professor 27 Apr. 2015). According to the same source, homeless women are "open to all kinds of abuse including sexual and physical" abuse, and they face daily violence by "just about anyone," including the police (*ibid.*). According to SAM:BKS, violence against homeless women includes verbal, physical and sexual abuse as well as economic and social "exploitation by the police, employers, local goons, and even passers-by" (SAM:BKS Jan. 2014, 1). The report on violence against homeless women in Delhi similarly states that homeless women commonly face "rape, theft, murder, kidnapping, sexual exploitation and gender-based violence" (Chaudhry et al. Mar. 2014, 8). Sources indicate that a lack of access to essential services and public facilities is one of the major issues encountered by homeless women (*ibid.*; Satija and Datta 28 Feb. 2015, 93; UN 20 Feb. 2013).

According to SAM:BKS, women who are affected by homelessness "have no recourse to legal remedy, aid or redress" (Jan. 2014, 2). The report on violence against homeless women in Delhi similarly reports that "[h]omeless women have no access to government schemes" (Chaudhry et al. Mar. 2014, 13). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.6 Violence Against Women in the Workplace

1.6.1 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Sources report that in April 2013, Indian Parliament passed the Sexual Harassment of Women at Workplace Act (UN 2 Sept. 2013; Global Compliance News 26 May 2014). The full text of the *Sexual*

Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is attached to this Response (Attachment 1). According to the *Annual Report 2013-14* of the government of India's Planning Commission, every organization or company with ten employees or more is required to set up an internal complaints committee to address grievances "in a stipulated time or face penalty" (India [2014], 148). *The Times of India* reports that these committees must consist of at least two members who are employees of the company and "preferably those who have had experience in social work or legal knowledge" (13 Dec. 2013). The Associate Professor noted that "unfortunately not all workplaces have complied and mandatory committees are not being implemented universally" (27 Apr 2015). The same source notes that "the Ministry of Women and Child Development has noted that the number of complaints being made to these committees should be measured, however it is difficult to do so as complaint committees are not being enforced universally" (ibid.).

The 9 April 2015 article by the *Pioneer* reports that, according to the National Commission for Women, between 2014 and 2015 the Commission received 32 complaints of harassment in the workplace in Haryana. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. A 27 November 2014 article by the *Times of India* says that there have been "high profile cases of sexual violence" at the workplace but that they go "unreported and unpunished."

Sources report that violence against women in India's garment factories is "widespread" (Fair Wear Foundation 8 Mar. 2014; UN 7 Oct. 2014) and that there are "very few" effective mechanisms for female workers to report such violence (ibid.). According to the UN Women article, women who face violence have "little faith" in the police or judicial systems and therefore look for alternative work rather than pursue justice (UN 7 Oct. 2014). A 2013 International Labour Organization (ILO) Working Paper by the Institute of Applied Manpower Research (IAMR), an "autonomous institution" under India's Planning Commission (IAMR n.d.), states that if women want to work they have to tolerate harassment in the workplace or withdraw from the workforce (ibid. 15 Apr. 2013, 55). A 17 July 2014 article by First Post, a news source reporting on events in India and across the world, states that sexual harassment in the workplace is "often dismissed as the victim trying to create trouble or[,] worse still[,] victims are afraid to report it." Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Legislation

2.1 The Criminal Law (Amendment) Act 2013

On 3 April 2013 the President of India approved the *Criminal Law (Amendment) Act 2013* (India 2013b). The full text of the *Criminal Law (Amendment) Act 2013* is attached to this Response (Attachment 2). The Planning Commission's *Annual Report* notes that the most important change to the Act was the change in the definition of rape (India [2014], 148).

Section 375 of the Act states the following:

'375. A man is said to commit "rape" if he-

- a. penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- b. inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any person; or
- c. manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or
- d. applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:-

First. -Against her will.

Secondly. - Without her consent.

Thirdly. -With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or hurt.

Fourthly. -With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. -With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying

or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly.-With or without her consent, when she is under eighteen years or age.

Seventhly.-When she is unable to communicate consent. (India 2013b, Sect. 375)

The Lawyer's Collective, an organization of lawyers working on human rights advocacy, legal aid and litigation (Lawyer's Collective, n.d.), indicates that prior to the approval of this Act "only penetration of the penis into the vagina constituted 'rape' under Section 376 of the Indian Penal Code, 1860..." (ibid. 2013, 1). According to a March 2013 news release by Amnesty International (AI), the new law "criminalizes several forms of violence against women including acid attacks, stalking and voyeurism" (AI 22 Mar. 2013). The same source states that the law is "more sensitive to the needs of disabled persons, provides for certain victim-friendly evidentiary procedures and removes the requirement of government permission for prosecution of public servants accused of rape and some forms of sexual violence" (ibid.). AI criticizes some aspects of the Act:

[i]t fails to address other kinds of violence against women, sets the age of consent at 18, and reduces victims' access to health care and legal assistance.... It also introduces deeply regressive provisions, like the use of the death penalty and life imprisonment. (ibid.)

AI adds that the Act limits the recognition of rape within marriage as it "retains the exception for rape committed by a man on his wife when she is over 15 years of age. Only rape committed within a marriage when the spouses are living separately can be punished, and then with a lower sentence than that given to rape outside a marriage" (ibid.). According to the same source, the Act "does not remove the effective legal immunity that security forces accused of sexual violence enjoy under special laws like the Armed Forces (Special Powers) Act" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 The Protection of Women from Domestic Violence Act, 2005

The Government of the National Capital Territory of Delhi's Department of Women and Child Development indicates on its website that the *Protection of Women from Domestic Violence Act* 2005 is aimed at providing protection to "wife or female live-in partner from violence at the hands of the husband or male live-in partner or his relatives" (Delhi n.d.a). The same source notes that the law "extends protection to women who are sisters including adopted sisters and mothers" (ibid.). The Act defines "domestic abuse" as physical, sexual, verbal, emotional and/or economic abuse (India 2005, Sect. 3). In an article on family law reforms in India, Gopika Solanki, a professor at Carleton University whose research interests include legal pluralism, judicial politics, and gender in South Asia, states that the Act provides

emergency relief to the woman by restraining the abuser; provides her the right to live in the matrimonial residence (either in the shared residence or through an alternate arrangement made by the husband); and gives access to all facilities she had prior to making the complaint. It also has provisions for maintenance and monetary relief (including compensation orders aimed at providing damages for mental injury suffered by the aggrieved person), and interim custody of children to married women as well as to women in 'domestic relationships.' (Solanki 2013, 96)

The US Department of State's *Country Reports on Human Rights Practices for 2013* similarly reports that "the law recognizes the right of a woman to reside in a shared household with her spouse or partner while the dispute continues, although a woman may seek alternative accommodations at the partner's expense" (US 27 Feb. 2014, 41).

The Associate Professor noted that

it is still too soon to speak to the effectiveness of the *Protection of Women from Domestic Violence Act, 2005*. Though the Act is a federal law, its effective implementation depends on respective state governments' response. Not all states have allocated the resources to develop the infrastructure and hire the personnel that are needed to implement this Act effectively. (27 Apr. 2015)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The full text of the *Protection of Women from Domestic Violence Act, 2005* is attached to this Response (Attachment 3).

2.3 Protection Officers

According to All India Radio News in January 2013, under the *Protection of Women From Domestic Violence Act, 2005*, the government proposed to appoint protection officers to work for the "effective redressal

of reported cases of violence" (All India Radio News 21 Jan. 2013). According to Section 4 of the Act "[a]ny person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer" (India 2005, Sec. 4). The Act also notes that protection officers, police, service providers or Magistrates who receive a domestic violence complaint shall inform the aggrieved person

- a. of her right to make an application for obtaining a relief by way of protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;
- b. of the availability of services of service providers;
- c. of the availability of services of the Protection Officers;
- d. of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987);
- e. of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant. (India 2005, Sec. 5)

For further information regarding the duties and functions of Protection Officers see Section 9 of the Act which is attached to this Response.

A 14 December 2014 article by the *Times of India* reports that the state government implemented a deadline for the appointment of protection officers in each district in order to implement the Act. The High Court "directed the government to make regular appointment of protection officers" in order to help victims of domestic abuse get justice and shelter quickly (*The Times of India* 14 Dec. 2014). According to *Country Reports 2013*, "6,483 protection officers [were] appointed in police forces across the country" (US 27 Feb. 2014, 42). Information regarding the enforcement and effectiveness of protection officers could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Legal Recourse

Country Reports on Human Rights Practices 2013 reports that

[l]aw enforcement and legal avenues for rape victims were inadequate, overtaxed, and unable to address the problem effectively. Law enforcement officers sometimes worked to reconcile rape victims and their attackers, in some cases encouraging female rape victims to marry their attackers. Doctors sometimes further abused rape victims who reported the crimes by using the "two-finger test" to speculate on their sexual history. (US 27 Feb. 2014, 40)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

AI's 2014/2015 report notes that "authorities did not effectively implement new laws on crimes against women that were enacted in 2013, or undertake important police and judicial reforms to ensure that they were enforced" (AI 2015, 182). The same source adds that in April 2014, the UN Special Rapporteur on violence against women noted that authorities are unable to ensure "accountability and redress" for survivors of violence (ibid.). A 23 February 2015 article by the *Deccan Chronicle*, the largest circulated English language newspaper in South India (*Deccan Chronicle* n.d.), reports that "[w]ith no legal recourse for victims of marital rape, filing a case under the Domestic Violence Act or filing for a divorce seems to be the only way out for women" (ibid. 23 Feb. 2015). IPS notes that one of the reasons high levels of gender-based violence exists is due to the "dismal conviction rate - a mere 26 percent- in cases involving sexual assault and violence" (IPS 30 Sept. 2014). In her article on support for female victims of domestic violence in India, Snell-Rood similarly indicates that the police "rarely" register or investigate cases of domestic violence and sometimes harass women who make such complaints (Snell-Rood 2015, 65). A 26 August 2013 article by UNICEF reports that violence against women goes unreported since women and children fear victimization and social stigmatization and because law enforcement is "weak" (UN 26 Aug. 2013).

Country Reports 2013 indicates that

[t]here were continued reports that police raped women, including while in police custody. NGOs stated that the NHRC underestimated the number of rapes that police committed. Some rape victims were afraid to come forward and report the crime due to social stigma and possible acts of retribution, compounded by lack of oversight and accountability, especially if the perpetrator was a police officer or other official. (US 27 Feb. 2014, 8)

Similarly, IPS reports that according to the Director of the Asian Centre for Human Rights in New Delhi,

"[t]here are human rights abuses committed by security forces and human rights violations by the militants. And then there is also violence against women committed by civilians. No matter who is

committing the crime [...] there has to be accountability - a component completely missing" from the current legal framework. (30 Sept. 2014)

The Associate Professor noted that:

recourse is available to women facing violence including domestic abuse under the Act. However, women complainants face [a] legal system that is often slow, cumbersome, and riddled with corruption. Many women may face divorce or desertion, homelessness and retaliatory abuse from inlaws for having followed this course of action. (27 Apr. 2015)

The same source notes that poor women have the most difficulty "navigating" through the legal system and "the police are less likely to help the poorest women" (ibid.). The Associate Professor added that "women who live in states which have not allocated resources to enforce the Domestic Violence Act have even greater difficulties accessing recourse to violence including domestic violence" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Citing data from "the latest records published by the ... NCRB," IPS reports that in the last 10 years 3,860 out of 5,337 reported cases of rape were acquitted or discharged by the courts for lack of "proper" evidence (IPS 30 Sept. 2014). In a 2013 article on protection for victims of domestic violence, Biswajit Ghosh, a professor of sociology at the University of Burdwan, whose research interests include women and children's rights and domestic violence in India, notes that the ability to provide timely justice to women is affected by the "apathetic and often negative roles of the police" and their inability to stand by victims and implement justice for women (Ghosh 2013, 413). The same source further notes that people who have strong political or economic power have the ability to influence police "to act in their favour" therefore, the police "seem to be reluctant to act against any influential person" (ibid.). *Country Reports 2013* similarly states that "[p]olice officials, especially in smaller towns, were reluctant to register cases of crimes against women, especially if the cases were against influential persons" (US 27 Feb. 2014, 42).

4. Government Support Services

4.1 One Stop Centres

According to a press release by India's Ministry of Women and Child Development, under Section 357A of the Code of Criminal Procedure, 24 States and 7 union territories have implemented the Victim Compensation Scheme, providing for compensation to victims of "violence including rape" (India 13 Mar. 2015b). The Planning Commission's report indicates that "restorative justice" would be provided to victims of rape through financial assistance as well as other support services (India [2014], 149).

According to press release by the Ministry of Women and Child Development, the Ministry introduced a scheme for setting up One Stop Centres [also known as Nirbhaya Centres (*The Times of India* 3 July 2014)] in every state and union territory, to provide "medical aid, police assistance, legal counseling/court case management, psycho-social counselling and temporary shelter to women affected by violence" (ibid.). These centres were to be implemented during the period of 2015-2017 (ibid.). The Planning Commission's report notes that the Ministry of Women and Child Development was provided additional funds to "design schemes" to address matters affecting women belonging to the most vulnerable groups, including single women and widows (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Times of India reports that the Indian government had agreed to establish 660 Nirbhaya Centres and rape crisis centres across the country (*The Times of India* 3 July 2014). A 13 March 2015 article by Scroll.in, an "independent news, information and entertainment venture" that "brings into sharp focus the most important political and cultural stories that are shaping contemporary India" (Scroll.in n.d.), reports that the government decided to "roll back" one-stop centres, and instead of providing 660 Nirbhaya Centres "to be rolled out across 640 districts and 20 major metros, there will now only be 36." The same source notes that the budget has been reduced and that a "convergent model between the PO [protection officers], shelter homes, hospitals, legal aid and the courts has not been put in place" (Scroll.in 13 Mar. 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.2 Short Stay Homes, Shelters

The 13 March 2015 press release by the Ministry of Women and Child Development states that the Ministry administers "Swadhar and Short Stay Home Schemes," providing services for the relief and rehabilitation of women in difficult situations including those who are victims of rape (India 13 Mar. 2015b). Delhi's Department of Women and Child Development website indicates that there are three short stay homes in New Delhi (Delhi n.d.b). SAM:BKS notes that in the absence of short stay homes and facilities for victims and

survivors of domestic violence, women are forced to live on the streets (Jan. 2014, 13). The same source notes that existing shelters are not sufficiently equipped to support children of working women or those who would like to study (ibid., 14). The Associate Professor similarly indicated that women's hostels and shelters "are very few in number and middle class women do not find it easy to access these" (10 Apr. 2015). The authors of the report on violence against homeless women in Delhi similarly indicate that the number of women-specific shelters across India is "woefully inadequate"; there are no homeless shelters in the cities of Bangalore, Mumbai, Kolkata, Guwahati, Dispur, Patna, Gaya and Pune; and in Delhi there is only one shelter for 10,000 homeless women (Chaudhry et al. Mar. 2014, 13).

4.3 Helpline and Rape Crisis Assistance Programs

Delhi's Department of Women and Child Development website indicates that there are two helplines for women in New Delhi (Delhi n.d.c).

Scroll.in notes that Mumbai has

an efficient hotline but the links between police stations, NGOs and legal services are still not as strong as they could be; Delhi has a hotline that functions well when it's operational, but callers often complain that no one is there to answer calls. (Scroll.in 13 Mar. 2015)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Delhi Commission for Women's website, the Rape Crisis Cell is a free legal service specifically for victims of rape that provides legal services including: assisting the prosecutor in the trial, opposing the bail application of the accused and facilitating the recording of statements (Delhi 17 Oct. 2014).

Scroll.in notes that

[o]nly two of Delhi's hospitals have experimental rape crisis desks/centres. The situation for victims outside the metros is far worse; the availability of actual, useful aid on the ground is entirely dependent on the presence of local NGOs and the willingness of individual police and district officials to step in and assist victims. (13 Mar. 2015)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.4 Other Support Services

According to *Country Reports 2013*, though "the Ministry of Women and Child Development has guidelines for the establishment of social services, lack of funding, personnel, and proper training resulted in limited services, primarily available only in metropolitan areas" (US 27 Feb. 2014, 42). The same source notes that "in December 2012, West Bengal Chief Minister Mamata Banerjee announced that her government would create 65 all-female police stations across the state to help tackle crimes against women. Ten of these stations were operational" by the end of 2013 (ibid.). In January of 2013, the chief justice of the Kolkata High Court inaugurated "the country's first women's court (where female judges and staff deal exclusively with crimes against women) in Malda, West Bengal, a district with the highest reported rate of crimes against women in the state" (ibid.).

A 27 February 2013 article by UN Women reports the use of Nari Adalats, Women's Courts, to address matters of violence against women. A 22 December 2013 article by the *New York Times* indicates that Nari Adalats are emerging in order to assist "women shut out of more formal systems of justice." According to the *New York Times*, such courts originated in 1995 in a Gujarat village in order to fight domestic violence, and have heard thousands of cases pertaining to assault, child marriage and dowry disputes (*The New York Times* 22 Dec. 2013). The same source reports that Nari Adalats are "not able to issue legally binding judgements," and that they "depend on strong relationships and the trust of poor women and village leaders" (ibid).

The 27 February 2013 article by UN Women indicates that women are often unable to access formal justice systems as "a result of discrimination from filing complaints at the police station to drafting witness statements" (UN 27 Feb. 2013). The same source explains that "issues of violence" are addressed at monthly meetings organized by "self-help groups (SHGs)" and other groups, then referred to justice committees (Nyaya Samitis), who begin an investigation (ibid.). The Nari Adalat court is

convened following the investigation, where a decision is issued by the women's court along with members of the village committee in the presence of the ... village head. This provides community support to the decisions made by the justice committee. Though informal, these decisions provide

faster redress to women, especially since they are in line with legal provisions. Where decisions are not enforced or cases are too sensitive, they are referred to formal legal channels" (ibid.).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that the Delhi High Court has established six "fast track" courts in order to ensure justice for victims of sexual assault (BBC 9 Jan. 2013; UN n.d.). According to an article published by the UN Development Programme (UNDP), Delhi is the first state to create fast track courts for cases of violence against women and "it hopes to inform similar courts set up in other parts of the country" (ibid.). *Country Reports 2013* indicates that

[o]n January 2, the West Bengal state cabinet met to identify steps to provide for swifter justice in cases of violence against women and decided to set up 88 permanent "fast track" courts focused on timely hearings. No information was available as to how many of these courts existed by years end. (US 27 Feb. 2014, 42)

For information on whether single women and women who head their own households without male support can obtain housing and employment, including in Delhi, Mumbai and Chandigarh, and government support services available to female-headed households in these cities, see Response to Information Request IND105109.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The Planning Commission of India was set up by the government of India in 1950 in order to "promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production and offering opportunities to all for employment in the service of the community" (India 5 Nov. 2014).

References

All India Radio News. 21 January 2013. "Government to Appoint Protection Officers for Stringent Implementation of Domestic Violence Act." <<http://indiagovernance.gov.in/news.php?id=1950>> [4 May 2015]

Amnesty International (AI). 2015. "India." *Amnesty International Report 2014/2015: The State of the World's Human Rights*. <<http://www.amnesty.ca/sites/default/files/airreport2014february15.pdf>> [Accessed 9 Apr. 2015]

_____. 22 March 2013. "India: New Sexual Violence Law Has Both Positive and Regressive Positions." <<http://www.amnesty.ca/news/news-releases/india-new-sexual-violence-law-has-both-positive-and-regressive-provisions>> [Accessed 14 May 2015]

Associate Professor of political science, Carleton University. 27 April 2015. Telephone Interview with the Research Directorate.

_____. 10 April 2015. Correspondence with the Research Directorate.

BBC. 9 January 2013. Soutik Biswas. "Do India's 'Fast Track' Courts Work?" <<http://www.bbc.com/news/world-asia-india-20944633>> [Accessed 4 May 2015]

Cable News Network (CNN). 15 December 2013. Samantha Bresnahan, Sumnima Udas and Ram Ramgopal. "'Nirbhaya,' Victim of India Gang Rape Fought for Justice." <<http://www.cnn.com/2013/12/04/world/asia/nirbhaya-india-rape/index.html>> [Accessed 15 Dec. 2013]

Chaudhry, Shivani, Amita Joseph and Indu Prakash Singh. March 2014. *Violence and Violations: The Reality of Homeless Women in India*. <http://www.hic-sarp.org/documents/Violence_and_Violations_Homeless_Women_in_India_2014.pdf> [Accessed 7 Apr. 2015]

Deccan Chronicle. 23 February 2015. "Marital Rape Victim Loses Faith in Country's Law." <<http://www.deccanchronicle.com/print/150223/nation-crime/article/marital-rape-victim-loses-faith-country%E2%80%99s-law>> [Accessed 24 Apr. 2015]

_____. N.d. "About Us." <<http://www.deccanchronicle.com/about-us>> [Accessed 4 May 2015]

Delhi. 17 October 2014. Delhi Commission for Women. "Rape Crisis Cell."

<http://www.delhi.gov.in/wps/wcm/connect/lib_dcw/DCW/Home/Rape+Crisis+Cell> [Accessed 7 Apr. 2015]

_____. N.d.a. Department of Women and Child Development. "Protection of Women from Domestic Violence Act 2005." <<http://wcdhel.in/ssh.html>> [Accessed 4 May 2015]

_____. N.d.b. Department of Women and Child Development. "Short Stay Homes." <<http://wcdhel.in/helpline.html>> [Accessed 4 May 2015]

_____. N.d.c. Department of Women and Child Development. "Helpline." <<http://wcdhel.in/helpline.html>> [Accessed 4 May 2015]

Economic and Political Weekly (EPW). N.d. "About Us." <<http://www.epw.in/about-us.html>> [Accessed 4 May 2015]

Fair Wear Foundation. 8 March 2014. "International Women's Day 2014: FWF Continues Workplace Violence Project." <http://www.fairwear.org/534/news/news_item/international-womens-day-2014-fwf-continues-workplace-violence-project/?id=693> [Accessed 4 May 2015]

First Post. 17 July 2014. "India Gets Its First Online Course on Sexual Harrassment Act." <<http://www.firstpost.com/living/india-gets-first-online-course-sexual-harassment-act-1622703.html>> [Accessed 14 May 2015]

Global Compliance News. 26 May 2014. "One Year of Sexual Harassment of Women at Workplace Act in India - What Has Changed?" <<http://globalcompliancenews.com/one-year-sexual-harassment-women-workplace-act-india-changed/>> [Accessed 30 Apr. 2015]

Global Post. 8 August 2013. "Mumbai Gang-Rape Victim Discharged from Hospital." <<http://www.globalpost.com/dispatch/news/afp/130828/mumbai-gang-rape-victim-discharged-hospital>> [Accessed 11 May 2015]

Ghosh, Biswajit. 2013. "How Does the Legal Framework Protect Victims of Dowry and Domestic Violence in India? A Critical Review." <http://www.academia.edu/7600550/How_Does_the_Legal_Framework_Protect_Victims_of_Dowry_and_Domestic_Violence_in_India_A_Critical_Review> *Aggression and Violent Behavior*. Vol. 18.

The Guardian. 6 March 2015. Priyamvada Gopal. "Reducing Rape to a Generic Indian Male Mindset Fails its Victims." (Factiva).

The Hindu. 19 December 2014. S. Rukmini. "Rape, Rhetoric and Reality." <<http://www.thehindu.com/opinion/op-ed/comment-article-rape-rhetoric-and-reality/article6705077.ece>>

India. 13 March 2015a. Ministry of Women and Child Development. "Number of Cases Registered under Domestic Violence Act, 2005 Show a Declining Trend over the Last Three Years." <<http://pib.nic.in/newsite/PrintRelease.aspx?relid=117005>> [Accessed 7 Apr. 2015]

_____. 13 March 2015b. Ministry of Women and Child Development. "Relief and Rehabilitation of Female Victims of Violence." <<http://pib.nic.in/newsite/PrintRelease.aspx?relid=117006>> [Accessed 13 May 2015]

_____. 5 November 2014. Planning Commission. "History." <<http://planningcommission.gov.in/aboutus/history/index.php?about=aboutbdy.htm#>> [Accessed 7 May 2015]

_____. [2014]. Planning Commission. *Annual Report 2013-14*. <http://planningcommission.nic.in/reports/genrep/ann_e13_14.pdf> [Accessed 13 May 2015]

_____. 2013a. National Crime Records Bureau, Ministry of Home Affairs. *Crime in India 2013*. <<http://ncrb.nic.in/CD-CII2013/Chapters/5-Crime%20against%20Women.pdf>> [Accessed 7 Apr. 2015]

_____. 2013b. *The Criminal Law (Amendment) Act, 2013*. <<http://indiacode.nic.in/acts-in-pdf/132013.pdf>> [Accessed 7 Apr. 2015]

_____. 2005. *The Protection of Women From Domestic Violence Act, 2005*. <<http://wcd.nic.in/wdvact.pdf>> [Accessed 1 May 2015]

Institute of Applied Manpower Research (IMAR). 15 April 2013. *Low Female Employment in a Period of High Growth: Insights From a Primary Survey in Uttar Pradesh and Gujarat*. ILO Working Paper. <http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_250113.pdf> [Accessed 7 Apr. 2015]

_____. N.d. "Institute of Applied Manpower Research." <<http://iamrindia.gov.in/Downloads/Brochure/IAMR%20Brochure%20final.pdf>> [Accessed 15 May 2015]

Inter Press Service (IPS). 3 March 2015. "For Women in Asia, 'Home' Is a Battleground." <<http://www.ipsnews.net/2015/03/for-women-in-asia-home-is-a-battleground/>> [Accessed 1 Apr. 2015]

_____. 30 September 2014. Stella Paul. "Lack of Accountability Fuels Gender-Based Violence in India." <<http://www.ipsnews.net/2014/09/lack-of-accountability-fuels-gender-based-violence-in-india/>> [Accessed 1 Apr. 2015]

Landesa. N.d. "About Landesa." <<http://www.landesa.org/about-landesa/>> [Accessed 4 May 2015]

Lawyers Collective. "Engaging with the Criminal Justice System: A Guide for Survivors of Sexual Violence." <<http://www.lawyerscollective.org/wp-content/uploads/2014/04/Dos-and-Donts.pdf>> [Accessed 15 May 2015]

_____. N.d. "History." <<http://www.lawyerscollective.org/about-lawyers-collective/history.html>> [Accessed 15 May 2015]

Millennium Post. 31 January 2015. "Women's Safety Most Emotive Issue, May Prove Decisive." <<http://www.millenniumpost.in/NewsContent.aspx?NID=93834>> [Accessed 7 Apr. 2015]

The New York Times. 22 December 2013. Sonia Faleiro. "Modi Is No Champion of India's Women." <http://www.nytimes.com/2013/12/23/opinion/modi-is-no-champion-of-indias-women.html?_r=0> [Accessed 4 May 2015]

Oxfam and Landesa. October 2013. *A Land of My Own: Facts About Property Rights of Women in India*. <https://s3.amazonaws.com/landesa_production/resource/1647/Landesa_Land-of-my-own-India_2013_reduced.pdf?AWSAccessKeyId=AKIAICR3ICC22CMP7DPA&Expires=1431457877&Signature=k%2Ffg3zVU3pkhlu77OSxcpwPI810%3D> [Accessed 4 May 2015]

The Pioneer. 9 April 2015. Nishu Mahajan. "Alarming Rise in Crime Against Women in Haryana." (Factiva)

_____. 4 March 2015. "650 Complaints of Domestic Violence Registered at HSCW." <<http://www.dailypioneer.com/state-editions/chandigarh/650-complaints-of-domestic-violence-registered-at-hscw.html>> [Accessed 12 May 2015]

Reuters. 13 June 2012. Katherine Baldwin. "Canada Best G20 Country to Be a Woman, India Worst." <<http://www.reuters.com/article/2012/06/13/us-g20-women-idUSBRE85C00420120613>> [Accessed 14 May 2015]

Satija, Shivani and Amrita Datta. 28 February 2015. "Crime Against Women and Children in Delhi: Analysis of Secondary and Empirical Data." *Economic and Political Weekly*. Vol. L, No. 9.

Save the Children. N.d. "About Us." <<http://www.savethechildren.org.uk/about-us>> [Accessed 11 May 2015]

Scroll.in. 13 March 2015. Nilanjana S. Roy. "Suzette Jordan's Struggle Shows that India Has Failed to Create a Support System for Rape Survivors." (Factiva).

_____. N.d. "About." <<http://blog.scroll.in/about/>> [Accessed 14 May 2015]

Shahri Adhikar Manch: Begharon Ke Saath (SAM:BKS). January 2014. *Public Hearing on Violence Against Homeless Women in Delhi: Report with Statement of the Jury*. <http://www.hicsarp.org/documents/Report_on_Public_Hearing_Violence_against_Homeless_Women_in_Delhi.pdf> [Accessed 7 Apr. 2015]

_____. 7 January 2010. "Shahri Adhikar Manch: Begharon Ke Liye (Urban Rights Forum: With the Homeless): Shahri Adhikar Manch Commends High Court Order on Homeless Shelter in Delhi." <http://www.hicsarp.org/documents/SAM%20PR_HC%20order_7%20Jan%202010.pdf> [Accessed 12 May 2015]

Snell-Rood, Claire. 2015. "Informal Support for Women and Intimate Partner Violence: The Crucial Yet Ambivalent Role of Neighbours in Urban India." *Culture, Health and Sexuality*. Vol. 17, No. 1.

Solanki, Gopika. 2013. "Beyond the Limitations of the Impasse: Feminism, Multiculturalism, and Legal Reforms in Religious Family Laws in India." *Politikon*. Vol. 40, No. 1.

The Times of India. 14 December 2014. "Protection Officers: HC Gives Govt 2nd Deadline." <<http://timesofindia.indiatimes.com/City/Ahmedabad/Protection-officers-HC-gives-govt-2nd-deadline/articleshow/45508673.cms>> [Accessed 4 May 2015]

_____. 27 November 2014. "Panjab University, YWCA Begin Campaign to End Violence Against Women." <<http://timesofindia.indiatimes.com/city/chandigarh/Panjab-University-YWCA-begin-campaign-to-end-violence-against-women/articleshow/45291497.cms>> [Accessed 9 Apr. 2015]

_____. 3 July 2014. "660 Nirbhaya Centres to Be Set Up Across India." <<http://timesofindia.indiatimes.com/india/660-Nirbhaya-Centres-to-be-set-up-across-India/articleshow/37716232.cms>> [Accessed 15 May 2015]

_____. 13 December 2013. "Law Against Sexual Harassment at Workplace Comes into Effect." <<http://timesofindia.indiatimes.com/india/Law-against-sexual-harassment-at-workplace-comes-into-effect/articleshow/27308194.cms>> [Accessed 30 Apr. 2015]

United Nations (UN). 7 October 2014. UN Women. "In India's Garment Factories, Stitching Clothes and a Culture of Non-Violence." <<http://www.unwomen.org/en/news/stories/2014/10/india-garment-factory-workers-feature>> [Accessed 7 Apr. 2015]

_____. 25 November 2013. "Impunity and Immunity in Cases of Violence Against Women Continue to Be the Norm, Says Indira Jaising, India's Additional Solicitor General." <<http://in.one.un.org/page/impunity-and-immunity-in-cases-of-violence-against-women-continue-to-be-the-norm-says-indira-jaising-india%E2%80%99s-additional-solicitor-general>> [Accessed 30 Apr. 2015]

_____. 2 September 2013. International Labour Organization (ILO). "India Must Have Zero Tolerance for Workplace Sexual Harassment." <http://www.ilo.org/asia/info/public/WCMS_220527/lang--en/index.htm> [Accessed 30 Apr. 2015]

_____. 26 August 2013. Priyanka Pruthi. UNICEF. "It Is Time to Sound the Red Siren Against Violence Against Girls and Women in India." <http://www.unicef.org/infobycountry/india_70237.html> [Accessed 24 Apr. 2015]

_____. 27 February 2013. UN Women. "Women's Collectives Foster Access to Justice in India." <<http://www.unwomen.org/en/news/stories/2013/2/womens-collectives-foster-access-to-justice-in-india>> [Accessed 13 May 2015]

_____. 20 February 2013. UN Women. "UN Women Supported Survey in Delhi Shows 95 [Percent] of Women and Girls Feel Unsafe in Public Spaces." <<http://www.unwomen.org/en/news/stories/2013/2/un-women-supported-survey-in-delhi>> [Accessed 27 Mar. 2015]

_____. N.d. United Nations Development Programme (UNDP). "Women and Justice Mechanisms: Protecting Against Violence." <<http://www.in.undp.org/content/india/en/home/ourwork/womenempowerment/women-and-justice-mechanisms--protecting-against-violence-.html>> [Accessed 14 May 2015]

United States (US). 27 February 2014. Department of State. "India." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220604.pdf>> [Accessed 13 May 2015]

University of Kentucky. N.d. College of Medicine. "Claire Snell-Rood." <<http://med.uky.edu/users/csn223>> [Accessed 13 May 2015]

Additional Sources Consulted

Oral sources: The following were unable to provide information for this Response: professor, women's and gender studies, Sonoma State University.

Attempts to contact the following were unsuccessful within the time constraints of this Response: assistant professors, chairperson and professor, Department Cum Centre for Women's Studies and Development, Panjab University.

Internet sites, including: Central Reserve Police Force; Centre for Advocacy and Research; Delhi Police; Freedom House; *Hindustan Times*; Human Rights Watch; India – Ministry of Law and Justice; Haryana Police; Institute for Human Development; International Center for Research on Women; Krantijyoti Savitribai Phule Women's Studies Centre; Law Commission of India; Lawyers Collective Women's Rights Initiative; The Mili Gazette; Minorities at Risk; People's Union for Civil Liberties; Punjab Newslines; Punjab Police; Punjab State Human Rights Commission; Sik Siy Asat News; South Asia Forum for Human Rights.

Attachments

1. India. 2013a. *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. <<http://wcd.nic.in/wcdact/womenactsex.pdf>> [Accessed 15 May 2015]

2. India.2013b. *The Criminal Law (Amendment) Act, 2013*. <<http://indiacode.nic.in/acts-in-pdf/132013.pdf>>
[Accessed 15 May 2015]

3. India. 2005. *The Protection of Women From Domestic Violence Act, 2005*. <<http://wcd.nic.in/wdvact.pdf>>
[Accessed 15 May 2015]

published on  European Country of Origin Information Network