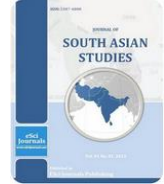




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## MAPPING MURDER: HOMICIDE PATTERNS AND TRENDS IN INDIA AN ANALYSIS FROM 2000-2010

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### ABSTRACT

Homicide data is collected to gather evidence about the specific means by which people die due to unnatural causes. This study focuses on homicide, related to crime, violence, armed conflict, with an emphasis on gender related homicide. The study is a first attempt to systematically analyze the National Crime Records (NCRB) homicide dataset, which records 13 categories of "murder by motive". The analysis is done from the period of 2000-2010 to assess victimization patterns in India. The assessment addresses questions of data accuracy and comprehensives, and these are necessary to examine given that NCRB is India's principal crime data set which is referenced for both domestic and international evaluations. The study's analysis is supplemented by drawing from UN reports, independent surveys and media articles. Of the 13 motive categories, love affairs, dowry, lunacy and witchcraft indicate specific forms of violence targeting women due to their gender. The analysis is also disaggregated by age, to better understand the proportion of females most at risk. When assessing homicide trends, it is relevant to consider the instruments of murder, and the study examines gun related homicide. NCRB data shows a marked decline in the total number of homicides during 2000-2010, the same sources show an even sharper drop in use of guns for killing. Reasons perpetuating this decline are worth examining given the protracted armed conflict situations and the problem of illegal firearms proliferation in India. A unifying theme in the study is the lack of accurate crime reporting practices. As a result, accomplishments like the declining violent crime and murder, as indicated in official NCRB data should be regarded with caution. In lieu of fully reliable data, the study provides recommendations aimed at institutional reforms to improve data recording practices to better the understanding of violence in India.

**Keywords:** Homicide, armed conflict, firearms, crime reporting, gendered violence

### VIOLENCE IN INDIA

The enormous complexity of India is matched by the diverse forms of violence that take place there. Recorded crime in India kills some 32,000 to 38,000 people annually (NCRB, Crime in India, 2000-2010). Other forms of violence, such as sectarian and political violence also result in the death of civilians, police force and insurgents. Examples include the riots that killed over two-thousand in Gujarat in February 2002 (Lobo, 2002) or fire-fights between police and Maoist insurgents like the 2010 battle in Dantewada where 76 police and 7 Maoists died (Apurva, 2010).

Human violence takes innumerable forms. This study focuses on murder, the deliberate destruction of human

life. It is stressed here because in addition to it being a prevalent form of violence in India, it is better documented than other forms of violence. Most crimes in India, including most violent crimes, are believed to be unreported. While reliable data is lacking, some experts estimate that only one-quarter of violent crimes are reported to police (Chakaborthy, 2003). Underreporting of murder occurs, but is believed to be much less than underreporting of other violent crimes, making murder the logical place to start a systematic examination of violence in the country.

This study is a first attempt to systematically analyze the National Crime Records (NCRB) homicide dataset ("murder by motive") from 2000-2010, in terms of victimization patterns. The study examines everyday realities of homicide and domestic violence familiar in much of the world, to more distinctive domestic

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problems of casteism, separatism, dowry dispute and witchcraft. This study reviews the forms of lethal violence, including the spectrum of armed violence facing the country and the use of guns. To assess how homicidal violence is recorded by the police, the study considers questions of data accuracy and comprehensives. These are necessary to address given that the NCRB is India's principal crime data set which is referenced for both domestic and international evaluations.

The first section explains how homicide and categories of homicide are defined. The second section is a discussion on the methodology and sources of murder data and data quality issues. The third part reviews 'murder by motive' categories adopted by the NCRB, with special emphasis on addressing characteristics and trends of female victimization. The fourth section explores homicide in the three conflict affected areas in India, the Northeast, Kashmir and Naxal regions. This is followed by a section on the instruments of murder, firearm related homicides. The sixth and final section provides recommendations aimed at improving the understanding of violence and to facilitate more effective policy-making in India.

**MURDER**

Homicide data is collected to gather evidence about the specific means by which people die due to unnatural causes. The Global Burden of Armed Violence (2008) defines homicide as the unlawful death inflicted on a person by another person. Use of this definition encourages inclusion of a wider range of actors and motives to assess homicide in the broader spectrum of

violence, in general and armed violence, specifically. In India, violent crimes are recorded under the Indian Penal Code (IPC), which makes murder legally distinct from homicide. Section 299 explains the offence of *culpable homicide* as death by an act committed with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that the action is likely to cause death. It is *culpable homicide amounting to murder* if the injury is sufficient to cause death in the ordinary course of nature. The distinction between the categories of murder can be a source of confusion (Mohanty, 2004b). The focus of this chapter is on the legal category of *culpable homicide amounting to murder*. This excludes some categories of violent death, especially accidental killing. It also excludes deaths caused by law enforcement personnel in the line of duty, such as by security forces and police officers.

While these categories are not comprehensive, they provide the foundation for the basic data on homicide in India. According to National Crime Records Bureau (NCRB) police reports, murder in India is decreasing. From 37,399 fatalities in 2000, the total number fell to 33,335 in 2010, an absolute decline of 11%. The decline is even more dramatic when adjusted for the country's population, which rose an estimated twenty percent during this period from 1.02 to 1.21 billion people. Thus the homicide rate fell in these years from 3.73 reported criminal fatalities per 100,000 people in 2000 to 2.8 per 100,000 in 2010 (NCRB, Crime in India, 2000-2010, in figure 1).

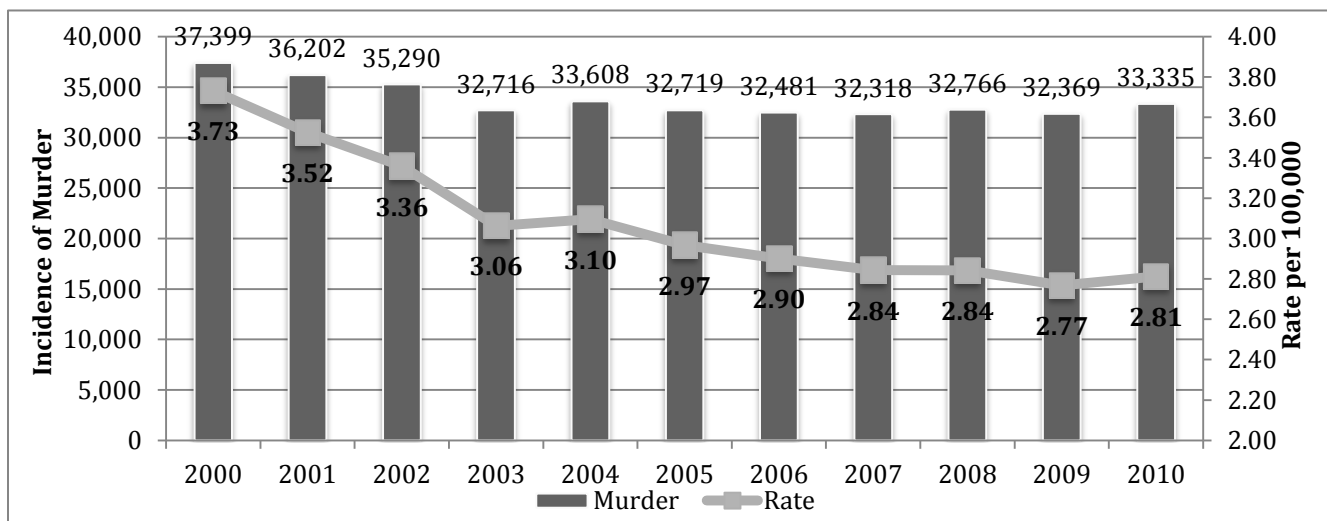


Figure 1. Declining murder in India, 2000-2010.

Source: NCRB, 2011.

## METHODOLOGY

This study is based on utilizing quantitative and qualitative approaches in analyzing data. The analysis is based primarily from drawing on the NCRB homicide dataset. Compared to other crimes, homicide is suitable for cross-state comparisons because the NCRB dataset provides state-wise disaggregated data. Homicide data is also the least affected by dark figure issues, since the killing of a person is more likely to be discovered and reported than other forms of violence. Since research has proven that homicide is correlated with non-fatal violence, homicide is commonly considered as a reasonable proxy for crime in general (UNODC, 2011). Analysis in this study is supplemented by drawing from additional sources, including UN reports, independent surveys and media reports.

**Sources of murder data and data quality:** Homicide data usually comes from one of two sources: the public health and criminal justice systems. It is important to note that both sources provide distinct perspectives on homicide data, reflecting their differing expertise and objectives. Public health sources aim to identify the comprehensive range of factors causing human mortality. The data usually is extrapolated from a number of variables, such as a sample of death certificates, medical examinations and hospital data. Criminal justice data, by contrast, serves primarily to detect if and how a crime was committed and typically relies on narrower judicial determinations (UNODC, 2011).

India's murder rate in 2007, according to state police data assembled by the NCRB, was 2.8 fatalities per 100,000 people. In that same year, according to public health sources collected by the World Health Organization, India's murder rate was 5.5. per 100,000 (UNODC, homicide statistics). The disparity between police and public health sources is not unique to India, but it poses serious problems for the analysis of violence and murder (Small Arms Survey, 2011a). In general, police data is more reliable; if it reports a murder, we can be sure someone died, but it lacks the comprehensiveness of public health reports. Public health records estimate closer to the total number of violent deaths, but again weaknesses and idiosyncrasies in national reporting systems affect both categories (Gilgen and Tracey, 2011).

To review murder in India this chapter draws on the more detailed data on violent death and murder from

the annual reports of the National Crime Records Bureau. The NCRB is a police agency under the Ministry of Home Affairs in New Delhi that collates data submitted by the police agencies of the country's 28 states, 7 union territories and the country's megacities. There is little public reporting by law enforcement agencies of the Central government, such as the Central Reserve Police Force or Central Bureau of Investigation. There is limited uniform reporting procedures and no standardized definitions for crime categories or reporting motives, so each set of submissions is not entirely comparable. This and other factors limit the utility of police data, which is a key finding of this study. While it would also be invaluable to draw on public health sources, in India presently there is no systematic public health data collection with the breakdowns required for this review.

It is also important to note that NCRB figures, unlike other countries' crime statistics, cover only cognizable IPC offences, which is when the police may arrest a person without warrant and start investigation without orders from the court. The NCRB data thus excludes a large number of non-cognizable cases and the bulk of offences under state and national legal exemptions such as the *Armed Forces (Special Powers) Act* (Subramanian, 2010). Especially in regions of the country where armed conflicts such as regional secessionism or Naxalite warfare are serious, these considerations keep large numbers of fatalities off the books.

Police collection of crime data is further affected by three additional factors. One is the low emphasis and no priority on data collection among law enforcement agencies. Instead there is a stronger concern for the maintenance of public order and tranquility, or law and order. If a conflict occurs between the implementation of a social legislation which might upset the social status quo and the maintenance of law and order, the weight of administrative culture and tradition favors the latter (Subramanian, 2010). The second general problem for data gathering is the practical dimension of accessibility. The data collection from the country's largest cities is regarded as most accurate due to people's higher awareness of their rights and police visibility. By contrast, rural areas remain more opaque. While reported violence generally appears to be higher in Indian cities, crime reported from the countryside and villages is considered unreliable. A reason for this is the low levels of police presence in India. For the entire

country, there is roughly one constable for every 1,200 people, which is one-third to one-fourth the level common in developed countries (Verma, 2000). Levels of policing can be much lower than even this in rural areas. Finally, marginalized and more vulnerable groups be they tribal or women often are inhibited from reporting violent crime to police, in turn this impacts the comprehensiveness of reported data.

There are different lens by which murder can be characterized: actors, instruments, or the environment. NCRB distinguishes its murder data primarily by 13 categories of motives. These are gain, property dispute, personal vendetta or enmity, love affairs/sexual causes, dowry, lunacy, witchcraft, terrorism/extreme violence, political reasons, communalism, casteism, class conflict and other motives (NCRB, Crime in India). These are discussed ahead in detail.

**MURDER BY MOTIVE**

This review follows the approach used by the official NCRB reports to examine murder in India. The NCRB collates murder data under Section 302, IPC and disaggregates it into 13 different motives (see Figure 2). These categories constitute a unique Indian police taxonomy borne from the Statistical Section of Bureau of Police Research and Development (BPR&D). The motive categories do not exhaust the range of possible murder situations and are not strictly mutually exclusive (Mohanty, 2004b). Over the years, the number of categories related to motives has been adjusted. While

systematic, nation-wide data on homicide was collected since 1953, it was only in 1999 that data on murder for witchcraft, political reasons, political extremism and terrorist violence were added.

The NCRB does not provide definitions for each motive, except dowry crime, which is separately recorded under the IPC, Section 304B. Each motive category is intended to represent different causes of murder. Categories such as *casteism* and *dowry* highlight context specific and more cultural oriented causes. Other motives, such as *gain*, which include theft and robbery, are more familiar from the experiences of other countries. The classification of homicide cases in India depends upon the police officers, often at the early stage of investigation when little is known (NCRB officials, personal communication, New Delhi, October 2011). To gain a clearer perspective of trends, Figure 2 provides a historical development of the different motives of murder in India from 2000-2010. In 2010, the largest category of murder motives by far was *other* motives, constituting 62 percent of all reported murders.

This reporting preference creates significant epistemological difficulties, a problem explored later in this chapter. Of the other twelve categories, personal vendetta was the next highest with 3,369 cases recorded, followed by property disputes with 3,097 murders, and love affairs at 2,365. By contrast, the lowest number of cases is recorded in communalism (18), casteism (23) and class conflict (28).

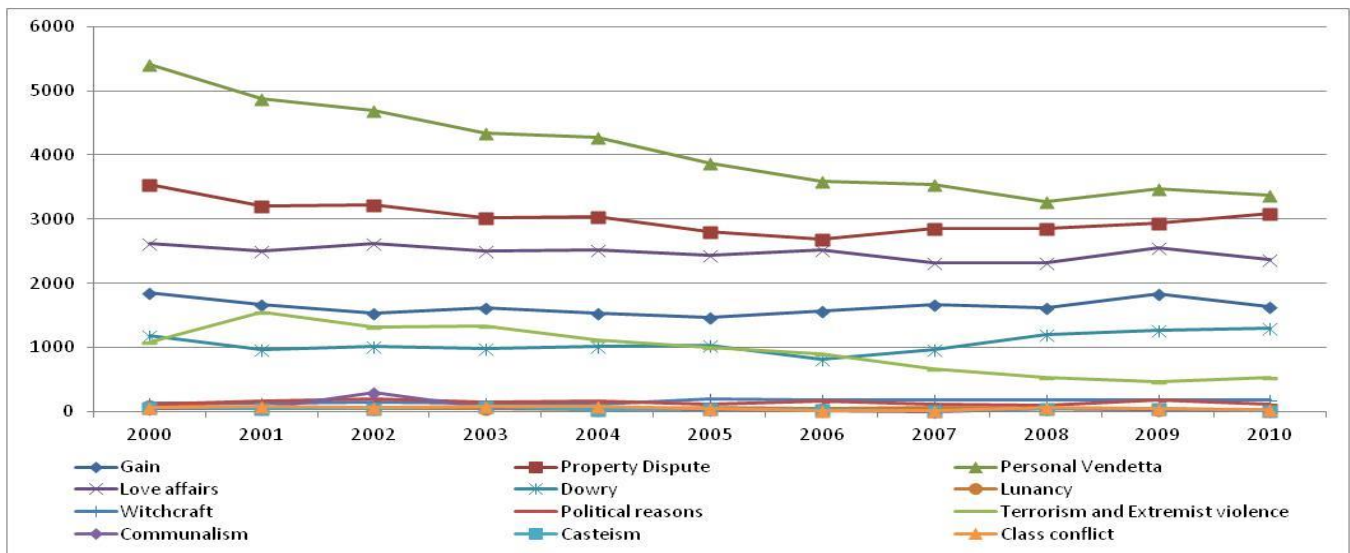


Figure 2. Reported murder by motive, 2000-2010

Source: NCRB annual volumes, 2000-2011.

The data highlights the wide range and variation in the types of murders being recorded. In general, the trend

has been of a reduction or stagnation in the number of murders for each classification from 2000-2010. The

highest net change in the classified murders was for the category personal vendetta which fell almost 38%, from 5,412 reported cases in 2000 to 3,369 in 2010.

**Murder for gain, property disputes and personal vendettas:** A folklore refrain of “*Zan, zar, zamin*” (“women, gold, and land”) describes the common causes of murder committed by men in India. Despite the stereotypical element of any proverb, the murders relating to property and women amount to a substantial proportion, an observation bolstered by police data and other forms of evidence (Nagpaul, 1985; Drèze and Khera, 2000). Although these three categories are separated for reporting purposes, in practice they often are difficult to distinguish due to overlap in causes for committing murder (NCRB officials, personal communication, New Delhi, October 2011). Thus for analytical purposes they are grouped together in this study. These motives also share a clear downward trajectory in crime statistics (Figure 3, 4). The decline in reported murders for gain, property, and vendetta appear to have played a major role in the overall decline in reported murder in India since the 1990s.

Gain refers to murders related to unlawful acquisition of valuable items with monetary worth such as gold, ornaments, jewelry and cash. It encompasses extortion,

robbery and theft, followed by murder of the victim. In 2010, police attributed 1,642 deaths to gain, five percent of total murders, a decrease of 10.7% from the number of murder incidents reported for gain in 2009, when the total was 1,838. As is usually seen in Indian murder statistics, the role of reported gain varies greatly by state. In 2010, the state with the most gain killings reported was Bihar with 352, followed by Andhra Pradesh at 219, and Jharkhand with 154. Fewer than five incidents were reported in the states of Arunachal Pradesh, Himachal Pradesh, Jammu and Kashmir and the Union Territories, except Delhi, which reported 26 gain related killings (NCRB, Crime in India, 2011).

While the NCRB does not provide gender disaggregated motive-wise murder data, other evidence suggests that murders committed for valuable ornaments often result in the death of a woman. An example of a gain motivated murder took place in Kolkata, where a 57 year old woman was found murdered with a blade as the weapon and all her ornaments stolen, such as earrings which led to the tearing of her ear in the process, and including the cash stacked in the house (*Time of India*, 2011). The same theme is routinely reported in the daily news media reports on related murders.

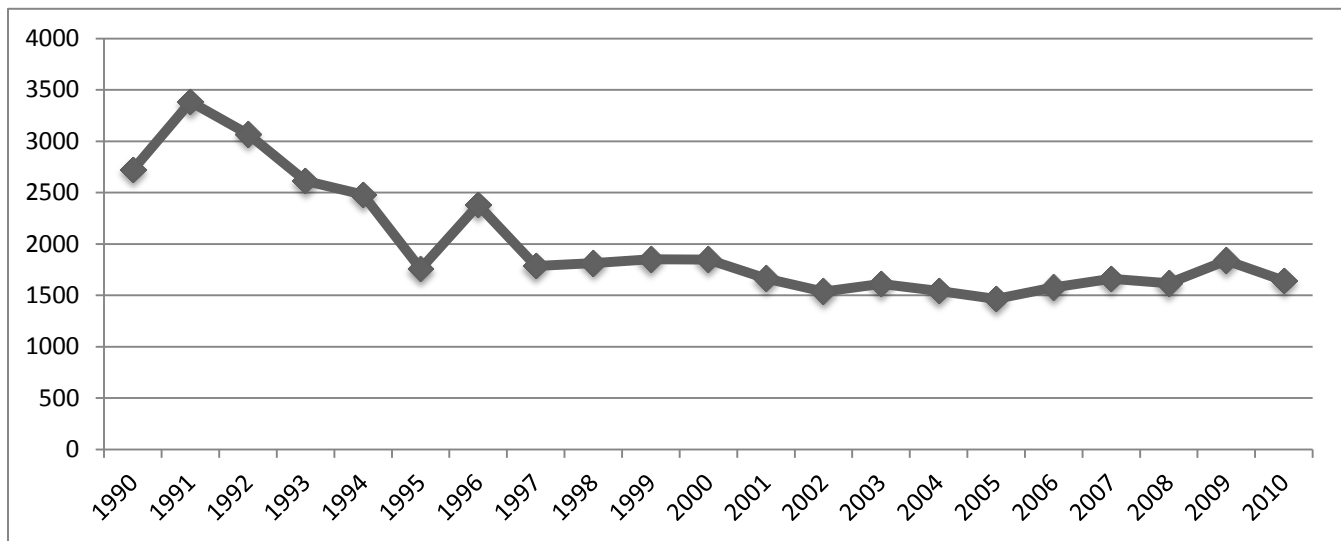


Figure 3. Reported Murder for Gain

Source: NCRB, 2011.

Closely related to matters of gain are murders over *property disputes*, most commonly land grabbing or encroachment. Reports of murder over property dropped significantly in the 1990s but have been stable since (figure 4). In 2010, 3,097 murder cases were reported due to property disputes, 9.3% of the total

murders in India, and a 5.5% increase over reports in 2009 (NCRB, Crime in India, 2011). At another level, murders over property dispute occur at a community and family unit. In a case reported from Chandrapur in Maharashtra, a farmer allegedly killed his sister in law and committed suicide as he objected to the fact that she

was being offered a share in his parental property. In another case in Patwan village of Haryana, a woman and her two teenage sons were murdered by her son-in-law over a dispute regarding the distribution over their ancestral property (*Indian Express*, 2011). According to the police reports, the relatives hired contract killers to murder the family. Historically in Indian society, women did not have rights to ancestral property. It was only through amendments to the *Hindu Succession Act* of 1956 that women were legally guaranteed rights to ancestral property (Law Commission of India, 174<sup>th</sup> Report). Though this law has been passed, in rural areas male members of the family often feel injustice and threatened in the distribution of ancestral property when a share is granted to the female members of the

family. Such forms of property dispute, in a majority of cases take place within the family resulting in family feuds over land issues. These cases often include motives of property disputes, as well as personal vendetta or enmity. The documentation of these murders ultimately depends on the discretion of the police officer recording the data. Through the different examples discussed, makes it clear that such incidents of murder could have overlapping motives and is a source for confusion during motive categorization. In 2010, the states with the highest incidence of murders due to property disputes and the highest number of recorded personal vendetta and enmity murders were in Bihar (441) and Madhya Pradesh (492) (NCRB, Crime in India, 2011).

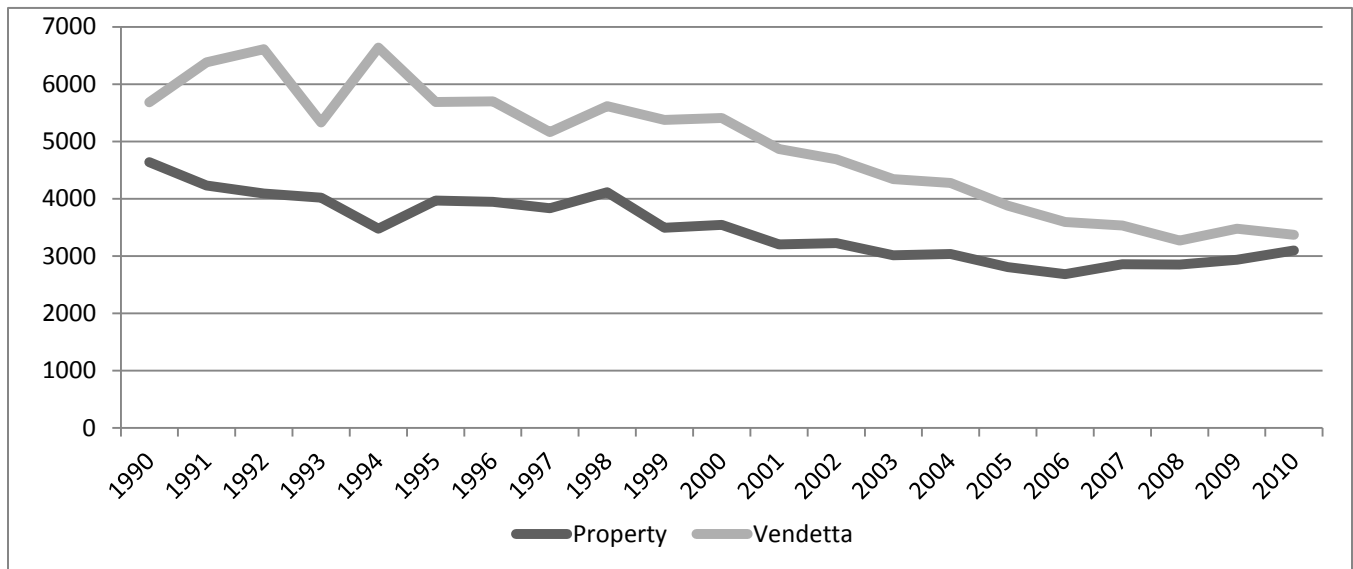


Figure 4. Reported Murders for property disputes and personal vendettas Source: NCRB, 2011.

**GENDERING MURDER IN INDIA**

Globally, women constitute the majority of victims of intimate partner and family-related homicide, but men are those most often involved in homicide in general, and make up an estimated 80 per cent of homicide victims and perpetrators (UNODC, 2011). Similar trends can be found in India. Of the 33,335 murders victims noted by the NCRB in 2010, a majority were men (Figure 5). While the national murder rate was 2.8 per 100,000 overall, data disaggregated by gender reveals that the murder rate for men was 4.0 per 100,000 and for women, the rate was 1.4 respectively (NCRB, Crime in India). In all, there were 2.8 times more male victims, 25,166 men and boys compared to 8,618 women and girls. The trends illustrated in Figure 5 indicate that the decline in murders since 2000 has disproportionately

favored men, while the reported murder rate for females is more stable (NCRB, Crime in India).

The proportion of female victims varies greatly by age. Disaggregated by gender and age, NCRB 2010 data (Figure 6) depicts that most victims of murders reported in India are male, but in the age cohorts 18 to 30 and 30 to 50 years, the proportion of female victims rises to approximately one out of every three murder fatalities. Similar trends are found in other forms of violence against women. A recent study in *The Lancet* on sexual violence in India, reported that adolescent wives are the most vulnerable to marital sexual violence in any age group and an estimated 2.5 million adolescent girls (between 15 to 19 years) are victims of sexual violence (Raj and McDougal, 2014). It cannot be ruled out that a certain percentage of these sexual violence acts may

actually have been homicides committed by unknown or known male members to the victim. This disparity warrants careful investigation, but also requires more detailed reporting on the matter. The next section discusses characteristics of female victimization in India.

In the context of men, young males in the age cohort 18-30 years tend to be disproportionately at greater risk due to higher chances of their involvement in violence prone activities, such as petty crime and gang involvement.

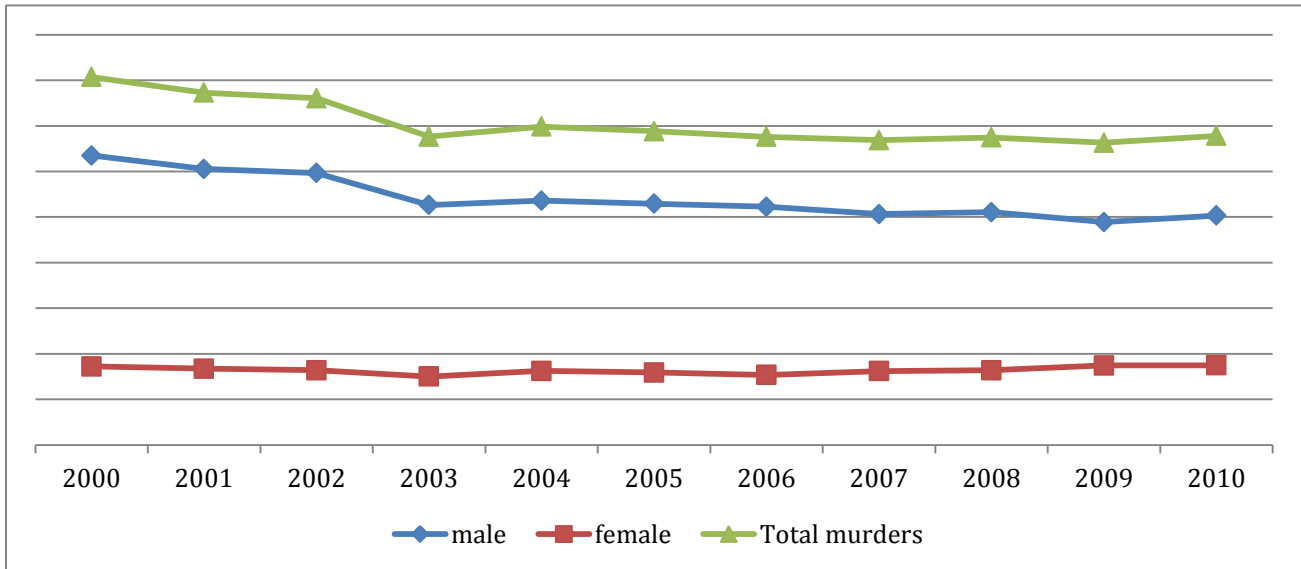


Figure 5. Murder victims in India, male and female, 2000-2010

Source: NCRB, 2000-2011.

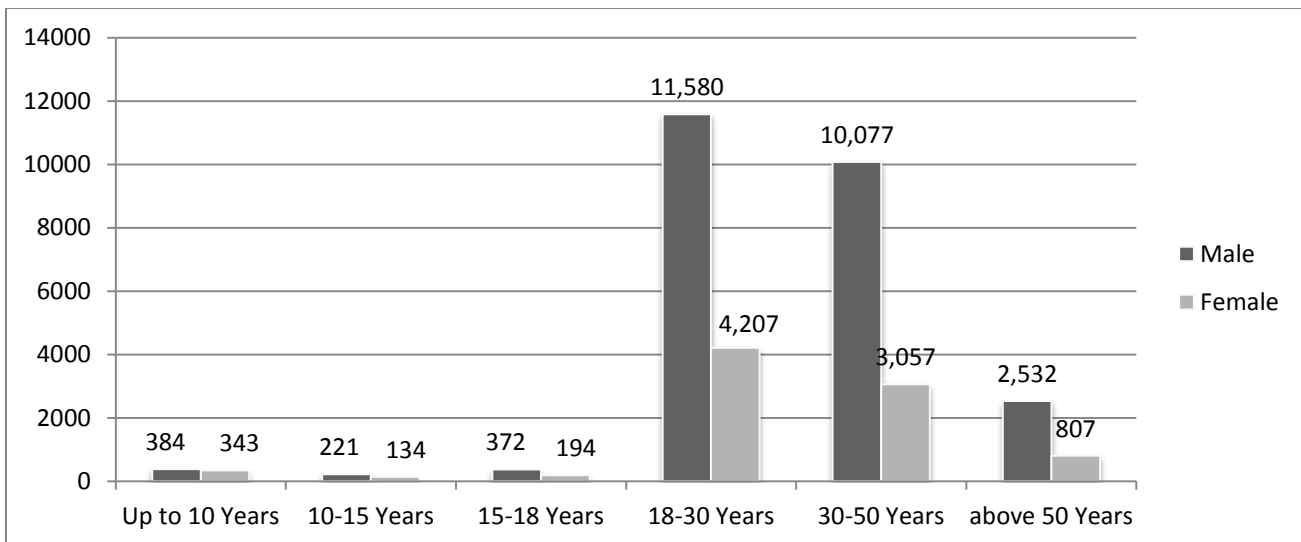


Figure 6. Murder victims disaggregated by gender and age in 2010

Source: NCRB, Crime in India, 2011.

**Characteristics of female victimization:** While police reporting of the motives of violence and homicide appears to be highly incomplete, NCRB reporting categories indicate that specific forms of violence and killing target women, victimized specifically due to their gender. Women and girls in India are the predominant victims of killing due to love or sexual motives, as well as dowry and witchcraft-related

violence. A report by UN Women stated that “Violence against women and girls is both an extreme manifestation of gender inequality and discrimination, and a deadly tool used to maintain women’s subordinate status” (2011). Gendered violence is based on social constructions which reflect deeply rooted relations of power, determining the roles, behaviors and relationships associated with masculinity and

femininity, roles that vary between and within cultures (Geneva Declaration, 2008). A common theme among forms of female victimization is the involvement of known perpetrators such as husbands, family and community members. The World Health Organization estimates that globally 40-70 percent of all female homicides are committed by an intimate partner (Krug *et al.*, 2002).

Perhaps the single most powerful illustration of female victimization in India is the male child preference, culminating in widespread female infanticide. UN Children’s Fund defines female infanticide as the killing of a girl child within the first few weeks of her birth. Infanticide is practised globally, with varying levels of severity. In Europe and North America, the ratio of girls to boys born is approximately 95:100, but in countries such as China, Taiwan, South Korea, India, and Pakistan, as well as some sub-Saharan African countries, the ratio

is lower (Watts and Zimmerman, 2002). According to a report on 'India's unwanted girls' (2011), it estimates that eight million femalefoetuses were aborted during the past decade (BBC, 2011c). In 1961, for every 1,000 boys under the age of seven, there were 976 girls, a figure that dropped to 914 girls in 2010 (figure 7).

In India and South Asia, preference for a boy child is driven by economic and cultural factors (Geneva Declaration, 2008). Boys are typically expected to earn the family’s income, inherit property while daughters are perceived as a source of debt due to dowry requirements. However, income level alone does not explain the rampant practice of female infanticide in India, as preference for a boy child is common in poor and rich states. The ratio of females to males in Punjab and Haryana, which are among the country’s richest states are remarkably low, which a sex ratio of 863 and 857 respectively (GoI, 2012).

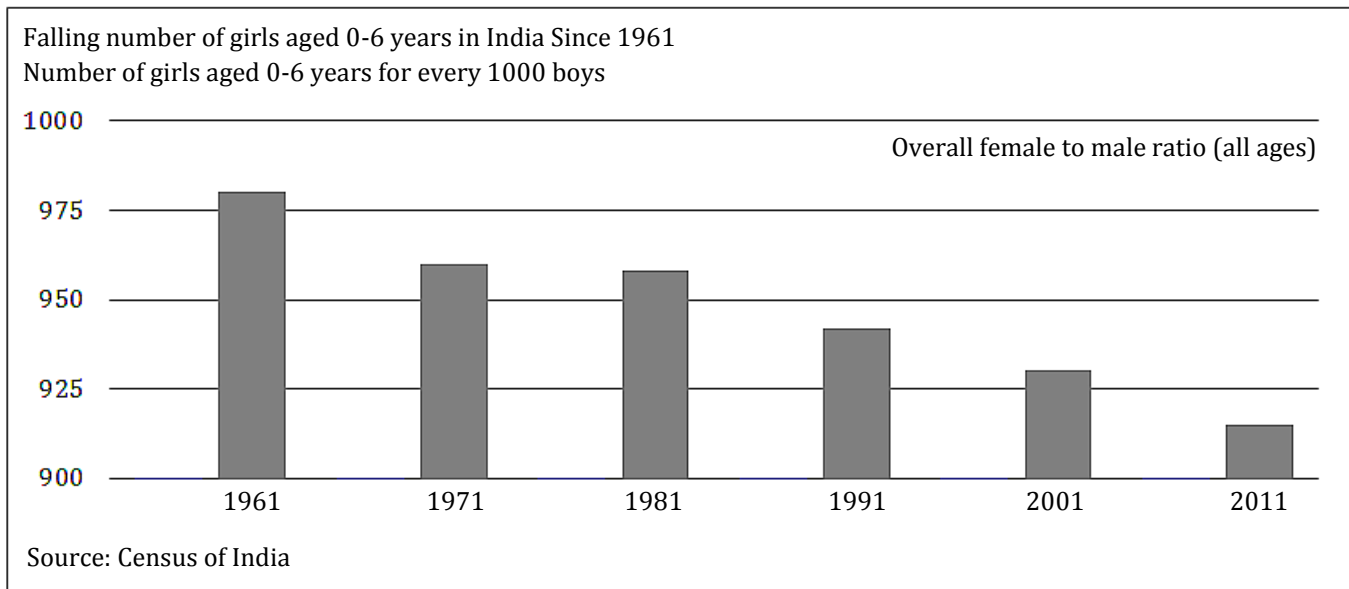


Figure 7: The declining proportion of girls in India since 1961

Source: 'India's unwanted girls', BBC report, 2011.

In 2010, NCRB recorded a total of 33,335 murders, of which 26% were female victims (NCRB, Crimes against Women). These conservative estimates do not present the complete picture of the number of female victims in India, as acts of violence against women often go undocumented and are kept hidden due to stigma, taboo, violence deemed as 'private matters' and family honor, suppressing reporting and making data unreliable. This is aggravated by lack of gender sensitivity among police, further discouraging women and girls from reporting crimes. A recent study estimated that only 1% of victims

of sexual violence report the crime to police (Raj and McDougal, 2014).

To respond to the different forms of female victimization, the Government of India (GoI) has introduced a number of initiatives to tackle gender based violence.

- The Protection of Women from Domestic Violence Act of 2005, providing more effective protection of Constitutional rights for women who are victims of violence of any kind occurring within the family including any unlawful demand for dowries;



- New Bill on crimes against women - Criminal Law (Amendment) Act 2013. The Criminal Law Act received Presidential assent on 2 April 2013. This resulted in the amendment of India's penal code, as well as laws of criminal procedure and evidence gathering. These amendments are closer to addressing violence against women and girls experiences, as they propose broader definitions of rape, and utilize the phrase 'sexual assault' to encompass acts of disrobing, acid attacks, stalking and voyeurism. Punishment and jail terms have been increased in most cases, with the death sentence becoming applicable for repeated offences of rape, or rape that results in coma. The bill further includes the first information report, which implicates police who fail to record a complaint, in order to address the problem of under-reporting of crimes against women;
- Setting up of helplines for women in distress under the Swadhar Scheme and support services to victims of violence through schemes such as Short Stay Homes and Swadhar under which shelter, maintenance, counseling, capacity building, occupational training, medical aid and other services are provided (GoI), (Ministry of Human Resources Development, 2011).
- Assistance for rescue and rehabilitation of trafficked victims as well as prevention of trafficking through interventions by National and State Commissions for Women. There are literacy and legal awareness camps and implementation of schemes for (i) awareness generation and advocacy, (ii) economic empowerment of women through the programmes of Rashtriya MahilaKosh, Swashakti project, Swayamsidha Project, Swawlamban programme and Support to Training & Employment Programme.

These initiatives represent important commitments and statements of responsibility. But the underlying pathologies continue to remain poorly understood, including murder due to lunacy, witchcraft allegations, love and sexual attack, and dowry disputes.

**Murder due to lunacy or witchcraft:** Murders recorded under lunacy and witchcraft are rare, but the problems they reveal may be much bigger than the data show. Just 33 incidents of killing due to lunacy

were recorded in all of India during 2010. The states of Gujarat and Maharashtra stand out, with 8 and 6 incidents respectively that year (NCRB, 2011). There is no legal definition for a lunacy killing under the IPC, Section 302, but Section 84 defines lunacy as the act of a person acting with an unsound mind, "...nothing is an offence which is done by a person who, at the time of doing it, by reason of unsound of mind, is incapable of knowing the nature of the act, or that what he is doing is either wrong or contrary to law." Whether this matches actual circumstances of a lunacy related murder is doubtful, especially since determinations are made by police, not by professional psychologists. The category could invite misreporting or disposing of difficult cases.

A slightly more common form of murder practiced in India is witchcraft. According to a 2002 UN report, the practice is found mainly in Asian and African communities (UN, 2002:16). In 2010, Indian police records reported 178 murders motivated by witchcraft (NCRB, 2011). Independent studies suggest the actual total could be more than twice as high (Sutradhar, 2006). While victims can be male or female, the vast majority of witch killings appear to target women.

Charges of witchcraft in India are associated mostly with relatively isolated and poor tribal populations (Lakshmi, 2005). Superstitions blame witches for problems as diverse as illness, bad luck, drying wells, crop failure or failure to give birth to a son. But suspicion of witchcraft also appears to commonly be a ploy for violence against women. An official from the Jharkhand social welfare department stated (2005), *"Superstition is only an excuse. Often a woman is branded a witch so that you can throw her out of the village and grab her land, or to settle scores, family rivalry, or because powerful men want to punish her for spurning their sexual advances. Sometimes it is used to punish women who question social norms. Women from well-to-do homes in the village are never branded witches...It is always the socially and economically vulnerable women who are targeted and boycotted."*

Instances of property dispute resolution within the community have resulted in women being branded as witches. This often allows for a societal solution using the superstitions of a community to solve a problem, often economically related and taking advantage of the isolation or stigma surrounding a woman. A

woman deigned to be a witch or 'dayans' is at grave risk of ritual cleansing through death, to eliminate the evil spirit causing problems (UN, 2002).

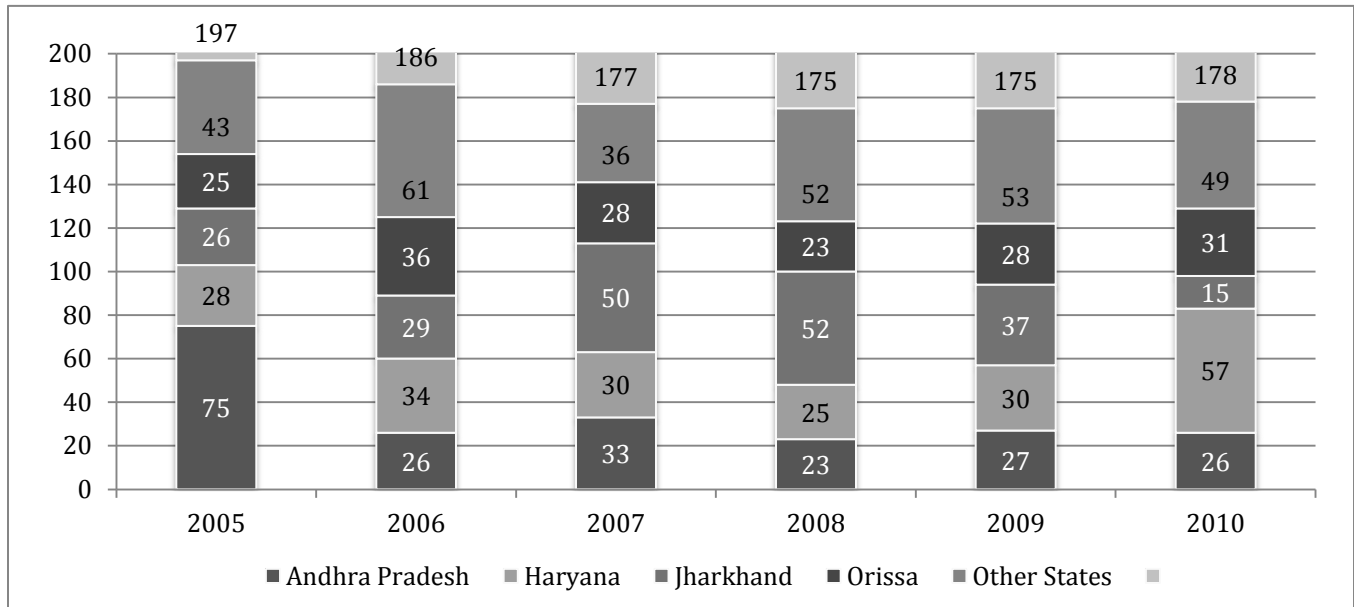


Figure 8. Reported murders due to witchcraft

Source: NCRB, Crime in India, 2011.

In India, since 2005 there has been a decreasing trend in the number of murders attributed to witchcraft at a national level. States with the highest prevalence of murders due to witchcraft are Andhra Pradesh, Haryana, Jharkhand and Odisha. The tribal belts in Andhra Pradesh, Jharkhand and Odisha are in particular regions where women are murdered as they are perceived to be witches for various reasons. According to a study by the Free Legal Aid Committee, an advocacy group that works against witch-hunting, only two percent of people charged with witch-hunting are convicted in court, a ratio apparently far below other murder motives (Lakshmi, 2005).

**Murder due to love:** Love is a major element in the official causes of India's reported murders. Jealousy, unrequited, denied, intimate partner violence and stymied affections are commonly associated with such murders. Although official reports do not clarify the category, it also appears to include some sexually motivated murders. According to the NCRB reported data, in 2010, 2,365 such cases were recorded and accounted for 7.1% of the total murders in the country (NCRB, Crime in India, 2011). Cases were reported from across the country in all states, except Manipur which had no murders recorded due to love related motives. The majority of homicide victims due

to love or sexual causes are women. The Geneva Declaration reports that in such murders, most cases involve intimate and known partners and family members.

These murders are particularly common in Asian countries (Geneva Declaration, 2011). Such homicides are heavily influenced by local traditions, family, social structures, and levels of education. Patriarchal dominance in India is a major risk factor for lethal violence against women, often considered as property of the men in their life (UNFPA, 2003). Local norms are a major factor influencing perceptions of justifiable and accepted behavior. According to the UN Women's, *Progress of the World's Women* report, 39% of women and men in India think it is sometimes or always justifiable for a man to beat his wife, while an estimated 35% of Indian women face physical violence and 10% suffer sexual violence from their partners at home (UN Women, 2011).

According to the NCRB data, in contrast to other major motives such as gain, property or vendetta, love attributions remained relatively stable during most of the period under review, except for a temporary and poorly understood peak in the early 1990s. While murder in general has declined since then, there is not a concomitant decline in love

murders, although the rate per proportion of population has dropped (Figure 9).

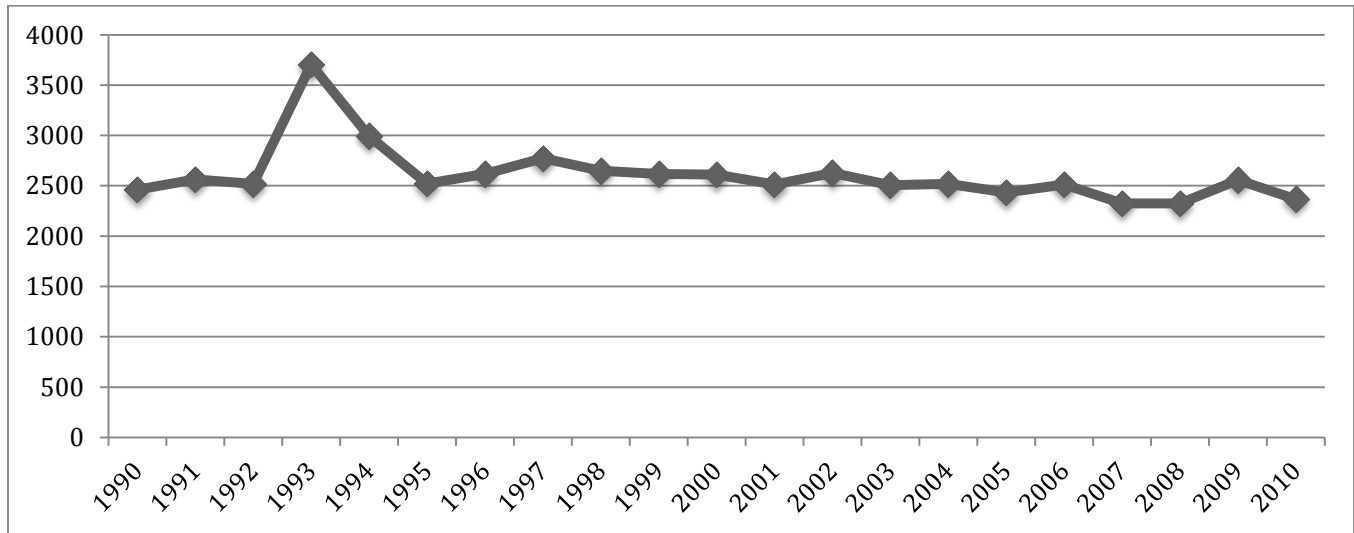


Figure 9. Reported murders due to love

Source: NCRB, 2011.

**Dowry Death:** The forced payment of dowries by brides' or their families was prohibited in 1961 under Indian civil law. Yet dowry demands remain a significant social evil in India, with violence due to allegedly insufficient dowries increasing in the last two decades. Dowry death problem, is defined under the IPC as, *...where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or*

*harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death (IPC, 304B).* The custom of dowry has also been linked to bride-burning, if promised dowry payments are not made. Under NCRB reporting practices, murders due to dowry disputes are recorded under a separate chapter, 'Crime against Women'. Official reports of dowry murder have increased steadily since 1990 (figure 10).

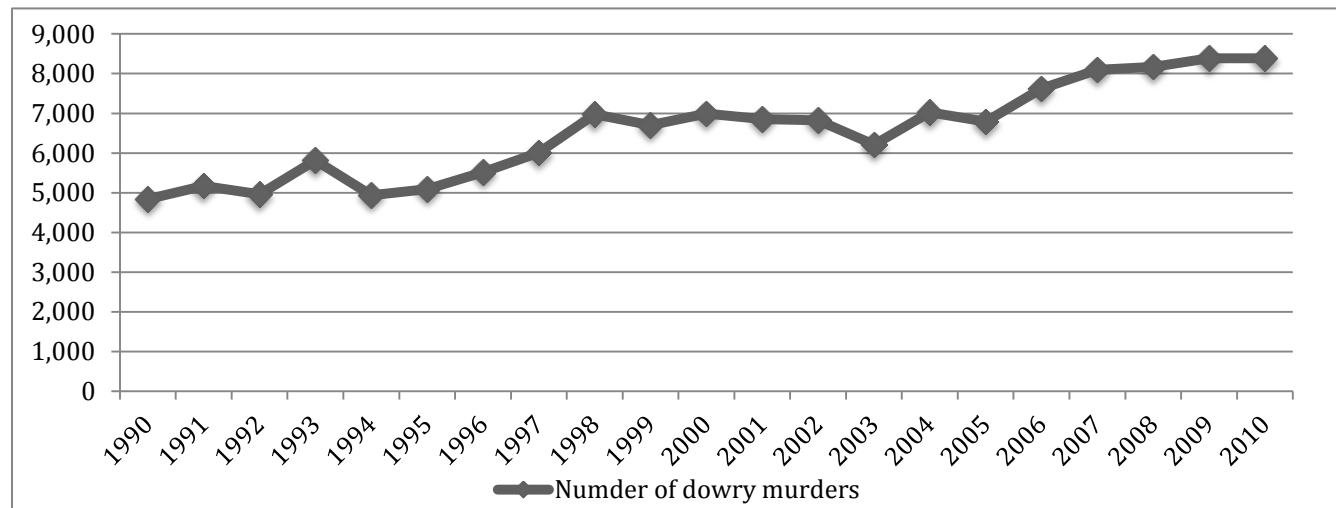


Figure 10. Reported dowry deaths in India

Source: NCRB, Crime against Women, 1990-2011.

In 2010, a total of 8,391 dowry deaths were recorded (NCRB, 2011). It remains unclear whether the increase in recorded cases of dowry deaths is due to improved police recording practices and law enforcement attention or an aggregate increase in deaths actually is

taking place (Geneva Declaration, 2011). Similar to other deadly pathologies, dowry death is regionally concentrated. In the past decade, the states of Bihar and Uttar Pradesh have reported the highest figures in the country. In 2010, 26.4% of all reports were from Uttar

Pradesh (2,217) followed by 15% from Bihar (1,257) (NCRB, Crime against Women, 2011). A study on female mortality in India suggests that the dowry phenomenon is more pervasive in northern parts of the country (Anderson and Ray, 2012).

**CONFLICT AND POLITICALLY MOTIVATED KILLING**

Because it threatens not just the security of individuals, but also the security of the state, terrorism and insurgency weighs heavily in official priorities. The World Bank recorded 31,599 conflict deaths in India from 2000-2008, separate from intentional murder, approximately one-tenth the scale of criminal and domestic homicide (WDR, 2011). How to compare criminal and politically-motivated killing is a tricky question. Much depends on the reporting practices of particular states, which appear to differ considerably. The NCRB limits reporting by focusing exclusively on murder as legally defined, a definition that excludes other forms of conflict death, especially killing by government security personnel in the line of duty. Because it does not report on these and other conflict-related categories, NCRB data must be supplemented. The most widely used data source on Indian conflict fatalities is from a private research institute, the South Asian Terrorism Portal (SATP), which compiles reports from official documents and the news media.

The World Development Report ranked India third in the world for conflict fatalities, after Iraq with 124,002 and Democratic Republic of the Congo 75,118 battle-related deaths during 2000-2008 (2011). If all conflict deaths were reported, including killings by security services in India, the total number of fatalities would be higher. India's armed conflict deaths come from specific

acts of terrorism, as well as protracted conflicts in Kashmir, the Northeast and Naxal affected states. Caste, class and communal violence are additional important elements of Indian political violence, which are discussed ahead.

**Terrorism and extremist violence:** In 2010, the NCRB recorded 537 murders in India due to *terrorism and extremist violence*, constituting 1.6% of total reported murder deaths that year (NCRB, Crime in India, 2011). Terrorism and extremist violence cause less than ten percent of all violent death, but dominate the national political agenda. Terrorism refers to politically motivated secessionist violence, or to internationally sponsor political violence. Its definition usually does not include communal or sectarian violence (Hoffman, 2006). While specific incidents like the November 2008 Mumbai attacks that killed an estimated 158 civilians dominate international attention, the greatest long-term effects come from three main theaters of terrorist or insurgent threats in Kashmir, the Northeast region, and Naxalism.

**Kashmir:** Divided into India and Pakistan administered regions since the war of 1947-48, Kashmir remains a volatile region and definitive national issue. Estimates of the Indian security presence range from 170,000 to 500,000 personnel (AFP, 2011; BBC, 2011a), making it the largest military deployment in the world today. From 2006-2010, NCRB and SATP data both indicated a steep drop in terrorist murders in Kashmir, meaning killings by opponents of Indian rule. The year 2010 saw the lowest number of violent incidents in Jammu and Kashmir for two decades (*Greater Kashmir*, 2010).

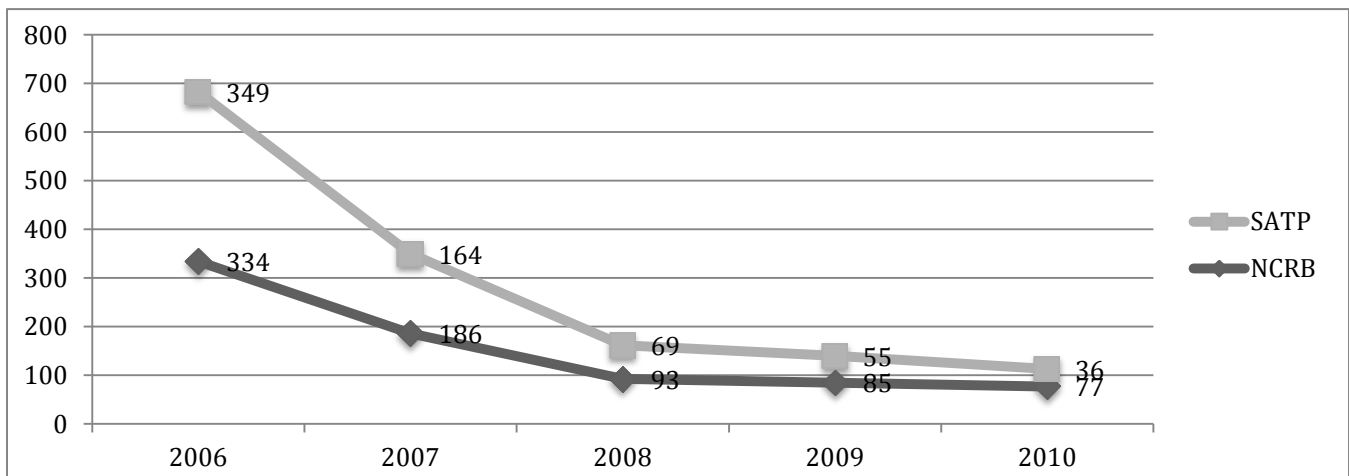


Figure 11. Jammu & Kashmir terrorist or extremist murder trends Sources: NCRB, 2011 and SATP, 2006-2009.

This reflects a decline in local support for armed conflict, where civil society is seeking a political settlement. As the ferocity of killing declines in Kashmir, the total scale is becoming clearer. Most striking are previously unrecorded killings by security forces, overlooked in NCRB and SATP data. In August 2011, the National Human Rights Commission (NHRC) of India confirmed the recovery of 2,156 bodies in Indian-administered Kashmir. Many thought to be civilians, buried in 40 hidden graves over the past twenty years. The acceptance of such evidence by NHRC is a major breakthrough in India, the first government body to confirm reports of unaccounted deaths previously alleged by human rights organizations and civil society reports, but never included in official tallies (BBC, 2011d).

**Northeast:** In Northeast India, insurgencies are spread across the seven states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. The region’s militant groups vary greatly in size, political objectives and deadliness. Most represent different tribal communities. Levels of armed violence in the Northeast have waxed and waned, but never been fully resolved. Instead conflicts shift from clashes between tribal groups versus the state, to one tribal group versus another, or tribal versus non-tribal groups (Sahni, 2001). While NCRB and SATP figures for conflict death (killings by insurgents exclusively, not security services) differ for the same year, much remains unknown about the accuracy of the number of murders in the Northeast.

Table 1. ‘Terrorist and extremist’ murder in Northeast India.

Year	Data source	Assam	Arunachal Pradesh	Manipur	Meghalaya	Mizoram	Nagaland	Tripura	Total
2005	NCRB	51	1	110	3	0	21	24	210
	SATP	149	0	138	2	2	9	34	334
2006	NCRB	59	2	127	12	0	22	17	239
	SATP	96	0	107	7	1	10	11	232
2007	NCRB	40	5	152	6	0	0	14	217
	SATP	269	2	150	4	2	20	10	457
2008	NCRB	63	1	112	10	0	4	8	198
	SATP	224	0	131	0	0	42	7	404
2009	NCRB	41	0	61	3	0	5	0	110
	SATP	175	0	77	1	1	7	9	270
2010	NCRB	20	0	29	4	0	2	1	56
	SATP	48	0	26	3	0	0	0	77

Source: NCRB, 2011, SATP, 2005–2010.

According to NCRB, from 2005-2010, the states with trends of notably higher murder incidents are Assam and Manipur, home to over 90% of all political murders in the Northeast in recent years. New Delhi’s efforts to deal with north-eastern militancy rely on military force and political accommodation, typically bringing rebels into the state government (Small Arms Survey, 2011a). Another government response has been the enforcement of the Armed Forces (Special Powers) Act of 1958 (AFSPA), which gives the military legal immunity (AFSPA, 1958). This helps explain the limited reporting on killing by security services. Closely related is the problem of extra-judicial killing, or *encounter deaths*, as they are known in India. Encounter deaths surface

primarily through media and civil society reporting. In 2010, the NHRC, documented 111 previously unrecorded deadly encounters, often believed to be faked to conceal extrajudicial killings, by police and the military in the state of Manipur (Talukdar, 2010).

**Naxalism:** Active in roughly 200 of India’s 626 districts, Naxalite combatants have risen since 1967 to become a major military and human security challenge. Indian Prime Minister Manmohan Singh described the threat as “...perhaps the gravest internal security threat that we face” (*Indian Express*, 2009). The objective of the Naxal movement is the violent destruction of the state and the imposition of a Maoist political renaissance (IPCS, 2010a). Recent figures estimate the strength of the

Naxalite movement at 15,000 combatants (IPCS, 2010c). They have spread among the rural hinterlands of the states of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and West Bengal. According to NCRB data, of the 537 terrorist or extremist murders in 2010, 75% were recorded in Naxalite affected regions (NCRB, Crime in India, 2011). These statistics miss much of Naxalite conflict, especially killings by security services. The social and political disruption of Naxalite violence, moreover, is far greater than numbers of fatalities might suggest, and seems certain to dominate regional security affairs for years to come.

Table 2. Deaths attributed to Naxalite attacks, 2010.

State	NCRB	SATP
Andhra Pradesh	19	4
Bihar	22	22
Chhattisgarh	131	7
Jharkhand	48	27
Madhya Pradesh	0	-
Maharashtra	31	1
Odisha	8	20
West Bengal	145	50

Source: NCRB, 2011, SATP, 2010.

**Political Murder:** In contrast to armed conflict, political murder is used by the NCRB to refer to individual killings for political reasons, such as subverting elections. In 2010 it recorded 124 political murders, a decrease of 35% from 2009, with 190 fatalities (NCRB, Crime in India, 2011). The category appears to refer to selected killings for political purposes, often by political thugs, not by groups bent on territorial control. Arguably some of the politically motivated murders may be related by overlapping motives (Table 3). In India, the variety and depth of violent death characterizing its society has an irreducibly political context. One analyst notes that ‘politics of violence’ means to resort to physical violence to promote a political objective and ‘violence of politics’ denotes violence built into the institutionalized structure of politics. Both are present in India (Subramanian, 2010).

**Caste, Class and Communal Murder:** The difficulty of definitions and categories may explain the low reporting

of caste, class and communal (often known elsewhere as *sectarian*) violence. The partition of India and Pakistan in 1947 saw horrific communal atrocities. Then the rise of caste armies has been widely documented, especially in Bihar. In the last decade, there have been two major clashes of communal violence in the country: in 2002 the Gujarat riots and in 2008 attacks on Christians in Odisha, Gujarat, and Karnataka. The Gujarat carnage has been debated extensively due its large scale and accusations that the state government was directly involved. Indian central government officials have acknowledged the murder of more than 1,000 people in Gujarat, mostly Muslims. Unofficial estimates put the death toll as high as 2,000 (HRW, 2002).

Table 3. Number of Conflict and political motivated murders, 2010.

Motive	Murders
Terrorism/ extremist violence	537
Political reasons	124
Casteism	23
Class conflict	28
Communalism	18

Source: NCRB, Crime in India, 2011.

Official statistics give only relatively small numbers of such crimes, even fewer than killings due to motives like witchcraft. For the category with the least reports of the three types of motives discussed here, NCRB data recorded only 308 communal murders from all incidents in 2002, the year of the Gujarat attacks, far fewer than the numbers uncovered by subsequent investigations. This leaves no doubt that most of the 2002 Gujarat deaths were overlooked in official compilations (Figure 12). It is likely that many communal, caste and class fatalities are concealed in the category of *other* motives, discussed ahead. While incidents such as the Gujarat carnage are exceptional, dramatic differences in reported fatalities reduces confidence in official reporting. It looks reassuring to see caste, class and communalism reported as the least common of all murder motives in India (Figure 2). But with marginalized groups unable or afraid to report to the security services, official data must be used cautiously. The most useful reporting may come less predictably from civil society reports and independent commissions.

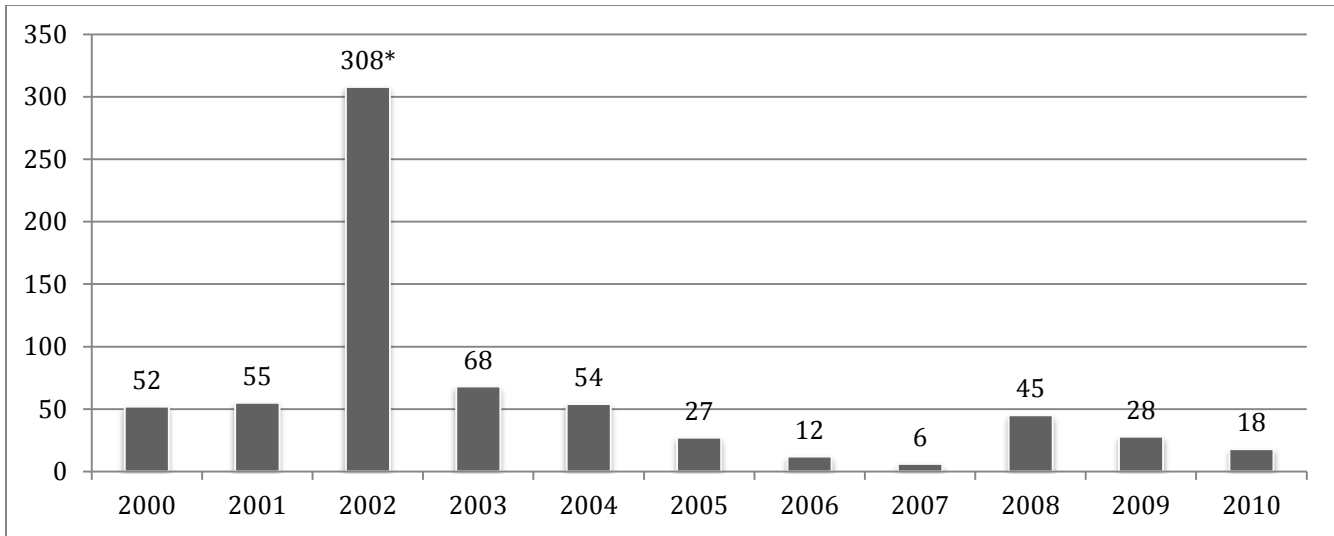


Figure 12. Reported murders due to communal violence

Source: NCRB, Crime in India, 2011.

Government bodies of Ministry for Minority Affairs, the NHRC, and the National Commission for Minorities are in place to investigate allegations of religious and other forms of discrimination and make recommendations for redress to the relevant local or national government authorities. In 2008-2009, the Ministry of Minority Affairs received 2,268 complaints, as compared to 1,508 complaints in 2007-2008. The Muslim community submitted the most complaints (UNHCR, 2011).

**OTHER MOTIVES: THE SHADOW OF OVERWHELMING UNCERTAINTY**

The largest category of all murders recorded by the

NCRB and the most statistically troublesome is *other motives*. In 2010 there were 20,613 murders recorded under the *other motives* category (NCRB, Crime in India, 2011). This accounted for 62% of the total murders committed in India. Since 1990, an average of 20,359 murders has been recorded every year without a known or classifiable motive (NCRB, Crime in India, 1990-2011). As shown in Figure 13, while total reported homicides have dropped, reporting of homicides due to *other motives* remained virtually unchanged, meaning the *proportion* attributed to other or unknown motives actually rose.

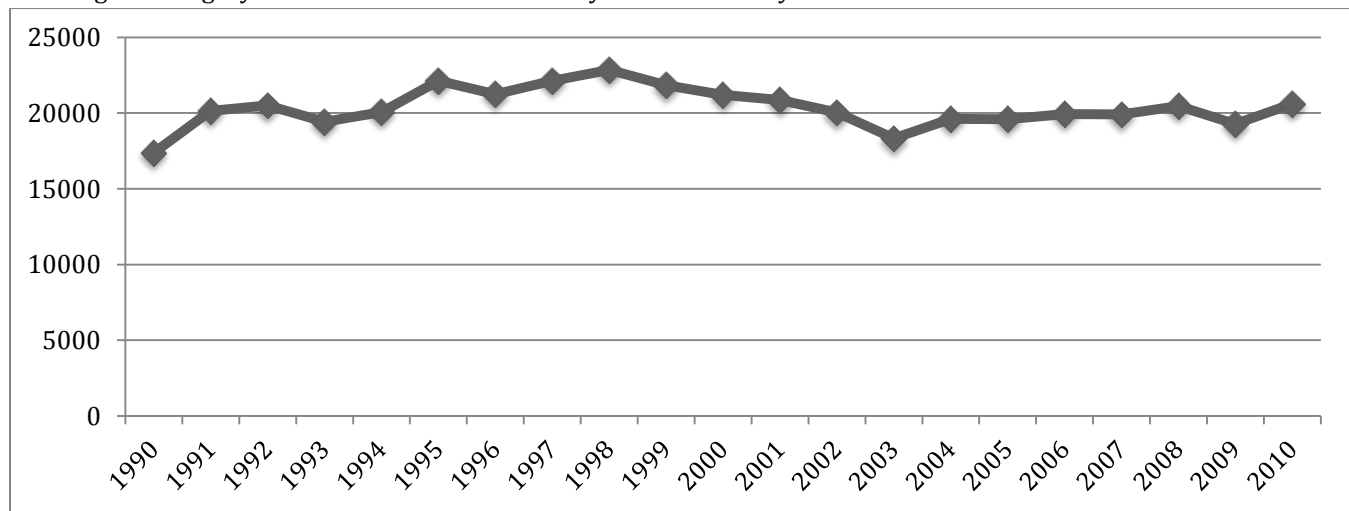


Figure 13. Reported Murders from *Other Motives*

Source: NCRB, 2011.

The *Other motives* category is the most problematic of all motive categories. While it does not directly affect the total number of reported killings, it does affect the ability to make sense of their causes. Above all, *other*

*motives* category undermines the reliability and comprehensiveness of more meaningful motive categories, by concealing the variations in violent crime. In turn, this reduces development of relevant policy to

tackle causes and reduce homicide. The tendency for police to use this category as a statistical dumping ground casts doubt on the utility of all other categories, since much of the relevant data for those categories could be submerged in *other*. Neither the NCRB nor other national authorities have addressed the problem authoritatively. State comparisons are not much more illuminating.

As shown in Table 4, the othercategory is used most in Uttar Pradesh, a state with rampant violence problems, Table 4. Top states reporting homicides as *other motives* in 2010.

State	Other Motives	Total murders	Percent of other motives category
Uttar Pradesh	3597	4401	81.7
Maharashtra	1961	2744	71.5
West Bengal	1665	2398	69.4
Karnataka	1367	1805	75.7
Andhra Pradesh	1299	2538	51.2
Madhya Pradesh	1235	2423	51.0
Bihar	1228	3362	36.5
Rajasthan	1173	1421	82.5
Tamil Nadu	993	1875	53.0
Assam	945	1223	77.3

Source: NCRB, Crime in India, 2011.

**INSTRUMENTS OF MURDER IN INDIA: MORE GUNS, LESS CRIME?**

Disaggregating data on victims killed by firearms reveals further interesting patterns. 42% of global homicides are committed by firearms (UNODC, 2011). In India, in addition to official data showing a marked decline in the total number of homicides from 2000-2010, the same sources show an even sharper drop in use of firearms for killing. In 2005-2006, for example, over 5,000 people died annually in murders caused by gunshot in India. More recently this has fallen to just over 3,000 victims reported annually (Figure 14).

During 2005-2010, of all murders with firearms, on an average less than 12% were committed with licensed firearms. These reports leave no doubt that most firearm deaths in India are committed with unlicensed weapons. Poorly made, relatively inexpensive *country-made* craft guns (*kattas*) are widely described as the country’s most serious firearms proliferation issue. With legal gun ownership tightly restricted under the 1959 *Arms Act*, illegal weapons emerged in the 1980s as the dominant market (research conducted by the author as part of the India Armed Violence Assessment). Of 5,643 murders

but it also is used heavily in states like Andhra Pradesh and Karnataka where criminal violence is comparatively a less serious problem.

The high number of murders recorded in *other* motives also creates serious impediments to international comparisons of murder using the NCRB dataset. Reform measures that would encourage or require uniform crime reporting and systematic classification, sharply decreasing and eventually eliminating use of *other* or *unknown* categories should be put in place.

listed due to gunshot in 2005, a reported 5,087 were committed with illegal firearms, and only 556 were with licensed firearms (NCRB, Murder by use of firearm, 2006).

Despite widespread media attention to the proliferation of illegal guns, however, the number of deadly assaults with these weapons declined rapidly too, to 2,723 out of all 3,063 firearms murders recorded in 2010 (NCRB, Murder by use of firearm, 2011). There is however no systematic data collection on the total number of craft guns, types or sources for these weapons. If these trends are based solely on NCRB data, it contradicts the *availability hypothesis*, the argument that more guns equal more deadly gun crime.

In an effort to curb illegal arms proliferation and stricter tracking of firearms, the Ministry of Home Affairs setup a National Database of Armed Licences (NDAL). The objective is to allow the government to keep tabs on the number of firearms license holders by providing them with a smart card which would be linked to a central database of arms licenses. So far, Punjab is the only state to complete the project and Tamil Nadu has initiated digitization of firearm license records (ToI, 2014).



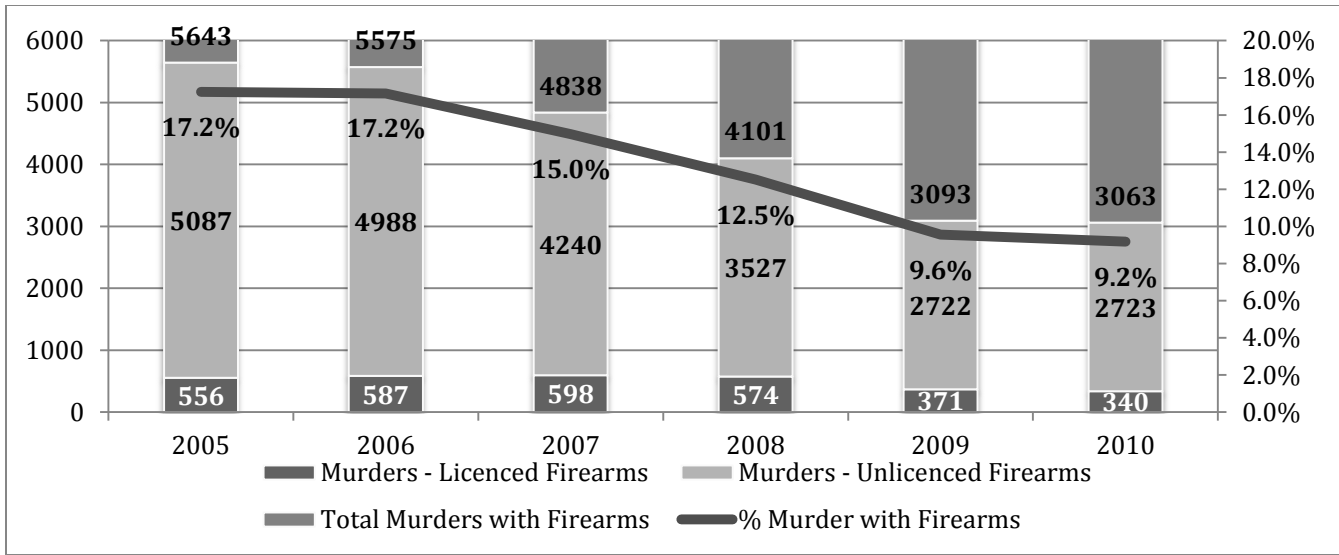


Figure 14. Murders by firearms

Source: NCRB, Number of Victims Murdered by use of Fire Arms, 2011.

**CONCLUSION**

The total number of murders reported in 2010 was 33,335, almost 11% less than in 2000. However, problems of definitional obscurity, reliance on vague categories like *other motives*, and more fundamental issues like victims’ fear of the police and encounter deaths, make major accomplishments like the declining total violent crime and murder, as indicated in official data, to be regarded with caution.

In India violent death is not the result of a single major social problem. Through discussion on each motive of murder highlight the diversity of causes. The data trends indicate significant state-wise variation in terms of the severity of violence, which makes it difficult to provide a one dimensional explanation for the nature of homicide in India. However, knowledge on patterns and causes of violence and crime are crucial for putting in place of preventive strategies.

A step in this direction can be made by putting emphasis on reliable and comprehensive data collection procedures. First, it is important to establish *uniform crime reporting procedures*, designed to encourage reporting and systematic classification. A vital goal for crime reporting should be elimination of “other” categories for forms of violent crime. Second, because marginalized groups, such as schedules castes, often fear the police, comprehensive reporting may require *separating responsibilities for crime reporting from the police*. A possibility is to give that responsibility to an independent authority, one people are more willing to go to. Third, the most comprehensive appreciation of the

scale of violence and crime comes not from crime reporting, but *systematic victim surveys*. To be large enough and fully sustainable, these probably must be financed by the Central government, but they should be financed by non-government organizations to insure the widest possible participation.

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