

SAFE ON PAPER, UNSAFE ON THE STREET: INDIA'S UNFINISHED PROMISE TO ITS WOMEN

by

Aahana Yadav

Class XI, Maharaja Sawai Man Singh Vidyalaya

Jaipur, Rajasthan

ABSTRACT

India reformed its law on sexual violence quickly after December 2012, and it has since added funds, schemes and institutions on a scale few countries have attempted. Recorded crimes against women, however, have risen sharply over the same period, and fresh incidents in the national capital suggest that public space remains a site of fear. This article argues that the problem is best understood as a failure of the delivery chain that connects a statute to a woman's actual experience of safety, and not as a shortage of legal provisions. It examines the post-2012 framework, explains why official crime statistics are an unreliable guide to progress, and shows how fear operates as a restriction on women's liberty and livelihood. It then proposes five connected reforms: making the findings of safety reviews binding on named authorities; measuring protection through results and not spending; designing cities around women's real journeys; changing who staffs the public realm; and repairing the process that follows a complaint. The article concludes that women's safety is a test of whether constitutional equality has reached the street.

Keywords: women's safety; sexual violence; delivery gap; public space; policing; constitutional equality

I. Introduction: A Reform Cycle That Has Not Closed

On the night of 16 December 2012, a young woman was gang-raped on a moving bus in Delhi and later died of her injuries.¹ The public reaction was unlike anything the country had previously seen on this subject. Crowds gathered in the capital, a high-level committee was constituted within days, and Parliament set about rewriting parts of the criminal law. It was widely believed that the episode would permanently alter how the State treated women's security.

Fourteen years later, the record is far less reassuring. The National Crime Records Bureau (NCRB) registered 4,41,534 cases of crimes against women in 2024, a rate of 64.6 per lakh female population.² The figure is only 1.5 per cent below the 4,48,211 cases of 2023 and stands against roughly 2.4 lakh cases in 2012. Press reports from a single recent month in Delhi described the gang-rape of a 17-year-old in Astha Kunj Park by men posing as police personnel, the gang-rape and murder of a 16-year-old in Swaroop Nagar, and the gang-rape of another 17-year-old on a sleeper bus travelling from Greater Noida to Delhi.³ Each produced a short burst of public anger that faded before any structural change could take hold.

The question this article addresses is simple to state and hard to answer: why has so much legislative and financial effort failed to produce a matching sense of security? The argument advanced is that India has been better at producing instruments than at making them answerable. Parts II and III describe the framework and the limits of the data. Part IV introduces the idea of a delivery chain, Part V explains why the stakes extend beyond crime, Parts VI to X set out reforms, and Part XI concludes.

II. What Was Built After 2012

The legislative response was fast and wide. The Criminal Law (Amendment) Act 2013, informed by the Justice Verma Committee, broadened the definition of sexual offences, raised punishments and introduced offences such as stalking, voyeurism and acid attack.⁴ The Protection of Children from Sexual Offences Act 2012 and the 2013 workplace harassment

¹Mukesh v State (NCT of Delhi) (2017) 6 SCC 1.

²National Crime Records Bureau, Crime in India 2024 (Ministry of Home Affairs, Government of India) [publication year and table references to be confirmed against the published report].

³[Insert newspaper citations, with dates, for the Astha Kunj Park, Swaroop Nagar and sleeper-bus incidents, which are drawn here from press reports and not from court records.]

⁴Criminal Law (Amendment) Act 2013; Justice J S Verma Committee, Report of the Committee on Amendments to Criminal Law (Government of India 2013).

statute, which gave legislative form to the Supreme Court's directions in *Vishaka v State of Rajasthan*, filled gaps that had long been left to judicial improvisation.⁵ The substantive criminal law has since been re-enacted through the Bharatiya Nyaya Sanhita 2023, which carries forward and reorganises these protections.⁶

Money and institutions followed. The Nirbhaya Fund was created in 2013 to support women's safety projects, and several schemes sit under or alongside it, among them emergency response systems, crisis centres, safe-city programmes and help desks in police stations.⁷ In formal terms, a woman reporting an offence today meets a legal regime that is more detailed and more protective than the one her counterpart met in 2012.

That progress is real, and any honest account should begin by saying so. The difficulty is that most of what was built operates at the level of announcement. A statute can define an offence and prescribe a penalty, but it cannot light a lane, run a bus on time or staff a police desk. Those tasks belong to the ordinary machinery of local government, and it is there that the reforms have been weakest.

III. What the Numbers Can and Cannot Tell Us

Crime statistics are often quoted as if they measure how dangerous a place is. They do not. They measure what the system records, and recording depends on a victim's willingness to come forward, a police station's willingness to register, and the legal definition of the offence at that time. After 2012 each of these changed. Offences were defined more widely, registration of complaints for serious crimes was reinforced by the Supreme Court,⁸ helplines multiplied, and stigma eased somewhat. A rising count may therefore reflect more trust as well as more crime, and the two cannot be separated using the headline figure alone.

It does not follow that the increase is merely a reporting effect. The same offences continue to dominate the list year after year. In 2024 the leading categories were cruelty by a husband or his relatives, kidnapping and abduction of women, offences against girl children under the POCSO Act, assault with intent to outrage modesty, rape and dowry deaths.⁹ More than 50

⁵Protection of Children from Sexual Offences Act 2012; Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013; *Vishaka v State of Rajasthan* (1997) 6 SCC 241.

⁶Bharatiya Nyaya Sanhita 2023, which replaced the Indian Penal Code 1860 with effect from 1 July 2024.

⁷The Nirbhaya Fund was announced in the Union Budget for 2013–14 to support projects aimed at the safety and security of women.

⁸*Lalita Kumari v Government of Uttar Pradesh* (2014) 2 SCC 1.

⁹Crime in India 2024 (n 2).

crimes against women were recorded every hour, and among metropolitan cities the highest rates were reported from Jaipur, Indore, Lucknow and Delhi. A pure reporting explanation also struggles with a simple point: it predicts that cities with the most accessible policing would look the most dangerous, which is close to what the data show, and it offers no way of telling whether that reflects access or risk.

The composition of the list carries a further lesson. Most of the leading categories describe harm done by people the victim knows, frequently inside the household. The National Family Health Survey (NFHS-5, 2019–21) shows that domestic and gender-based violence remains widespread and that a great deal of it is never reported.¹⁰ A policy that imagines the threat only as a stranger in a dark street will therefore miss much of the problem. What the data establish with confidence is modest but important: the scale of violence has not fallen in line with the scale of effort, and the official numbers are too crude to say more.

IV. The Safety Chain

A useful way to understand the gap is to think of safety as the output of a chain, each link of which must hold. The first link is prevention: the physical and social conditions that make an offence less likely, such as visibility, footfall, transport and the presence of people with a duty to intervene. The second is response: how quickly and how seriously an incident is received by the police and emergency services. The third is investigation: the quality of evidence gathered, including forensic work. The fourth is adjudication: whether a trial concludes within a reasonable period and whether the survivor is treated fairly in the process. The fifth is support: medical, psychological and financial help that allows a survivor to recover and to continue to participate in public life.

The post-2012 reforms invested most heavily in the legal definition of the offence and its punishment, which sits across the chain but does not itself strengthen any single link. A harsher penalty has little deterrent value if the likelihood of detection and conviction is low, a point criminologists have made for a long time. The weaker links are those that depend on routine administration: a lighting department, a transport authority, a station house, a forensic laboratory, a court registry. Because each of these answers to a different body, no single authority owns the outcome of safety, and responsibility is spread so thinly that it is easily

¹⁰International Institute for Population Sciences and ICF, National Family Health Survey (NFHS-5), 2019–21: India (IIPS 2021).

avoided. This diffusion of responsibility, rather than any lack of concern, is the central structural reason why legislation has outrun protection.

V. Fear as a Restriction on Liberty

If safety were only a matter of crime control, a modest fall in the numbers might be a satisfactory result. It is not, because the harm of insecurity is not confined to those who are attacked. It extends to the many who alter their lives to avoid the possibility. Women decide where to study, which job to take, when to travel and how to dress with an eye to risk, and these decisions accumulate into a substantial loss of freedom and income.

The Constitution treats this as a matter of rights. Article 14 promises equality before the law, Article 15(3) permits special provision for women, and Article 21, as interpreted over decades, secures life with dignity.¹¹ A woman who cannot use a road or a bus without calculating danger does not enjoy these guarantees in any full sense, whatever the penal code provides. The relationship with economic life is equally direct. A woman who cannot reach a night shift or an evening class safely has fewer opportunities, and one without independent earnings has fewer means of leaving a violent home. Insecurity outside therefore deepens dependence inside, and dependence inside makes violence harder to resist. Seen this way, women's safety is a precondition of equal citizenship and of inclusive growth, and not a separate welfare concern.

VI. Making the Findings of Safety Reviews Binding

India has no shortage of diagnoses. Women's organisations, municipal bodies and researchers have repeatedly mapped dark stretches, unsafe transit points and neglected public toilets. What is absent is any obligation to act on the finding. A review that ends in a report, and then in a file, leaves the danger exactly where it was.

The remedy is administrative and not legislative. Each review should end with a written plan listing the defects found, the authority responsible for each, and a date by which it must be remedied. Progress should be published on a page that residents can open, so that an unrepaired streetlight or a broken stop is visible as a failure with a name attached. The effect is to convert a collective problem into an individual duty, which addresses the diffusion of responsibility

¹¹Constitution of India 1950, arts 14, 15(3) and 21.

described in Part IV. It also gives elected representatives, the press and local groups something concrete to hold officials to, so that oversight does not depend on a fresh tragedy to restart it.

VII. Measuring Protection, Not Expenditure

Public programmes are usually judged by how much of the allotted money has been used. That is a measure of activity and says little about effect. A safety scheme may spend its whole budget on equipment that is never switched on, while a smaller and better-targeted effort may change what women experience.

Funds meant for women's security should be assessed against results that a woman would recognise. These include how long emergency calls take to be answered and acted upon, how many identified hazards have actually been removed, how many help desks are staffed and working at the hours they claim, what proportion of cases reach a conclusion in court, and what survivors themselves say about the assistance they received. Publishing these figures by city and district would show where delivery is failing and would discourage the common habit of sanctioning projects hurriedly to meet a utilisation target and then monitoring them weakly. Financing that follows demonstrated results would reward the offices that deliver and draw scrutiny to those that do not.

VIII. Designing Cities Around Women's Actual Journeys

Cities have commonly been planned around an assumed commuter making a direct trip to a fixed workplace at standard hours. Women's movement looks different. It is more often broken into short trips linked to work, care and household errands, taken at the edges of the day and relying on public transport or walking. The most dangerous stretch of such a journey is typically the last few hundred metres between a transit stop and a doorway, which planners rarely regard as part of the transport system at all.

Planning that responds to this begins with evidence: surveys of how women actually travel, mapping of places they avoid, and systematic checks of lighting and sightlines. It continues with design that keeps streets active and visible, including maintained footpaths, shop-fronts that face the street, safe approaches to stations, and clean, working public toilets. It also depends on dependable public transport, because waiting alone at a remote stop is itself a hazard. Most importantly, it asks women to take part in drawing the plan. When those who use a space describe what makes it frightening, their experience becomes technical input that no

outside survey can fully replace. Cities that plan with women, rather than merely on their behalf, are more likely to produce spaces that are used, and busy spaces are safer spaces.

IX. Who Staffs the Public Realm

The safety of a public space is shaped not only by who uses it but by who works in it. Conductors, drivers, guards, sanitation workers, park staff and police officers all set the tone of a place and determine who feels entitled to be there. Where women are rare in these roles, public services quietly signal that the space was designed for someone else.

Raising their numbers requires dismantling obstacles that have little justification: restrictions on night work that protect no one, the absence of toilets and rest facilities for women employees, and eligibility rules unrelated to the actual duty. It also requires deliberate targets, because the pattern will not shift on its own. The gain is double, since each additional woman in a public-facing post is both an employment opportunity and a visible assurance to other women.

This applies with particular weight to policing. Recruiting more women into the police is necessary, but numbers alone will not change what happens at the station. Officers need specific training in receiving complaints of sexual offences, and the institution needs the capacity to follow through. The incident in which the accused reportedly posed as police is a reminder that public trust in the uniform can be exploited, and that clear identification practices, verifiable procedures for stopping and questioning, and prompt action on impersonation are part of a safety strategy. The sleeper-bus case raises a parallel question about how closely private passenger transport is regulated, including driver verification, crew conduct and working emergency alerts.

X. Repairing the Path from Complaint to Verdict

A woman deciding whether to report a crime weighs not only what happened but what reporting will cost her. If investigation is slow, forensic results are delayed, and trials stretch across years in which she is questioned repeatedly, silence can appear the rational choice. Unreported crime, in turn, weakens deterrence, because offenders learn that the chance of consequence is small.

Strengthening the later links in the chain therefore has a preventive effect as well as a corrective one. Investigating officers need training and time, forensic laboratories need the capacity to return results within a defined period, and courts handling sexual offences need staff and schedules that allow trials to conclude within a reasonable time. Support for survivors,

including medical care, counselling, legal assistance and protection for witnesses, should be available as a matter of course and not as a favour. These measures cost money and attention but need no new statute. Their absence is the reason many existing statutes remain largely theoretical.

XI. Conclusion: Beyond the Statute Book

The years since 2012 show that India can pass laws, create funds and set up institutions for women's safety. They also show that these achievements do not travel automatically from the statute book to the street. The shortfall lies in delivery: in findings that bind no one, in spending judged by quantity, in cities planned without women's knowledge, in public services where women are scarce, and in a justice process that deters those it is meant to serve.

Closing that gap does not depend on further legislation. It depends on assigning responsibility to named authorities, measuring results women can recognise, and sharing the work of design and oversight with women themselves. The idea of women-led development becomes meaningful only when women are participants in making and monitoring safety policy and not merely its recipients. The standard by which the next decade should be judged is not the number of laws enacted but whether a woman can walk home at night and trust that the State is walking with her.

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