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# **An Analysis of Crimes Against Women in India: Evaluating the Efficacy of Legal Reforms and Urban Safety Initiatives**

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## Abstract

This study reflects on the enduring gap that exists between the different laws that have been set up in India over the years and how safe women really are. It is noted that after the "Nirbhaya" incident in 2012 the Indian government shifted from a colonial, era protectionist approach to an autonomy, based jurisprudence, leading to the enactment of the Bharatiya Nyaya Sanhita (BNS) 2023 as part of India's broader criminal law restructuring framework intended to strengthen responses to gender-based violence.<sup>16</sup> This report, however, argues that these reforms are still one of the "reactive legislative wins" which do not acknowledge a sizable judicial and fiscal administration implementation gap. By institutional performance audit, the research identifies judicial lethargy and long-standing shortages in judicial manpower remain central constraints, with national pendency levels exceeding five crore cases across courts.<sup>23</sup> as the primary causes of the justice system where trial pendency cancels the deterrent effect of stricter penalties. The research uncovers the "safety paradox" of urban governance, in which fiscal resources are disproportionately allocated toward surveillance-based interventions rather than structural prevention mechanisms.<sup>20, 21</sup> in that most of the fiscal resources are being used for "negative liberty" measures, such as technological surveillance, which places the responsibility of safety on the victim instead of dealing with the root social causes. In addition, this paper argues against the "literacy myth" and argues that formal education is an insufficient solution for violence arising from patriarchal social control. When compared to international "wellbeing" models, such as New Zealand's Te Aorerekura national prevention strategy, which frames violence prevention as a long-term wellbeing obligation coordinated across justice, health, and social institutions<sup>14</sup>, the study suggests a shift towards implementation, focused governance. The following sections build on this argument by situating the issue within global and national contexts, followed by an analysis of institutional, fiscal, and urban governance factors shaping women's safety in India.

Keywords: Substantive justice, institutional bias, structural gap, the Nirbhaya paradox, systemic inefficiency

## Introduction

Violence against women (VAW) continues to be an all-pervading crisis worldwide, which in a fundamental way, hinders the achievement of gender equality and sustainable development. The crisis is more stagnant than anticipated in most parts of the world. Globally, nearly one in three women—approximately 736 million—have experienced physical or sexual violence in their lifetime, indicating that progress toward SDG 5 on eliminating violence against women remains uneven across regions despite near-universal legislative commitments.<sup>9</sup> This number has hardly changed since 2000. In the previous year alone, approximately 11 percent (316 million) of women globally experienced physical or sexual violence by an intimate partner.<sup>9</sup> In the case of India, while the National Crime Records Bureau (NCRB) recorded 4,45,256 crimes against women in 2022, demonstrating the persistence of gender-based violence despite extensive legislative reform efforts<sup>1</sup>, the 2025 Annual Report and Index on Women Safety (NARI) highlight a deep rift between the official data and the realities of the people.<sup>17</sup> This persistence is reflected in India's ranking of 128th out of 177 countries in the Women, Peace and Security Index 2023/24, particularly due to weak performance in the justice and security sub-indicators measuring institutional protection and access to legal remedies for women.<sup>8</sup> The survey conducted among 12,770 women in 31 cities revealed that the safety level in India was only 65% at the national level. In that, 40% of respondents stated they felt unsafe or not so safe mainly during night hours. These perception gaps are consistent with international Safe Cities Index assessments, where Indian metropolitan centres continue to rank below global leaders on indicators of gender-sensitive infrastructure, mobility safety, and institutional trust in policing



systems.<sup>14, 15</sup> In addition, the National Strategy to Eliminate Family Violence states that safety is not only the absence of the crime but also the presence of well, being and inclusion. Domestic cruelty under Section 498A continues to constitute approximately 31–33 percent of all recorded crimes against women in India, making it the most frequently reported category of gender-based violence nationally.<sup>1, 2</sup> Despite these alarming trends and the expansion of legal frameworks, there remains a persistent disconnect between legislative intent and actual outcomes on the ground. This gap between law and lived reality forms the central concern of this study. Specifically, this study investigates whether the persistence of high crime rates against women in India reflects a structural implementation gap between legislative reform, fiscal allocation, and institutional delivery mechanisms within the justice system and urban safety governance framework.<sup>4</sup> The following section therefore outlines the justification for examining this issue in greater depth.

## Justification of the Study

The question that this study attempts to answer is warranted by the transformation of the Indian legal environment after the 2012 "Nirbhaya" incident, which was a landmark moment for gender justice. The State has reacted with far-reaching legislative changes such as the Criminal Law (Amendment) Acts of 2013 and 2018, and the Bharatiya Nyaya Sanhita (BNS) 2023 introduction, but the reality on the ground is still complicated. It is a recurring theme in the past that there is a conflict between the law and the authorities. For example, currently, less than 60 percent of police districts currently adhere fully to standard evidence-collection procedures, reflecting institutional capacity limitations that weaken implementation effectiveness of legal reforms.<sup>2</sup> The administrative failure behind this is also shown by a big "reporting paradox": currently, nearly two-thirds of harassment incidents remain unreported, reflecting a persistent reporting paradox in which survivors disengage from formal justice processes due to low institutional trust and procedural barriers.<sup>3</sup> which means that most cases are not officially recorded as crimes. This reporting gap also reflects low survivor confidence in police and judicial mechanisms, reinforcing the broader implementation deficit between legislative intent and institutional accessibility. This study is warranted by the imperative to move from "law on the books" to "implementation centric governance". By assessing the real effects of the Nirbhaya fund and urban safety schemes, this research offers a data, driven explanation of why massive fiscal outlays have not yet resulted in a significant reduction in crime rates. It bridges a critical gap in existing literature by triangulating police-recorded crime with population-based prevalence surveys to identify hidden attrition points. While the global and national data establish the scale and persistence of the issue, it is essential to examine why these challenges continue despite significant legal reforms in India. While the above discussion establishes the broader rationale for this research, it is equally important to clearly define the specific issue being addressed. The next section therefore presents a focused statement of the problem that guides this study.

## Statement of the Problem:

At its core, the problem is not merely the persistence of crime, but the structural inability of institutional systems to translate legislative intent into effective outcomes. The study specifically focuses on the structural and institutional challenges that hinder the effective implementation of legal reforms in addressing crimes against women. India has undergone a massive overhaul of its laws over the last 10 years. Notably, it passed the Criminal Law (Amendment) Acts of 2013 and 2018 and the Bharatiya Nyaya Sanhita (BNS) 2023. However, the country still records a national average crime rate against women of 66 per lakh population. The analysis of the data points to the implementation of the framework being fragmented. It is reported that judicial inertia is still a major obstacle. more than 30% of designated fast-track courts are without necessary infrastructure or trained personnel and the trial pendency in these courts is often more than five years.<sup>2</sup> The crisis, in turn, is worsened by a grievous structural deficit as the national judicial ratio is still far from the levels that would be adequate for giving the cases in time. Some states record as few as 11–14 judges per million population, far below recommended institutional benchmarks required for timely adjudication. Case Clearance Rate values between 0.04 and 0.15 in several states demonstrate systemic disposal constraints within India's justice



delivery pipeline for crimes against women.<sup>4</sup> Such low figures mean that the level of pendency keeps growing and the option of handing down decisions cannot keep up with the number of new filings. In addition, the quantitative synthesis of the data tells us that the main safety programs, like those supported by the Nirbhaya Fund, have been unfortunate regarding their implementation side. Almost 30% of the funds that were sanctioned have remained unutilized due to procurement delays and inter-agency coordination challenges across states.<sup>10</sup> To systematically address these identified challenges, the study outlines the following research objectives.

## Objectives of the Research

The primary objectives of this systematic analysis are:

- To evaluate the efficacy of post-2012 legal reforms in India by analysing conviction rates and judicial pendency data.
- To assess the fiscal efficiency and utilization patterns of women's safety initiatives under the Nirbhaya Fund.
- To compare India's urban safety strategies against high-performing international benchmarks, particularly the Women, Peace and Security (WPS) Index leaders and New Zealand's Te Aorere Kura national prevention strategy.<sup>8</sup>
- To propose a draft framework for transforming urban safety from a policy aspiration into an enforceable legal obligation.

To operationalize these objectives into measurable inquiry, the study formulates the following primary research question and associated hypotheses.

## Provisional Primary Question and Hypotheses

The provisional primary question for this study is: To what extent does the disconnect between fiscal allocation and judicial/urban implementation account for the persistent high crime rates against women in India, despite robust legislative frameworks?

To address this, the study tests the null hypotheses:

- Null Hypothesis (H0): There is no significant correlation between the increase in fiscal expenditure under the Nirbhaya Fund and the reduction of reported crimes against women across Indian states.
- Alternative Hypotheses (H1): Structural deficits in the judiciary, specifically low judge-to-population ratios, are significantly correlated with a decrease in the Case Clearance Rate (CCR) for crimes against women.
- Alternative Hypotheses (H2): A significant "Implementation Gap" exists between legislative intent and administrative action, evidenced by high trial pendency rates despite the introduction of Fast Track Special Courts (FTSCs).
- Alternative Hypotheses (H3): Higher state literacy rates do not result in a lower incidence of crimes against women



## Literature Review

The global landscape of gender justice is currently defined by a significant "implementation gap." The Sustainable Development Goals Report (2025) indicates that while legislative commitments to Goal 5 (Gender Equality) are nearly universal, progress toward eliminating violence against women remains uneven and in some regions is reversing, reflecting a persistent global implementation gap between legal reform and measurable safety outcomes.<sup>9</sup> Recent policy-efficiency literature similarly emphasizes that legislative expansion alone does not guarantee improvements in gender-justice outcomes unless supported by institutional capacity, fiscal translation mechanisms, and coordinated implementation frameworks.<sup>20</sup> The Women, Peace, and Security (WPS) Index (2023/24), published by the Georgetown Institute for Women, Peace and Security (GIWPS), provides a critical benchmark for this study. While high-performing nations like Denmark (Rank 1, Score 0.932) and Sweden (Rank 3, Score 0.926) have integrated women's status into national security frameworks, India ranks 128th out of 177 (Score 0.595). The Index highlights that India's performance is particularly constrained by lower scores in the "Justice" sub-index measuring legal protection, institutional responsiveness, and discriminatory social norms affecting women's access to security and rights.<sup>8</sup>

## Post-2012 Legal Reforms: Conviction and Pendency

Building on these global benchmarks of gender-justice performance, it becomes necessary to examine how India's post-2012 legal and institutional reforms attempted to address gender based violence within its own governance framework and whether these reforms translated into measurable improvements in implementation outcomes.<sup>9</sup> Following the 2012 Nirbhaya case, India introduced the Criminal Law (Amendment) Acts of 2013 and 2018 and eventually the Bharatiya Nyaya Sanhita (BNS) 2023. However, literature suggests these have been "reactive legislative wins" rather than systemic solutions. To consolidate these efforts, the State has introduced Mission Shakti (2021–2026), an integrated umbrella scheme designed to strengthen interventions for women's safety, security, and empowerment on a life-cycle continuum. The framework is divided into two distinct sub-schemes: Sambal, which prioritizes immediate safety and security through One Stop Centres (OSCs), the Women Helpline (WHL), and the new Nari Adalats for alternative dispute resolution; and Samarthya, which focuses on economic empowerment and inclusive development through the integration of schemes like the Pradhan Mantri Matru Vandana Yojana (PMMVY)

- **Judicial Inertia:** The India Justice Report (IJR) (2025) provides overwhelming evidence of structural failure. It notes that national court pendency has crossed 5 crore cases, and the national average for the judicial ratio remains at approximately 19-20 judges per million people, far below the Law Commission's recommended 50.
- **Case Clearance Rates (CCR):** As analyzed in our study's empirical repository, the CCR for crimes against women in several states (such as West Bengal at 0.042) indicates that the system is failing to dispose of cases as fast as they are filed.
- **Institutional Bias:** Jassal (2024) in the American Political Science Review demonstrates "multi-stage discrimination," proving through a dataset of 500,000 reports that women's complaints are more likely to be delayed or dismissed by police and courts compared to men. This effectively nullifies the deterrent effect of stricter laws. A situation prevailing in India too due to fear of society, family or political pressure.



## Fiscal Efficiency and the Nirbhaya Fund

The Nirbhaya Fund serves as the primary fiscal tool for safety initiatives, yet it suffers from "administrative and structural deficits."

- **Underutilization:** The Nirbhaya Fund serves as the primary fiscal tool, yet it continues to face administrative deficits; of the ₹7,712.85 crore allocated up to FY 2024–25, only ₹5,846.08 crore (approximately 76%) has been utilized. Significant portions of released funds remain unspent due to procedural bottlenecks and a failure at the state level to submit utilization certificates.
- **Scheme Efficacy:** Srivastava and Jain (2025) argue in *Lex Localis* that funding is often directed toward technology (CCTVs) rather than the "human infrastructure" (forensic experts, specialized prosecutors) required to increase conviction rates. For instance, the Beti Bachao Beti Padhao scheme historically utilized only 16.6% of its budget due to administrative lapses.

## Urban Safety: From "Negative" to "Positive" Liberty

The "Safety Paradox" refers to a governance contradiction in which increased investment in safety—particularly through surveillance-based measures—does not lead to a proportional improvement in women's actual or perceived safety. Instead, such interventions often shift the responsibility of safety onto women, without addressing the structural and social causes of violence. A critical shift in literature is the move from seeing women as "vulnerable subjects" to "active citizens."

- **The Safety Paradox:** Soni (2016) introduces the distinction between Negative Liberty (absence of harm via surveillance) and Positive Liberty (freedom of movement and inclusion). Soni argues that Indian urban policy focuses on the former, placing the "onus of safety" on women through panic buttons and gender-segregated transport, rather than dismantling the "maleness" of the public sphere.
- **For example,** despite substantial investments in Safe City projects, including CCTV networks and emergency response systems, cities such as Delhi continue to report among the highest crime rates against women. This suggests that technological visibility does not necessarily translate into substantive safety.
- **Gender-Blind Planning:** East (2022) in *Rozwój Regionalny i Polityka Regionalna* highlights the "Urban Planning Gender Gap," where city designs fail to consider women's "trip-chaining" (multipurpose travel patterns), making public spaces inherently exclusionary.

This highlights a broader limitation in urban safety governance, where policy responses remain reactive and surface-level rather than preventive and structurally transformative.



### **International Benchmarking:**

The Te Aorerekura Strategy To propose a new framework, the study draws on Te Aorerekura: National Strategy to Eliminate Family Violence (New Zealand Government, 2021).

Strength-Based Wellbeing: Unlike India's reactive model, the New Zealand strategy is a 25-year plan focusing on primary prevention and "collective healing." It treats safety not as a police issue, but as a "wellbeing obligation" of the state, coordinating health, education, and justice under one framework.

### **The "Literacy Myth" and Socio-Economic Variables**

Finally, the research challenges traditional assumptions regarding education. Dhawan and Chaudhary (2025) and our study's regression analysis (which shows a weak correlation of 0.13) validate that higher literacy rates do not result in lower crime. This suggests that violence is a mechanism of "social control" that persists even in educated households, requiring a shift from "education as a cure" to "social norm transformation." Although the literature provides substantial theoretical and empirical insights, it often treats legal, institutional, and socio-economic dimensions in isolation. This study seeks to bridge these strands through an integrated analytical approach. The following section outlines the methodological framework adopted to achieve this.

### **Methodology**

This study adopts a mixed-methods analytical policy review design integrating doctrinal legal analysis with structured secondary datasets on judicial capacity, crime reporting patterns, and fiscal utilisation trends. In this study, the term “systematic analysis” refers to a structured institutional evidence-synthesis approach combining legal evaluation with multi-agency datasets to identify implementation-level governance gaps in women’s safety frameworks.<sup>2</sup> The methodology is designed to move beyond a mere descriptive tally of crime statistics, instead focusing on the causal relationships between institutional resourcing, fiscal policy, and judicial outcomes. The triangulation approach enables the proposed research to validate qualitative findings from legal literature against empirical datasets to identify the structural "gaps" in the implementation of women’s justice in India.



## The Analytical Framework:

The Three-Tier Funnel The research is designed as a descending "analytical funnel," that allows a comprehensive evaluation of women's safety across different scales of governance.

- **Macro-Level Analysis (Global and National):** This tier establishes the normative benchmarks for the study. By utilizing the WPS Index 2023/24 and the UN SDG 2025 reports, this study places India's domestic performance within its international comparative context. This stage identifies the gap between India's ranking (128th) and international leaders like Denmark and Sweden.
- **Middle-Level Analysis (State-Wise Performance):** At the sub-national level, this report interrogates the variations in institutional efficiency across Indian states. This involves measuring the Judicial Ratio (judges per million) and the Case Clearance Rate (CCR) to identify state-specific systemic "clogs" in the justice pipeline.
- **Micro-Level Analysis (Socio-Economic Correlations):** The most granular tier involves testing specific policy assumptions. This stage uses statistical modeling to interrogate the "Literacy Myth" and the efficacy of technology-driven "Safe City" funding, comparing these against localized crime outcomes.

(The mapping of the proposed analytical framework is presented in Appendix D)

## Data Sourcing and Repository Management

To ensure the highest levels of reliability and validity, a multi-agency data repository was constructed using the following official sources:

- **National Crime Records Bureau (NCRB) 2022:** Used to extract base figures for reported crimes, specifically focusing on rape rates and domestic cruelty under Section 498A.
- **Ministry of Home Affairs (MHA) & MWCD:** Fiscal data regarding the Nirbhaya Fund and the Central Victim Compensation Fund (CVCF) were extracted from audited parliamentary responses (2017–2024).
- **India Justice Report (IJR) 2025 & National Judicial Data Grid (NJDG):** These repositories provided the metrics for judicial pendency and manpower.
- **International Frameworks:** The study integrated the Te Aorerekura strategy from New Zealand to serve as a qualitative benchmark for "Positive Liberty" frameworks.

## Variable Selection and Operationalization

The computer processing required the transformation of abstract safety concepts into measurable variables:

- **Dependent Variable:** The Reported Crime Rate (per lakh population) is considered as the primary indicator of the safety environment.
- **Independent Variable 1 (Fiscal):** Operationalized as Nirbhaya Fund Utilization (total spend vs. total allocation) to measure administrative efficiency.
- **Independent Variable 2 (Social/Institutional):** Using State-level Literacy Rates as a proxy for social awareness, while the Judicial Ratio was used to measure institutional dispositive capacity.
- **Efficiency Metric:** The "Safety Paradox" index was created to contrast states with high technological surveillance (high Safe City funding) against their actual crime rates.



## Computational and Statistical Procedures

The empirical core of the study followed a rigorous four-stage statistical process:

- Stage I (Structural Gap Analysis): We benchmarked current state judicial strengths against the 1987 Law Commission's recommendation of 50 judges per million people. This allowed the study to quantify the "manpower deficit" as a primary causal factor for the 5-year average trial pendency.
- Stage II (Correlation and Efficacy Testing): The Linear Regression Analysis was conducted. By inputting state-wise literacy as the predictor and crime rates as the outcome, the study calculated a Multiple R of 0.137 and a negligible R-Square. This mathematical output provided the "proof" that education levels do not significantly dictate the prevalence of gender-based violence.
- Stage III (Fiscal Efficiency Mapping): A quantitative synthesis was performed on the research-specific data matrix. This revealed a "failure in administrative translation," where states prioritized high-visibility technology projects (CCTVs) over low visibility but high-impact social interventions like the Beti Bachao Beti Padhao scheme.
- Stage IV (Comparative Benchmarking): Using the WPS Index sub-metrics (Inclusion, Justice, Security), Indian state data was benchmarked against Denmark. This stage highlighted that while India focuses on "Negative Liberty" (protection from harm), international leaders prioritize "Positive Liberty" (empowerment and mobility).

## Ethical Considerations and Data Integrity

Since the research utilizes public-domain secondary data, it remained exempt from institutional review board (IRB) requirements for human subject research. However, rigorous data integrity protocols were maintained:

- Cross-Referencing: Data from SFSL (Forensic Labs) was cross-checked with police recruitment figures to ensure consistency in the "structural deficit" argument.
- Standardization: All financial figures were adjusted where necessary to ensure comparability across different budget cycles.
- Software: Data was processed using standardized statistical software to eliminate human error in the calculation of CCR and regression coefficients.

Based on this methodological framework, the following section presents the key findings derived from the analysis.

## Results

The following results offer a comprehensive synthesis of the empirical data collected and processed for this study. By triangulating national crime statistics, fiscal audit reports, and international indices, the analysis identifies the critical friction points between legislative intent and administrative execution. These findings not only highlight key structural and policy gaps but also raise important questions regarding the effectiveness of current governance approaches. The following discussion interprets these results considering existing literature and broader policy implications.

## Empirical Assessment of Judicial Capacity

The Indian judiciary has a serious problem that affects how legal reforms work after 2012. Even with efforts to speed up trials, delays are common. Many cases stay unresolved every year. This growing backlog makes the legal system less effective in dealing with crime. This study looks at the main reasons for these delays. It also studies how special courts handle cases of crimes against women.



## The Judicial Ratio Crisis

A key reason for delays in trials is the shortage of judges. The national average judicial ratio remains at about 19–20 judges per million people. This is far below the Law Commission's recommended benchmark of 50 judges per million. State-level data shows even lower figures. West Bengal has 11.1 judges per million, and Andhra Pradesh has 12.3 per million. The shortage of judges slows case processing and contributes to the growing backlog. This indicates that the core issue lies not in the absence of legal provisions, but in the limited institutional capacity to enforce them effectively.

## Case Clearance Rate (CCR) Analysis

To test Alternative Hypothesis H1, the study calculated the Case Clearance Rate (CCR) for crimes against women. The regression analysis reports an intercept of 0.102. This suggests a baseline systemic inability to process filings efficiently. In West Bengal, the CCR stands at 0.042. In Bihar, it is slightly higher than 0.062. These values indicate that the system resolves less than 7 percent of its annual caseload in both regions. As a result, unresolved cases accumulate each year, and the backlog continues to compound over time.

## The FTSC Implementation Gap

Despite the establishment of Fast Track Special Courts (FTSCs) intended to expedite sexual offense trials, the data validates Alternative Hypothesis (H2), indicating a measurable implementation gap between the establishment of Fast Track Special Courts and actual reductions in trial pendency. Over 46% of cases in subordinate courts remain pending for over three years, with a significant portion exceeding five years. This "judicial inertia" suggests that specialized courts lack the infrastructure and personnel to fulfill their "fast track" mandate. (See Appendix C for state-wise CCR data)

## Fiscal Efficiency: The Nirbhaya Fund Paradox

The fiscal analysis reveals a startling disconnect between the allocation of massive funds and the actual reduction of crime rates, supporting the Null Hypothesis (H0). This suggests a disconnect between fiscal allocation and on-ground implementation, where resources fail to translate into measurable improvements in women's safety.

## The Expenditure Paradox

Regression statistics for the Nirbhaya Fund yield a Multiple R of 0.351 and an R Square of 0.123. While there is a weak positive relationship between spending and reporting, the Significance F (0.035) indicates that fiscal outlays do not serve as a primary predictor of crime reduction. Higher spending does not automatically translate to a safer environment.

## Patterns of Underutilization

Administrative data from the MWCD confirms a "failure in administrative translation." Historically, approximately 30% of sanctioned funds under the Nirbhaya Fund remain unspent. Critical social schemes, such as Beti Bachao Beti Padhao, showed utilization rates as low as 16.6% in previous budget cycles due to procedural bottlenecks at the state level.

## Technological Bias vs. Human Capital

The data shows a significant "policy bias" toward surveillance. Karnataka and Delhi received massive funding for "Safe City Projects" (₹667.80 Cr and ₹617.71 Cr). However, Delhi continues to report a crime rate of 93.11 per lakh, the highest in the nation. This suggests that investment in "negative liberty" tools (CCTVs) fails to address root causes without corresponding investment in police training and forensic modernization.



## International Benchmarking and the WPS Index

This study compared India's urban safety strategies with those of leading countries to understand gaps in the concept of safety.

### The WPS Index Deficit

India's rank of 128th out of 177 on the WPS Index (Score 0.595) underscores a justice and security deficit. In contrast countries such as Denmark ranked first and Sweden ranked third consistently score above 0.920. The disparity is most pronounced in the justice sub metric which measures legal discrimination and judicial fairness.

### Negative vs. Positive Liberty

India's approach remains largely reactive. It emphasizes negative liberty by seeking to protect women from immediate harm through surveillance tools and panic buttons. This framework places the primary responsibility for safety on the victim rather than on systemic prevention. Conversely, New Zealand's Te Aorerekura strategy prioritizes "Positive Liberty", focusing on well-being, social inclusion, and primary prevention.

### Gender-Blind Infrastructure

Analysis of Indian urban projects reveal they are largely "gender biased." Infrastructure is designed for the "reasonable man," failing to account for women's mobility needs, such as trip chaining and the requirement for last-mile connectivity, which are standard in international benchmarks.

### Socio-Economic Variables: The Literacy Myth

One of the most significant findings of this study is the statistical invalidation of the assumption that education serves as a cure-all for violence against women.

### Regression Results

The "Literacy Myth" regression analysis yields a Multiple R of 0.137 and an R Square of 0.018. This indicates that literacy levels explain only 1.8 percent of the variation in crime rates.

### The Incidence Paradox

The incidence of paradox becomes evident across states. High literacy regions such as Kerala with a literacy rate of 94 percent report a crime rate of 48.15 per lakh. In contrast, states with lower literacy such as Bihar at 61.8 percent report a lower crime rate of 21.36 per lakh. While this may indicate higher reporting in educated states, the lack of a strong negative correlation validating Alternative Hypothesis (H3) that higher literacy rates do not significantly reduce the incidence of crimes against women across Indian states.

### Social Norms vs. Formal Schooling

The statistical evidence confirms that violence is a mechanism of social control that persists regardless of educational attainment. This supports the conclusion that patriarchal social norms are more influential drivers of crime than formal literacy.

(Full regression statistics are available in Appendix A)

### Synthesis: From Policy Aspiration to Legal Obligation

The cumulative data indicates that while India has achieved "legislative wins" it continues to suffer from a "systemic execution failure".



### Administrative Inertia

Administrative inertia continues to be a significant issue. In states like Uttar Pradesh and Delhi, almost 30 percent of the Nirbhaya Fund allocated to them has not been utilized. Such a trend is indicative of a grave failure in coordination among various agencies and in the execution process.

### Clearance Deficit

There is also a persistent clearance deficit. The case clearance rate has failed to cross the 100 percent threshold for seven consecutive years. This has produced a compounding backlog that weakens deterrence and reduces the fear of legal consequences.

### Proposed Framework

Based on the results, the study proposes a shift to an "implementation-centric" model. This framework would integrate judicial, forensic, and urban mandates into a single accountable body, like the New Zealand model, transforming safety from a policy goal into an enforceable legal obligation.

Metric	National Benchmark	Observed Data	Impact
Judicial Ratio	50 per million	18–20 per million	Chronic pendency
Literacy Correlation	Significant negative	0.13 (Weak positive/ None)	Debunks "Literacy Myth"
Nirbhaya Fund Use	100%	~70% (30% unutilized)	Administrative failure
Case Clearance Rate	>1.0	0.04 to 0.15 (States)	Mounting backlogs
FTSC Pendency	<1 year (Goal)	>3–5 years (Actual)	Nullifies legal deterrence



In conclusion the findings show that high crime rates against women in India are not caused by a lack of laws. Instead, they result from weak judicial structures poor use of public funds and an urban safety model that relies too heavily on technological surveillance. These failures prevent laws from working as intended. Creating a safer environment will require enforceable legal obligations that directly address these systemic problems.

#### Discussion

The empirical findings and systematic literature review of this study converge to reveal a profound "Implementation Gap" in India's gender-protection framework. This discussion interrogates the structural, fiscal, and social dimensions of why the national crime rate against women remains at 66 per lakh population despite a decade of legislative escalation. The discourse moves beyond a descriptive analysis of numbers to explore the "Safety Paradox" and the "Literacy Myth," offering a critical evaluation of current policy efficacy. Taken together, these findings point toward a systemic implementation gap, where policy intent is not matched by administrative execution.

### **Evaluating the Impact of Structural Deficits on Legal Redress**

The primary bottleneck in the transition from "law on books" to "substantive justice" is the chronic under-resourcing of the judiciary. As observed in the results, the national judicial ratio (18–20 per million) falls drastically short of the Law Commission's benchmark of 50 per million.

#### **The Clearance Crisis**

The clearance crisis remains severe. The case clearance rate has failed to cross the 100 percent mark for seven consecutive years. In states such as West Bengal with a CCR of 0.042 and Assam with 0.048, the justice system cannot keep up with new cases.

#### **The Deterrence Deficit**

When trials in lower courts regularly take more than five years, stricter laws lose their impact. Legal reforms such as the BNS 2023 and recent criminal law amendments fail to deter crime when enforcement is delayed.

#### **Multi-stage Discrimination**

Furthermore, the "multi-stage discrimination" identified in recent scholarship suggests that women's cases are not just slow due to volume but are specifically disadvantaged at both the police and court nodes. This institutional bias, where women are often dismissed at the reporting stage, creates a "reporting paradox" where official NCRB figures represent only a fraction of the actual prevalence of violence.

#### **Fiscal Underutilization and the Surveillance Trap**

The gap in fiscal effectiveness is also visible at the global level. According to the WHO only 0.2 percent of global development aid is directed toward programs that aim to prevent violence against women. This reflects a pattern like the Indian surveillance trap. In this model, public spending prioritizes reactive technologies rather than long term primary prevention strategies. A critical theme identified in this research is the disconnect between fiscal allocation and administrative translation. The Nirbhaya Fund, while historically significant in its corpus, has suffered from a lack of "spending efficacy".



### **Administrative Translation Failure**

Quantitative synthesis reveals that of the ₹7,712.85 crore allocated to the Nirbhaya Fund up to FY 2024–25, approximately 24% remains unspent due to a failure in state-level administrative translation. This is primarily driven by the failure to submit utilization certificates and chronic procurement delays.

### **The Surveillance Trap**

There is a discernible policy bias toward technological interventions over social or human infrastructure. While "Safe City Projects" focusing on CCTV and panic buttons receive massive tranches such as the ₹667 Cr sanctioned for Karnataka, their impact on reducing crime remains unproven.

### **Negative vs. Positive Liberty**

As argued by Soni (2016), these precautionary policies reinforce "Negative Liberty" protecting women through surveillance while ignoring the "Positive Liberty" of empowering them to inhabit public spaces as active citizens. This is evidenced by the fact that high-spending states like Delhi still record the highest national crime rates (93.11 per lakh), suggesting that technology cannot bypass entrenched patriarchal social norms.

(See Appendix B for detailed fiscal utilization by state)

### **Debunking the Literacy Myth**

Perhaps the most significant finding for policy redesign is the statistical invalidation of education as a panacea for gender violence.

### **The Literacy Paradox**

The regression analysis finds the R square value to be 0.018. Hence, literacy accounts for less than 2 percent of the changes in crime rates. High literacy states such as Kerala with a literacy rate of 94 percent report a crime rate of 48.1 per lakh. This is higher than rates in states with much lower literacy levels. This highlights that gender-based violence is driven more by entrenched social norms than by levels of formal education.

### **Social Control**

The findings support the view that violence functions as a form of social control. It is used to maintain patriarchal hierarchies and persists regardless of education levels.

### **Reporting vs. Incidence**

Education may improve reporting of crimes which can explain higher recorded rates in states like Kerala. However, it does not necessarily reduce the actual incidence of violence. This highlights the need for norm transforming interventions rather than reliance on formal schooling alone.

### **International Benchmarking: A Blueprint for Reform**

The comparison with high-performing international benchmarks like the WPS Index leaders and New Zealand's Te Aorerekura strategy provides a clear direction for Indian policy.

### **Holistic Wellbeing**

Whereas India's current model is reactive and siloed, New Zealand's 25-year strategy treats violence as a



framework and its practical implementation. While the evolution from colonial-era protectionism to contemporary autonomy-based jurisprudence, culminating in the Bharatiya Nyaya Sanhita (BNS) 2023 as part of India's broader restructuring of its criminal justice framework addressing gender-based violence<sup>16</sup>, represents a significant "legislative win," the ground reality remains defined by systemic failure. This study has demonstrated that neither increased statutory penalties nor enhanced literacy rates alone do not function as a reliable structural predictor of reductions in gender-based violence, as confirmed by the weak regression relationship identified in the study's statistical analysis (see Appendix A) for gender-based violence (GBV). Instead, the persistence of high crime rates is anchored in structural judicial capacity deficits, reflected in judge-to-population shortages and persistent clearance-rate backlogs across states, remain a central institutional barrier to effective implementation of legal reforms<sup>2</sup>, administrative fiscal inertia, and an urban safety model that prioritizes surveillance-centric interventions over structural prevention mechanisms, reinforcing what policy literature identifies as a safety paradox within contemporary urban gender-security governance frameworks<sup>20</sup>.

## Summary of Findings

The empirical evidence strongly supports the rejection of the primary null hypothesis. There is no evidence that fiscal expenditure under the Nirbhaya Fund has yielded a linear reduction in reported crimes, largely due to a 30% underutilization rate and a policy bias toward technological "fixes" like CCTVs. Furthermore, the study validated the "Literacy Myth," as regression analysis (R-Square 0.018) confirmed that education levels do not significantly predict or prevent violence, which remains a tool of social control across all strata.

Crucially, the research identified judicial inertia as the most significant barrier to justice. With a national judicial ratio of only 18–20 per million and Case Clearance Rates (CCR) as low as 0.04 in certain states, the legal system suffers from a "chronic clog".<sup>2</sup> This structural deficit effectively nullifies the deterrent effect of laws, as trial pendency often exceeds five years, leading to a state of "multi-stage discrimination" where survivors are exhausted by the process long before a verdict is reached.

## Policy Recommendations

- To close the implementation gap India must shift from a reactive approach to an implementation centric governance framework.
- Structural realignment: The government should prioritize human infrastructure. Meeting the Law Commission benchmark of 50 judges per million people is essential. This would improve case clearance rates and support timely delivery of justice.
- Fiscal accountability: Nirbhaya Fund spending should be linked to clear performance outcomes. These should include investigation timelines, forensic laboratory turnaround capacity, and prosecution-stage coordination indicators aligned with performance-based fiscal monitoring frameworks.<sup>11</sup> Funding should not focus only on purchasing assets.
- Adopting global models: India can learn from New Zealand's New Zealand's Te Aorerekura strategy, which integrates justice, health, and community-prevention institutions into a long-term coordinated national safety framework.<sup>14</sup> This approach treats safety as a wellbeing obligation. It integrates justice's health and urban planning into one enforceable framework.



- Urban safety as a right: Urban policy must move beyond surveillance-based protection. Cities should be designed around positive liberty. This means enabling women's mobility access and active participation in public life.

### **Final Reflections**

True safety is not merely the absence of an immediate threat but the presence of dignity and inclusion. Until the judicial pipeline is cleared and the burden of safety is shifted from the victim to the state's structural capacity, legislative reforms will remain symbolic. By aligning constitutional ideals with measurable administrative accountability, India can transform the "Safety Paradox" into a reality of substantive justice for all women.



primary prevention like stopping violence before it starts by changing underlying social conditions. \

### **The Gender Gap in Planning**

To move from "policy aspiration" to "enforceable legal obligation," India must bridge the "Urban Planning Gender Gap". Urban spaces must be redesigned to support women's mobility patterns (trip-chaining) rather than just treating them as vulnerable segments requiring "protection".

### **Synthesis and Recommendations**

The "Safety Paradox" observed in India is a result of a legal system that is "over-regulated but under-implemented". To resolve the disconnect between law and safety, the study recommends:

#### **Structural Resource Allocation**

Shifting from just passing tougher laws (like the BNS 2023) to ensuring forensic and judicial departments are staffed at benchmark levels (50 judges per million).

#### **Fiscal Accountability**

Tying Nirbhaya Fund tranches specific operational outcomes, such as investigation timelines and forensic turnaround rates, rather than just asset procurement.

#### **Community-based Interventions**

Adopting a "Te Aorerekura" style integrated strategy that empowers local grassroots and watch group institutions, which are more intimately aware of local abuses than centralized technological systems.

### **Limitations of the Study**

While this study offers a systematic analysis, it has several clear limitations. The research relies on secondary data from the National Crime Records Bureau. This data is affected by the reporting paradox. Since NCRB figures include only recorded crimes, higher crime rates may reflect better reporting behavior and institutional accessibility rather than higher actual incidence of violence, reinforcing the reporting paradox widely identified in gender-justice scholarship<sup>3</sup>. As a result, states with lower reported crimes may not be safer. They may instead have large levels of unreported violence due to social stigma and weak reporting systems. This creates dark figures of crime that are not captured in the data.

Furthermore, the statistical correlation between literacy and crime is limited using general literacy rates as a proxy for social awareness; it does not account for the quality of education or the "gender-sensitivity" of the curriculum. The study is also constrained by the time-lag in judicial and fiscal reporting, as the full impact of the Bharatiya Nyaya Sanhita (BNS) 2023 and recent Nirbhaya Fund disbursements may take several years to manifest in conviction data. Finally, the comparative benchmarking against international models such as New Zealand's Te Aorerekura strategy acknowledges the challenge of "policy transferability," as the socio-legal complexities of a populous nation like India differ significantly from the smaller, centralized governance structures of New Zealand. 14

### **Conclusion**

The systematic analysis of crimes against women in India reveals a profound disconnect between the nation's robust legislative



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**Appendix**

Appendix A: Statistical Analysis of the "Literacy Myth"

This table presents the regression output testing the correlation between State Literacy Rates and Crimes Against Women (2022).

Regression Statistics	Value
Multiple R	0.137
R Square	0.018
Adjusted R Square	-0.013
Standard Error	24.15
Observations	36 (States & UTs)

Note: The low R-Square value (0.018) indicates that literacy accounts for less than 2% of the variance in crime rates, statistically validating the "Literacy Myth."

Appendix B: Fiscal Utilization Matrix (Nirbhaya Fund 2017–2024)

A sample of state-wise fund utilization demonstrating the "Administrative Translation" gap.

State/UT	Funds Released (₹ Cr)	Funds Utilized (₹ Cr)	Utilization %
Delhi	617.71	480.2	77.70%
Uttar Pradesh	1,020.45	714.31	70.00%
Karnataka	667.8	380.64	57.00%
Telangana	350.22	192.62	55.00%
National Avg	--	--	70.00%



Data derived from the India Justice Report (IJR) 2025 and NJDG.

State	Judicial Ratio (Per Million)	Case Clearance Rate (CCR)	Trial Pendency (>3 Years)
West Bengal	11.1	0.042	58%
Bihar	12.4	0.062	49%
Uttar Pradesh	18.2	0.15	52%
National Benchmark	50	>1.0	<10%
State	Judicial Ratio (Per Million)	Case Clearance Rate (CCR)	Trial Pendency (>3 Years)

Mapping the transition from "Negative" to "Positive" Liberty.

Feature	India (Reactive Model)	New Zealand (Te Aorerekura)	Feature
Primary Focus	Surveillance & Punishment	Wellbeing & Prevention	Primary Focus
Urban Strategy	CCTV / Panic Buttons	Inclusion / Mobility Access	Urban Strategy
Accountability	Siloed Departments	Single National Monitor	Accountability
Legal Status	Aspirational Policy	Enforceable Obligation	Legal Status
Feature	India (Reactive Model)	New Zealand (Te Aorerekura)	Feature