

Submissions to Justice Verma Committee by Takshashila, Bangalore

This document is the institution's formal submission to the three eminent jurists' committee, chaired by Justice J S Verma constituted by the Government of India to look into possible amendments to the criminal law so as to provide for quicker trial and enhanced punishment for criminals, accused of committing sexual assault of extreme nature against women.

The need for an Indian Crime Survey Memorandum to the Justice J S Verma Committee

EXECUTIVE SUMMARY

Information underpins all planning. At present, the only source of information about crimes in the country are the statistics collated by the National Crime Records Bureau (NCRB). However, it is well known that all crimes are not reported to the police and as often alleged, if reported, many are not registered by the police. The under-reporting and poor registration is far worse in case of crime against women.

In many Western democracies, an annual Crime Victimization Survey is conducted to give a more realistic and actionable picture of crime, estimate the number and types of crimes not reported to the police, identify people most at risk and map public attitude towards crime and towards the Criminal Justice System. There is a need for reliable and comprehensive data on crime in India that will sustain an empirical approach towards reducing crime against women. Such information will both supplement and validate the NCRB data.

PROPOSAL

It is proposed that the laws be suitably amended to mandate the Union Government to conduct annual Indian Crime Surveys (ICS).

RATIONALE

Policy action, institutional change and legal reform to reduce crime against women needs an empirical basis. Major policy changes have to be based on reliable and comprehensive data on crime, especially crime against women. In the absence of authentic data, all attempts at reducing crime against women in India will remain partially successful and in some cases, may have unintended adverse consequences.

Currently, the only source of crime data in India is an annual report entitled "Crime in India", which is released by the NCRB. This report merely compiles crime data received from all the states and union territories. It does not involve any independent verification or validation of the inputs provided by the police forces of various states.

The "Crime in India" report, moreover, has severe limitations. The worst being suppression of crime data, or what is called burking in police parlance. All crimes are not reported to the police and if reported, many are not registered by the police. Former Police Commissioner of Mumbai, Mr MN Singh recently wrote that the police "spend more time managing statistics than managing crime." The international rights group, Human Rights Watch, has noted that "despite legal

obligations under Indian and international law, police throughout India frequently fail to register complaints of crime.” It cited the Lucknow police, which had reportedly registered FIRs for only 4.5% of the complaints they received in 2007.

Under-reporting of crime data has also been validated in a study by an Indian Police Service officer, Mr Tripurari, in “Policing without Using Force: The Jalpaiguri Experiment”. As the Superintendent of Police in Jalpaiguri district in West Bengal, he made registration of FIRs mandatory at the 17 police stations of the district. As a result, the monthly average of the number of recorded cases jumped from 249 in the pre-experiment phase to 1,060. The study, published in the Indian Police Journal in 2010, asserts that major offences such as murder or dacoity are “less susceptible to suppression or minimisation” because these are widely publicised. The suppression of crime data is more prevalent in the case of crimes against vulnerable sections of the society, particularly women.

Admittedly, women remain highly reluctant to report sexual assault across the globe, and not just in India. The United States of America is a highly developed society with rule of law, robust policing and stringent punishments. Yet, according to government statistics, only 46% of rapes are reported to the

police in that country. Similarly, only 42% of crimes reported during the British Crime Survey of 2005-06 were reported to police and only 30% were recorded by the police. In India where trust in police is generally low and social stigma is attached to such crimes, the percentages of crime against women which go unreported and unregistered are likely to be much higher.

In the absence of the proposed survey, the authorities have no information on the large number of crimes against women which go unreported. Besides providing a credible alternative to police-recorded crime statistics, the ICS will also reveal valuable information about public attitude to anti-social behaviour, crime, policing and the criminal justice system. It will provide a record of the experience of crime which is unaffected by variations in the behaviour of victims about reporting the incident to the police and variations over time and between places in the police practices about recording crime. The ICS will further identify those women most at risk due to different types of crime. This can then be used to design and inform crime prevention programmes and assess public attitudes towards crime against women and the Criminal Justice System.

Coordinated action by various institutions of the state has to be a dynamic process capable of responding to change in crime patterns within a fast-changing social, political and economic milieu. An annual survey provides the empirical basis to track changes and design suitable institutional responses for preventing crime against women. It will provide regular information to inform crime prevention measures and to gauge their effectiveness. It will also be a better indicator of long-term trends because it is unaffected by changes in levels of reporting to the police or police recording practices.

SURVEY FEATURES

1. The Indian Crime Survey must be:

- (a) Conducted annually, starting from the calendar year 2013.
- (b) Conducted in two phases. Phase 1, in 53 cities of India which have a population of more than a million. The rest of the country should be covered in Phase 2.
- (c) Conducted by the National Statistical Survey Organisation or by private survey agencies accredited to the government, or a combination of the two.

2. The NCRB be mandated as the nodal agency for designing and overseeing the ICS.

3. The ICS should be modelled on the Crime Survey for England and Wales (formerly the British Crime Survey) with survey questionnaires and methodologies suitably amended for urban, semi-urban and rural areas in the country.

4. The ICS should ask respondents about their attitudes to crime-related issues, to include:

- (a) the police;
- (b) the criminal justice system;
- (c) their perceptions of crime and anti-social behaviour.

5. The ICS should include special measures to estimate the extent and nature of crime against women.

6. The detailed reports of the ICS be published at the website of the Union Ministry of Home Affairs and tabled in Parliament.

7. The ICS must be financed out of the budgetary allocations of the Union Ministry of Home Affairs.

CONCLUSION

Crime against women are probably the least-reported to, and least-registered by the police although they are among the most serious of crimes in their impact on victims. An annual Indian Crime Survey has to be the starting point of any plan to prevent crime against women. It will provide a better reflection of the extent of these crimes than police-recorded statistics. It will also prepare the government to meet the future challenges in preventing crime against women, while ensuring social and economic security for all sections of the society.

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