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Motivating Factors For Murder With Rape Of Minor Girls In India: A Study Using Systematic Content Analysis

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MOTIVATING FACTORS FOR MURDER WITH RAPE OF MINOR GIRLS
IN INDIA: A STUDY USING SYSTEMATIC CONTENT ANALYSIS

A Dissertation

By

DAYANAND SUNDARAVADIVELU

Submitted to the Office of Graduate Studies of
Prairie View A&M University
In partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

Prairie View A&M University

May 2023

Major Subject: Juvenile Justice

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ABSTRACT

Motivating Factors for Murder with Rape of Minor Girls in India:

A Study Using Systematic Content Analysis

(May 2023)

Dayanand Sundaravadivelu,

M.A., Criminology and Criminal Justice Administration

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Gender-related homicides of young women and minor girls have reached alarming proportions in India. The 2020 crime statistics reported 1,582 homicides of children, with 119 (7.5%) minor victims raped and murdered. However, no empirical studies address the motives nor offer incident-based details of the murders and rape/gang-rape of minors. The current study used systematic content analysis of news media sources published in India. The search included five primary print media—The Times of India, Hindustan Times, The Hindu, The Indian Express, and The New Indian Express, published in English and reported from 2017 to 2018. The search also included digital news sources from newswire, web based, and other online news sources. Specifically, the study (1) compared official statistics from the National Crime Records Bureau (NCRB) with the systematic search results on murder with rape/gang-rape incidents to identify trends and state and regional variations, (2) analyzed the bias-motivating factors such as social, political, religious, and caste-based discrimination, (3) assessed the trend between non-bias motivating factors such as revenge/anger, sexual sadism, or opportunity with

bias factors, (4) reviewed the criminal/juvenile justice systems' response, and (5) assessed public reaction to these incidents.

The results showed discrepancies and variations in reported incidents between NCRB and the systematic search data. In addition, social bias was noted as the most common bias factor, followed by political, religious, and caste biases. Among the non-bias motivating factors, opportunity was the most common factor, followed by revenge/anger and sexual sadism. Along with motivating factors, the criminal justice agencies failed to act. Instead, they blamed the victim, destroyed the evidence, or supported the accused. The public reactions also varied widely from public anger, protests, and rallies in support of the victims, mob violence against the perpetrators, or supporting the perpetrator to victim-blaming. The research provides a broader understanding of motivations for committing child rapes and murders in India. Additionally, this research might assist in discussing patriarchal views, educating youth on social justice advocacy, and organizing community initiatives to protect the victims. Finally, the outcomes would guide Indian juvenile and criminal justice reforms.

Keywords: motivating factor, murder, rape/gang-rape, girls, India, content analysis

DEDICATION

This dissertation is dedicated to my mentors, Dr. Sesha Kethineni and Dr. Murugesan Srinivasan, who have been instrumental in my academic career. I also thank my, Amma—Geetha and Appa—Sundaravadivelu Kannan, for their sacrifices and instilling in me the value of education. I would also like to thank my maternal uncle's family, Shyamala Venkatesan, who was always proud of my accomplishments. I would like to dedicate this work to my maternal aunty Saraswathi Ashok and paternal uncle Jaya Perumal for their unconditional affection during my childhood. Finally, I also dedicate this to my entire complicated loving family and my dears Anto, Murali, Yesuraja, Sam Ajit, Adarsh, and Regan and family who always felt proud of my academic journey and, of course, my supreme supporter and entirety friend Neha Miriyam, for her everlasting love and support. Finally, I would like to dedicate and express my heartfelt gratitude to Dr. B.R. Ambedkar for his inspiring legacy, which has significantly impacted on my education and research. His uncompromising commitment to education and his extraordinary achievements in the social sciences continue to encourage me to push the boundaries of my research and aspire for excellence.

Educate, Organize, Agitate

— Dr. B. R. Ambedkar

கற்பி ஒன்று சேர் புரட்சி செய்
— டாக்டர் பி. ஆர். அம்பேத்கர்

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CHAPTER I

INTRODUCTION

In recent years, the number of gender-related homicides in India has reached alarming proportions, including violence against girl children under the age of 18 [National Crime Records Bureau¹ (NCRB, 2011–2021)]. There were 28,065 child rape cases of both genders recorded in 2020, compared to only 5,484 in 2010 (NCRB, 2011; 2021), indicating a fivefold increase within a decade. Of the 28,065 reports of child rapes in 2020, an alarming number ($n = 27,807$; 99%) involved minor girls. Not just rape, various forms of gender-based violence against women and girls, like femicide, honor killing, crimes of passion, and many others, have been recorded in India (Chakraborty et al., 2021; Manjoo, 2012).

According to the Convention on the Elimination of All Forms of Discrimination against Women (1979), gender-based violence is defined as “a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedom on a basis of equality with men” (p. 2). As India is a signatory to the Convention, it must follow the guidelines set by CEDAW. However, the UN has recently criticized India for failing to protect women from sexual violence, especially “disadvantaged social groups” (Saxena, 2020,

This dissertation follows the style of the *Publication Manual of the American Psychological Association*. 7th Edition.

¹ The National Crime Reporting Bureau (NCRB) gathers and publishes national crime statistics, such as crime in India, accidental deaths and suicides, and prison statistics.

para. 2). Although India rejects the UN criticism, violence against women and children, specifically rapes and killings of minor girls, has extended beyond the oppressive patriarchal beliefs around social and gender roles based on bias and non-bias motivating factors. The precursors to hate or bias-motivated crimes are socioeconomic factors, community status, ethnicity, caste² identities, and political and religious aspects (Pearce, 2002). These intersections are vital in determining the propensity toward and intensity of crimes against women and girls.

India is known for its diversity in religion, tribes, language, and culture, and the constitution encourages and supports diversity by allowing every citizen to exercise their rights. However, those who do not hold power face discrimination and violence from those who do hold power (e.g., social, economic, and political). In the Indian context, the Hindu religious majority, based on caste hierarchy,³ has political, social, and economic power (Kethineni & Humiston, 2010). India's caste system, commonly called the "Varna System," is based on social stratification, dating back 3000 years. It is classified into four Varnas (classes) based on an individual's occupation, namely: *Brahmins* (the intellectuals

² The caste system in India is one of the world's oldest systems of social stratification. Hindu caste system justifies hierarchies between social groups based on its members' occupations and even prescribes "untouchability" (while India's secular constitution strictly condemns practices of "untouchability") over interactions with members of other castes.

³ *Brahmins*, *Kshatriyas*, *Vaishyas*, and *Shudras* are the four primary caste groupings in the caste system or hierarchy.

who are bestowed with knowledge) ranked as the highest caste or Varna; *Kshatriyas* (warriors and aristocratic classes); *Vaishyas* (farmers, traders, and merchants); and *Sudras*, who are laborers (Kethineni & Humiston, 2010). The social hierarchy further explains that *Brahmins* emerged from Hindu God Brahma's mouth, *Kshatriyas* arose from Brahma's arms, *Vaisyas* came from the said God's thighs, and *Sudras* emerged from his feet (Sankaran et al., 2017). These occupations and social hierarchy have traditionally been associated with the Hindu religion. Hindu religion is believed to have originated from the social order established by the Hindu God *Brahma* (the God of creation).

There is one more category known as the "Out-Caste," which was not considered part of the "Varna" system because of the false belief that they had committed grievous sins and were considered untouchables. The *Dalits* and *Adivasis* in India are regarded and treated as untouchables (Out Caste) per the varna system (Pick & Dayaram, 2006). A renowned social reformer Mahatma Jyotirao Phule used the word "*Dalit*" (divided, split, broken, and scattered) to represent the "outcastes/untouchables" as downtrodden and broken victims of the caste-ridden society (Manchala, 2022). Similarly, *Adivasi* is the collective term for indigenous tribal communities of the Indian subcontinent (Alles, 2017). The *Dalits* and *Adivasis* have been historically deprived of all mainstream rights and privileges. They were treated as "untouchables" until 1950, when the Constitution of India abolished untouchability and adhered to constitutionally equal treatment of all citizens. The Indian constitution introduced a new scheme of caste categorization in which *Dalits* were categorized as Scheduled Castes (SC), and *Adivasis* (indigenous people) were placed under Scheduled Tribes (ST). The constitution used this

categorization to create equal opportunities in employment and education through affirmative action (Sankaran et al., 2017). Of India's 1.4 billion population, Scheduled Castes (*Dalits*) and Schedules Tribes (*Adivasis*) represent roughly about one-fourth (25%) of the total population (Sur, 2020).

In addition to *Dalits* and *Adivasis*, religious minority communities are considered socially and economically marginalized in India. Under Section 2(c) of the National Commission for Minorities Act, 1992, religious communities such as *Muslims*, *Sikhs*, *Christians*, *Buddhists*, *Jain*, and *Parsis* have been classified as minority communities in India (NCM Act, 1992). Hindus account for 79.8% of India's population, while *Muslims* make up 14.2%, and *Christians*, *Sikhs*, *Buddhists*, and *Jains* together represent the remaining six percent (Kramer, 2021). *Dalits*, *Adivasis*, and religious minorities have long been impoverished, denied fundamental human rights, and treated as social and religious outcasts by the Hindu religious majority in the country that celebrates "Unity in Diversity." Although men from *Dalits*, *Adivasis*, and religious minorities have been victims of caste-based discrimination, women and girls from these communities have mainly been victims of sexual violence, kidnapping, rape, and murder due to caste-based patriarchy and gender hierarchies (Diwakar, 2020; D'Lima et al., 2020; Patil, 2016).

Background

Since crimes in India are increasing steadily, it is critical to examine the specific gender-related crimes unique to India. Most gender-based studies in India focused on domestic violence-related homicides, honor-related homicides, and dowry-related heinous crimes because these crimes are considered social evils (Belur et al., 2014; Kaushal, 2020; Sabri et al., 2014; Sanghavi et al., 2009). Social evils have long been a

part of the Indian culture, and these atrocious acts significantly impacted the minor girls and women in India (Upadhyay, 2020).

Research studies have shown some causes of domestic-related murders include infidelity, domestic dispute, the birth of a girl child⁴, dowry⁵, intimate partner violence, or harassment (Kethineni & Srinivasan, 2009, 2012; Sabri et al., 2014; Sitaram, 1999). Domestic violence-related murders often have either the husband or the husband's family members as perpetrators of violence (Raj et al., 2011). Women's vulnerability to domestic violence or domestic violence-related homicide in India arises due to conflict between false traditional or patriarchal views of the status of women and modern ideals (Sabri et al., 2014).

Honor killings of women and minor girls often are committed by the eldest son or the father when a female's behavior is against the rigid cultural and religious norms of the family (Puttick, 2015). Although men can be sanctioned under the same cultural and religious norms, women/girls bear the brunt of these crimes as the community's/family's honor is valued to be "seated" on a woman's womb/body (Chowdhry, 2010). Behaviors such as pre-marital relationships, loss of virginity before marriage, pre-marital

⁴ Mothers who deliver daughters or girl child are abused or ignored by husbands and in-laws to avoid the financial burden of having to pay *dowry* for the girl for the marriage.

⁵ A *dowry* is a payment made by the bride's family to the groom or his family at the time of marriage, usually in the form of property or money. In India, dowry disputes frequently result in acts of violence against women, including murder and assault.

pregnancy, refusing to accept an arranged marriage⁶, requesting a divorce, leaving the marital home without permission, being a victim of rape, marrying outside of their caste or religion, and extra-marital affairs are considered as crimes against religious and cultural norms. At the same time, they are believed to bring dishonor and shame to their entire family or community (D’Lima et al., 2020). Women and girls are expected to follow certain modesty norms (Lynch, 2007), including how they dress, where they go, with whom they go out, and how they behave in public. This rigid system with violent outcomes for women and girls in the name of honor demonstrates the prevalence of general hatred toward the freedom of women and girls.

Although legally prohibited, dowry deaths or dowry-related killings are problematic social practices deeply rooted and are still prevalent in India (Kethineni & Srinivasan, 2009). A dowry is a “unilateral transfer of resources by a girl’s family at her marriage to the groom’s family in recognition of their home permanently” (Singh, 1981, p. 1). Every day, at least 20 young women die in India at the hands of their husbands or husbands’ relatives (i.e., sister-in-law, mother-in-law, and father-in-law) because the woman fails to fulfill the demand from her marital family for material goods or money (Selby, 2018).

⁶ In India, arranged weddings are still the most common method of entering into marriage. In the event of an arranged marriage, parents and other relatives choose a life mate for their son/daughter that they believe is suitable. Even in the 21st century, around 85% of Indians prefer to marry the boy or girl picked by their families over picking their own life partners.

Most research on violence against women in India primarily focused on dowry-related murders, honor killings, and domestic-related murders (Babu & Babu, 2011; Chakraborty, 2021, Kethineni & Srinivasan; 2012; 2012; Mayer, 2022; Sabri, 2014), with less emphasis on bias-motivated sexual violence. In addition, there were no official crime statistics on bias-motivated (atrocities) crimes until 1989. With the passage of *Atrocities Against Scheduled Castes and Scheduled Tribes* in 1989, statistics on bias-motivated crimes included crimes against *Scheduled Castes* and *Scheduled Tribes*, ignoring crimes against other minority communities. In 2017, efforts were made by Hindustan Times, an Indian newspaper, to create a hate tracker to document victims of hate crimes by the print media. However, the initiative was snubbed because of political pressure from influential politicians, as they did not want to have a database indicating the political affiliation of the perpetrators (Chitra, 2021). Therefore, there are hardly any empirical studies on hate crimes against women, especially against minor girls of underprivileged and marginalized communities in India.

Gender-related murders in India are not limited to adult and young women but include minor girls. The *Protection of Children from Sexual Offences* (POCSO) Act, 2012 defines a child as anybody under the age of 18 and ensures that all children are protected from sexual assault. Even though prior studies focused on family-related factors to explain the rape and killing of young women in India, it is critical to identify motivating factors for the brutal rape or gang-rape resulting in the murder of minor girls. The proposed research examined motivating factors, including bias and non-bias, related to the rape/gang-rape of minor girls, resulting in murders in India. The terms “murder

with rape” and “murder with gang-rape” were used for this research to determine the incidences of rape/gang-rape followed by murder.

According to Patra et al. (2015), murders with rape and gang-rape of young girls were the least commonly reported cases to a forensic unit in India until 2013. For example, between 2010 and 2013, 244 identified female rape victims were referred for investigation to the Department of Forensic Medicine and Toxicology, Puducherry.⁷ The investigations revealed that over 50% of these rape victims were under the age of 20 years (Patra et al., 2015). It is important to note that incidents of murder with rape among minor girls were not included in the National Crime Records Bureau's (NCRB) official crime statistics until 2016. Only in 2017, official crime statistics in India reported incidents involving murder with rape of minor girls. As a result, the prevalence of sexual violence against minor girls, such as murder with rape, was brought to public notice. Also, Haq et al. (2020) reported an increase in cases of murder with rape of minor girls since 2015.

Murder with Rape Incidents

The NCRB publishes detailed annual statistical data on crime in India through the *Crime in India* report. It is vital in assessing overall crime trends, including crimes against children. The *Crimes Against Children* chapter in NCRB has allowed researchers to examine the rate of crimes against children, including sexual offenses against children,

⁷ Pondicherry is one among the 8 Union Territories that is located in the southern part of India.

at the state and national levels annually. The statistics from NCRB also report child rapes resulting in murders since 2017.

The number of incidents of murder with rape was first officially documented in 2017 when the NCRB introduced a specific category—*Murder with Rape* (rape against the minor girl victim followed by murder) in the chapter on *Crimes against Children* (*Crime in India*, 2017). For example, the latest official crime statistics (*Crime in India*, 2020) reported that approximately 1,582 children were murdered in India, of which 119 minor victims were raped and murdered, with an estimated 7.5% of all child homicides in 2020 (NCRB, 2021). The number of reported murders with rape against minor girls in 2017 was 151, compared to 145 in 2018, 130 in 2019, and 119 victims in 2020 (NCRB, 2018—2021). At the same time, the NCRB does not include the official number of murders with gang-rapes against minor girls in India.

Murder with Gang-Rape Incidents

Murder or homicide with proof of a rape or sexual act is murder with rape or murder with gang-rape (Folino, 2000). Section 375 of the Indian Penal Code (IPC) makes it illegal for a man to have intercourse with a woman if he does so against her will or without her consent. Rape includes sexual intercourse when a woman's consent is coerced by placing her or persons close to her in fear of death or harm. Murder with gang-rape involves at least two perpetrators who commit a crime against the victim, leading to a violent crime (Higgs et al., 2019).

Several newspaper reports indicated that out of 119 murders with rape victims in 2020, a significant proportion of the victims were murdered following the gang-rape of minor girls due to bias or hatred towards minority castes and religious communities in

India (Kar, 2021; News18, 2021; The Indian Express, 2021). Due to a lack of scientific studies, there is insufficient knowledge of systematic hate or bias-motivated violent sexual offenses against social and religious minorities in India. As a result, there is a limited understanding of the prevalence and motives of violent sexual crimes targeting girls from social and religious minorities in India.

Motives of Sexual Offences Against Women and Girls

The motives of sexual offenses like murders with rape or murders with gang-rape include various bias and non-bias motives, such as deep-rooted misogyny, social attitudes toward females, economic and educational factors, male dominance in political representation, and the lack of deterrence due to ineffective law enforcement (Roy & Dastidar, 2018). Kerr et al. (2013) distinguished two sorts of murder with rape, those driven by revenge or anger and those motivated by a sadistic desire for sex. Perpetrators of rape and murder choose victims based on their vulnerability and use the opportunity to engage in criminal acts. Skott's (2019) study stated that sexual murder offenders who target children do not share the traits of adult female rape-murder perpetrators or other murderers. However, there are no significant studies on the non-bias reasons such as revenge, anger, and sadism that lead to murder with rape against minor girls in India.

Prior research studies on the prevalence and motives of gender-based sexual offenses and gender-related murders in India have suggested societal and patriarchal attitudes such as male supremacy, deeply embedded misogyny, and determinism as reasons for such violence (Belur et al., 2014; Kaushal, 2020; Raj et al., 2011; Roy & Dastidar, 2018; Sabri et al., 2014; Sanghavi et al., 2009; Singh, 1981). However, even a systematic review of child sexual assault in India, covering 10 years of studies from 2006

to 2016, did not report any research related to hate or bias-motivated reasons for sexual abuse against minor girls (Choudhry et al., 2018). In addition, hate crimes are not explicitly defined in any statutory legislation in India. However, the Indian Penal Code [IPC, Section 153A, 295A, 298, and 505(1) & (2)] prohibits hate speech based on religion, religious beliefs, race, culture, language, and community, hatred between classes or caste. Often sexual crimes are motivated by hatred towards a particular group, and the act is a way to show their political and economic dominance (Ghosal, 2009). The lack of research and data on bias-motivated factors for rape or murder with rape against minor girls in India is even more disturbing.

Bias Motivated Murder with Rape of Minor Girls

Hate crimes in the United States are frequently motivated by racial discrimination or bias against a minority racial group. Like racial bias, caste-motivated criminal acts are common forms of hate crimes against a specific group of the population in India (Myers & Radhakrishna, 2017). Hate crimes, also known as atrocity crimes in India, which involve rapes, physical assaults, murders, and violent attacks against individuals are based on the community/caste that an individual belongs to and the significantly increasing hatred in India (Myers & Radhakrishna, 2017). Parallel with caste atrocities, ethnic and religious mass violence has a long and tumultuous tradition in India (Kausar, 2006).

A common distinguishing feature of hate crimes in India is the role of caste and religious discrimination or prejudice, which are the major motivating factors for committing sexual violence against religious, caste, and ethnic minorities who are economically, politically, and socially marginalized (Bhat, 2020). With a deep-rooted

caste system and religious beliefs, caste groups such as *Dalits*, *Adivasis*, and religious minorities face discrimination and atrocities by the upper-caste and privileged communities. For example, upper-caste women's sexuality is strictly regulated based on purity, which is necessary to ensure endogamy (Jagnoor, 2020). On the other hand, lower-caste women are perceived as sexually accessible to upper-caste males due to the material framework of domination, which include practices like *Devadasis*⁸ (i.e., sex slaves) (Jagnoor, 2020). Even though India abolished the *Devadasi* system in 1988, the tradition of dedicating young girls to the *Devadasis* services is still practiced among the *Dalits* and the lower castes (Geetha, 2021).

The rape of minor girls and women, part of the spike in hate-related, caste-based, and gender-based violence, does not represent new violence against social and religious minorities in India. Political ideologies and desires often are linked to ethnic and religious conflicts, both in terms of causes and consequences (Hasan, 1982). These castes and ethnic discrimination within the Hindu religion and conflict or hatred over minority religious communities have created opportunities or made young girls and women more vulnerable to perpetrators of rape and gang-rape. The increasing number of caste-based violence and discrimination led to the enactment of the "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989" to prohibit and prevent atrocities and hate crimes against Scheduled Castes (*Dalits*) and Scheduled Tribes (*Adivasis*). Since

⁸ *Devadasis*, or "servants of God," were historically women who were wed to God and performed temple services. They were considered sacred women with ritual powers.

1989, all acts of violence and specific incidents of sexual assault against *Dalit* and *Adivasi* minor girls have been registered and published under the chapter “*Atrocities against the Scheduled Castes and the Scheduled Tribes*” by NCRB in the *Crime in India* report.

The National Commission of Scheduled Castes and Scheduled Tribes (1997) reported that “[W]henver *Dalits* have sought to organize themselves or claim their rights, there has been a reaction from feudal lords resulting in mass murders, gang-rapes, and plunder of *Dalit* villages” (p. 2). Since 2015, many incidents of hate violence against *Dalits* and religious minorities have been widely recorded in the media (Bhat, 2020). Similarly, in modern India, rapes combined with murders have shown an alarming increase against girls from *Dalit* and *Adivasi* communities and those from religious minority communities (Bhat, 2020; Haq et al., 2020; Weil & Mitra, 2016). However, despite several amendments to Indian criminal law related to sexual assaults, there seems to be a lack of understanding of systemic hate or bias-motivated violent sexual crimes against social and religious minority communities.

Rape laws in India began with the enactment of the Indian Penal Code (IPC), the statutory criminal law in India, in 1860 during British rule⁹. However, even after several amendments to the IPC between 1860 and 2013, the maximum penalty for rape against women and girl children was limited to life imprisonment [Criminal Law (Amendment) Act, 2013]. The most significant change in sexual assault laws came into effect in 2013

⁹ The British Raj refers to the period of British rule of the Indian subcontinent between 1858 and 1947.

with the *Criminal Law (Amendment) Act 2013*, following a widespread public outcry after the *Nirbhaya* gang-rape case in 2012. In support of the victim, the public held candlelight marches and protests to raise awareness about the need for women's safety (Taylor, 2012). The case sparked the movement for women's rights and protection (Neogi, 2017). This Amendment Act broadened the definition of rape and brought severe punishment, including death sentences, for sexual assault against women and children. Along with that, central (federal) and state governments implemented several initiatives to safeguard the protection of women and young girls.

Along with the *Criminal Law (Amendment) Act 2013*, the Government of India passed a special law, the *Protection of Children from Sexual Offences (POCSO) Act*, in 2012 to provide a robust legal framework and protection of children from sexual offenses, especially against minor girls. The POCSO Act expanded the definition of a child as anyone under 18 years of age, regardless of gender. Before the passing of the POCSO Act, only girls under 16 were defined as child victims of rape, and the definition covered only females.

Protection of Children from Sexual Offences (POCSO) Act, 2012

Since 2013, sexual offenses against children, irrespective of gender, have been reported under the POCSO Act of 2012. The POCSO Act provides stringent penalties for sexual crimes against children, such as sexual assault, sexual harassment, and pornography. Depending upon the nature of the crime, the punishment can range from rigorous life imprisonment to the death penalty. Not all these offenses are sanctioned with the same imprisonment terms as earlier. For example, the punishment for penetrative sexual assault is not less than 20 years of imprisonment but could result in a life sentence.

In comparison, aggravated penetrative sexual assault of a minor child can result in a minimum of 20 years imprisonment, a life sentence, or the death penalty. For sexual assault, the punishment is not less than three years and could go up to seven years of imprisonment. Possession of child pornographic content could result in a three-year prison sentence, a fine, or both. Apart from the POCSO Act and regulations that the Government of India has introduced to safeguard minor girls and women from various sexual atrocities and crimes, it has also recognized the fundamental rights and constitutional provisions to protect women and children. Despite these efforts, the reported crimes against children have risen significantly, particularly murder with rape/gang-rape (murder following the rape) of minor girls from *Dalit*, *Adivasi*, and minority religious communities.

Reporting Rape against SC/STs

Sexual atrocities against minor girls belonging to *Dalit* and *Adivasi* communities fall under the specific legislation, *The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*,¹⁰ along with the POCSO Act 2012 and Section 376 of IPC. The NCRB, while reporting sexual atrocities, lists only rape and attempted rape under various legislations mentioned above. In 2019, NCRB reported 25,934 incidents of rape against minor girls. Of these, 1,513 victims were minor girls of *Dalit* (Lower caste)

¹⁰ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is an Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes and to provide for Special Courts for the trial of such offences.

and *Adivasi* (Tribal) communities, which accounted for 1,117 rape cases registered under *Crime/Atrocities against Scheduled Caste (Dalits)* and 396 rape cases reported under *Crime/Atrocities against Scheduled Tribes (Adivasis)*. However, the incidents of murder with rape of minor girls from *Dalits*, *Adivasis*, and religious minority groups were not explicitly mentioned by NCRB.

Non-Reporting Murder with Rape Against SC/STs

The NCRB does not report the identity of victims of bias-motivated incidents/atrocities for fear of creating a negative image among the political ruling class (Tiwary, 2022). For example, in 2020, 119 cases of murder with rape against minor girls were reported, but still, the number of victims from the *Dalit or Adivasi* communities was unknown (NCRB, 2020). Similarly, the “*Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act of 1989*,” meant to safeguard *Dalit* and *Adivasi* communities from violence, is frequently ignored by the police (Bhat, 2018 & 2020). For example, bias or caste-based offenses are recorded by the police under a less punitive section of the criminal codes (Bhat, 2020). Under political pressure, police often charge the perpetrators with assault or other non-bias offenses, as bail is not allowed for bias-motivated crimes. Like murder with rape of *Dalit* and *Adivasi* girls, the data on murder with gang-rape incidents also are not disclosed by the NCRB (Government of India) due to social, political, and religious influences (Banerjee, 2021; Ganesan, 2018; Petersen, 2020).

Murder with Rape Crime Gaps Among States in India

According to the NCRB report (2011 - 2021), the number of child rape incidents has steadily increased since 2011, with significant disparities visible across states and

regions. India's regions are divided into six diverse geographical areas, including the north, central, east, west, northeast, and south, with significant variation in incidents of murder with rape against girls. Also, there is a considerable gap or difference in the incidents reported among the 29 States and seven Union Territories in India. At the same time, the number of murders with rape incidents recorded in India did not show a disparity in trend from 2017 to 2018. For this research, the number of murders with rape incidents against minor girls reported in NCRB from *Crime in India* from 2017 to 2018 was compared with news reports and other secondary sources.

The factors that impact the disparity in crime rates between states include larger male-to-female sex ratios, which regularly lead to harassment against young females in the community (South et al., 2014). Household financial status and caste are poor indicators of women's empowerment and collective efficacy, which emerge as critical predictors of criminal victimization and reported harassment of young girls (South et al., 2014). The findings of Dutta and Husain (2009) suggested that both deterrent and socioeconomic variables have a role in determining crime rates among states in India. Their research looked at the relative impact of deterrence variables such as police workload, arrest rates, charge sheet rates, conviction rates, and case disposition speed on crime rates across Indian states, as well as the impact of socioeconomic variables such as growth in the economy, poverty, urban development, and education (Dutta & Husain, 2009). Maity and Roy (2021) reported that female education and the population proportions of the female belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) played significant positive roles in increasing crimes against women across 19 out of 29 states in India from 2001-2015.

The rape and gang-rape of minors from religious and non-religious minority communities continue to be a persistent problem in India (U.S. Department of States, 2021). Bhat's (2020) study stated that the gaps are evident in the recording and reporting of murder with rape incidents from minority communities. The study further noted a spike in media-recorded anti-*Dalit* and anti-Muslim abuse incidents since 2015, particularly of sexual offenses against *Dalits*, *Adivasis*, and members of religious minority groups. As a result, it is vital to investigate recent incidents of murders with rape and gang-rape of minor girls to assess the presence of bias motivators such as social, political, and religious factors and caste discrimination. Apart from the lack of research on bias-motivating factors, other motives, such as revenge or anger, sadism, and opportunism, are similarly under-tested in India regarding sexual offenses against women and girls.

Problem Statement

This research examined the prevalence and motives of murders with rape/gang-rape of minor girls in India, as there is a lack of research on the topic (Kerr et al., 2013). This research examined bias-related motivating factors for murder with rape/gang-rape of minor girls, such as social, political, religious, and caste discrimination. In addition, this study examined the interrelatedness between bias-related motivating factors and non-bias motives such as revenge or anger, sexual sadism, and opportunistic elements. Even after several sexual assault amendments and enactments in Indian criminal law to prevent and control atrocities against women and girls, there is a lack of understanding of systemic hate or bias-motivated violent sexual crimes against *Dalits*, *Adivasis*, and religious minority communities. India is diverse not only in geography but also in many aspects of

life, which leads to a wide disparity in reported crime rates across Indian states and regions.

Furthermore, the study examined whether geographic differences in murders with rape incidents were influenced by biased and non-biased-motivational factors. This search not only fills the gap in the literature regarding bias and non-bias motivating factors in murders with rape of minor girls, but it also adds to the understanding of the prevalence of hate crimes in India. The study's findings provide a new theoretical perspective on biased crimes in the Indian context.

Purpose of the Study

The study aimed to understand the nature, extent, and motivating factors of reported murders with rape and gang-rape of minor girls in India. Specifically, the study (1) compared official statistics of child murder with rape incidents from 2017 to 2018 with published sources (print media news reports, digital news portals, legal sources, and scholarly articles); (2) analyzed the motivating factors like social, political, religious, and caste discrimination associated with child murders with rape and gang-rape, in addition to factors such as revenge or anger, sexual sadism, and opportunity; (3) reviewed outcomes of criminal/juvenile justice cases; (4) assessed public reaction to the individual cases; and, (5) examined the geographical variations in child murder with rape incidents and associated political rule among states, educational, social, and religious factors. Identified murders with rape/gang-rape trends, motivational factors, court case outcomes, public reaction to the cases, and geographical patterns offered insight into this study. This information holds immense importance for the police, judiciary, policymakers, academicians, and service providers.

As police are the first point of official contact and play an essential role in responding to crimes, learning about factors related to the rape and murder of children, such as what is covered in this study, is a critical first step for improving responses. Second, this research suggests better training of police in investigating and documenting incidents. Third, the information from this research adds value to the legal system as the study identified the motivating factors, judicial reasoning, public opinion, and geographical variations. These case-specific details will enable the judges and legislators to identify gaps in the effectiveness of various legislations. Furthermore, this study shed light on how judicial reasoning in many rape cases normalizes rape and how such attitudes influence the conviction rate. Fourth, academic researchers currently rely on the official crime data (NCRB), which only provides incident data in aggregate form. This study provides researchers with the ability to compare and evaluate data from various perspectives. Last, service providers, such as child welfare institutions, human rights activists, and child rights activists, may have limited insight into the nature and prevalence of murder with rape against minor girls as they often rely on news reports and anecdotal case information. This study's nationwide analysis and findings provide a valuable resource for improving service delivery to the victim's families, including legal and financial assistance.

Research Questions

The questions were derived from literature, legal sources, and news coverage. In addition, the National Crime Records Bureau's annual statistics of India provided the number of incidents of child murders with rape. Therefore, this study addressed the following research questions about murders with rape/gang-rape of minor girls in India:

1. What is India's child (minor girl) murders with rape/gang-rape trends including state and regional variation (2017—2018)?
2. What bias-motivating factors (i.e., social, political, religious, and caste-based) contribute to child (minor girl) murders in India with rape/gang-rape?
3. What trends can be observed between non-bias motivated factors (i.e., revenge/anger, sexual sadism, or opportunity) and bias-motivated factors in committing murders with rape/gang-rape of minor girls?
4. How do the criminal justice/juvenile justice systems address child (minor girl) murders with rape/gang-rape cases in each state of India?
5. What are the public reactions to the child (minor girl) murders with rape/gang-rape cases in India as determined by news media?

Nature of the Study

The study used systematic content analysis of reported incidents from news reports/articles published in India. Specifically, the study reviewed incidents, motivating factors, victim-offender characteristics, criminal and juvenile court case reviews, public reactions, geographical variations of reported incidents, and descriptions of rape/gang-rape resulting in the murder of minor girls. Non-state sources such as the news media are the primary data sources on murders with rape and gang-rape of minor girls in India. Five print media—*The Times of India*, *Hindustan Times*, *The Hindu*, *The Indian Express*, and *The New Indian Express*, published in English from 2017 to 2018—were the primary resources for the study. In addition, to gather case details, case outcomes, motivation factors, and public reaction to these crimes, digital news portals, legal sources, scholarly

articles, and official crime records (NCRB) were accessed and gathered data for this study.

Significance of the Study

The lack of research on murders with rape/gang-rape of minor girls in India has limited the understanding of the prevalence and motivating factors that lead to such criminal acts. This research addresses the literature gap and raises awareness about these crimes against the vulnerable population. The study enhances child rights advocates, non-governmental organizations, and human rights commissions in India to bring attention to the problem, fight for victims' families to obtain timely justice, and work with policymakers in developing effective legislation. Furthermore, the knowledge gained from the research could be used to better negotiate around rigid patriarchal beliefs, educate young people on how to be effective advocates for social justice, and help organize community interventions. This information could be helpful for juvenile justice and criminal justice reforms.

Besides raising awareness of the nature and extent of child rapes and murders in India through a systematic review of multiple sources, the study's focus on hate crimes against children from marginalized communities adds to the missing link in the literature. In addition, this study offers reasoning (political, social, and structural barriers) behind the breakdown of institutional structures to protect children. The study's findings can alert Indian society of its failure to protect children from sexual abuse and how children become victims of hatred because of their caste and religious status. Although India has risen to be the world's fifth-largest economy globally, it has not invested enough resources in protecting its women and children from sexual violence. If India wants a

global presence, it should change its standing as the world's most dangerous country for women and girls. Finally, the inductive approach utilizing a wide range of sources for the study enabled the researcher to identify relevant theoretical concepts (i.e., motivating factors, judicial reasoning, and public opinions) and develop a theory that other research scholars can use in the future.

Definition of Terms

Minor Girl

A minor girl is anyone under 18 years, as per the Protection of Children from Sexual Offences (POCSO) Act, 2012.

Rape

A man is said to commit 'rape' if there is a penetration of any kind against her will, without her consent, or with consent— obtained using fear of threat or when she was under the influence of intoxication or unsoundness of mind (Indian Penal Code, 1860). The Criminal Law Amendment Act, 2018 specifically addressed the rape of minors under 18 years of age. It states that consent is not relevant when minors are under 18 years of age, and the act is considered rape.

Gang-Rape

“Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang-rape” (Criminal Law Amendment Act, 2018, p. 2).

Murder with Rape or Murder with Gang-Rape

Murder with rape/gang-rape involves the commission of murder by a sexual nature by one or more individuals against the child under 18 years of age.

Gender-Based Hate Crime

Gender-based hate crimes are criminal offences motivated by bias against a particular gender (ODIHR, 2020).

Motivating Factors

Includes bias- and non-bias motivating factors in murder with rape/gang-rape against minor girls in India.

Bias-motivated factors: Social, Political, Religious, and Caste Discrimination.

Non-bias motivating factors: Anger or Revenge, Sexual Sadism, and Opportunity

Dalits

The word *Dalit* refers to oppressed, broken, or crushed to the point of losing their original identity. *Dalit*, known as Harijans or “Untouchables,” has come to signify a campaign for reform and the abolition of centuries of suffering under the caste system in India. *Dalits* are classified as Scheduled Castes (SC) in India’s legal and constitutional framework (Minority Rights Group, 2021b).

Adivasis or Indigenous Community

Adivasis is the aggregate name for India’s numerous indigenous peoples. The term *Adivasi* was coined in the 1930s, partly due to a political drive to build a sense of identity among India’s numerous indigenous peoples. It is derived from the Hindi words “adi,” which means “from the beginning,” and “vasi,” which means “inhabitant or resident” (Minority Rights Group, 2021a).

Minority Community

According to the National Commission for Minorities Act of 1992, *Muslims, Sikhs, Christians, Buddhists, Jain, and Zoroastrians (Parsis)* have been identified as minority communities¹¹ in India.

Summary

India is one of the world's largest democracies that struggles to protect its women due to the age-old patriarchal culture (Prajapati, 2021). Several well-known cases of rape against women are perpetrated by the higher caste communities over lower caste communities to impose dominance and control (Diwakar, 2020). Overall, patriarchal beliefs undermine women and girls from a lower castes, indigenous populations, and minority communities because of caste and gender hierarchy segregation in humans (Chakravarti, 1993; Deshpande, 2010). Understanding how patriarchal beliefs and caste hierarchy influence social, political, and religious biases and caste-based discrimination is critical. When India's official crime statistics fail to report bias-motivated murder with rape against minor girls, the news media may serve as a source of information, allowing the details of the incidents to be reviewed to determine the motives of murder with rape incidents.

Organization of the Study

Chapter I presented gender-related murders in India and how India's diversity contributes to discrimination resulting in women and girl victims. In addition, the chapter provided the reported crime statistics, problem statement, and the significance of the

¹¹ <https://www.minorityaffairs.gov.in/sites/default/files/MsDP%20%28FAQs%29.pdf>

study. Chapter II discusses the relevant literature on motivating factors for murders with rape and gang-rape of minor girls in India. The history of rape laws, significant amendments to rape laws, patriarchal beliefs, societal, political, religious biases, and caste-based discrimination as possible motives for minor girls' rape and gang-rape in India. Chapter III provides a detailed description of the methodology, including data sources, search procedures, variables used, and statistical analyses. The outcomes of the qualitative and quantitative analyses are then discussed in Chapter IV. Finally, Chapter V provides conclusions about the motives of the murder with rape/gang-rape of minor girls in India.

CHAPTER II

LITERATURE REVIEW

This chapter reviews the history of rape laws in India, constitutional rights protecting girl children, landmark court decisions on rape cases, special legislation, and significant amendments to rape laws that protect minor girls from sexual offenses. It also discusses patriarchal beliefs, rape culture, hate crimes in India, and motivating bias and non-bias factors that contribute to the murder with rape of minor girls in India. Furthermore, the geographic patterns, prevalence of rape-related murders, and NCRB official crime data gaps are presented.

History of Rape Laws in India

The term rape is derived from the Latin word *rapere*, meaning ‘to take by force.’ Rape can occur through physical force, violence, misuse of power, or against a person who is unable to give legal consent, such as someone unconscious, intoxicated, having mental retardation, or who is below the legal age of consent [World Health Organization (WHO), 2002]. Three components are present in all cases of forcible rape: power, anger, and sexuality; however, power and anger dominate. In addition, rape, instead of primarily being an indication of sexual desire, seems to be the use of sexuality to express issues of power and anger (Groth et al., 1977). In India, the recognition of rape as a social and legal crime started with the enactment of the IPC in 1860 during British rule, based on common law. The term rape is defined in IPC Section 375, and associated punishments are listed under IPC Section 376.

According to IPC Section 375 of 1860, a man is said to commit “rape” if he has non-consensual sexual intercourse with a woman where any of the following six conditions are met:

1. Against her will.
2. Without her consent.
3. With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.
4. With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
5. With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.
6. With or without her consent, when she is under sixteen years of age (The Indian Penal Code - 1860, 1860, pp. 164-165).

IPC also describes “statutory rape” as having sexual relations with a female under 16 years of age. According to the description, as mentioned in Section 375 of IPC, rape is often committed by a man or young male against a woman or minor girl. The definition of rape is extremely narrow, and it has been criticized for failing to include other types of sexual assaults (Jiloha, 2013). Besides, IPC does not have any provision to classify rape, where a woman forces a man or young male to have sexual relations with women or girls.

The IPC's definition of rape is not gender neutral. It ignores non-consensual sexual acts on a man or male child by a woman because the law only recognizes penetration as constituting the offense until 2012 (Mishra, 2020).

Constitutional Rights Protecting Children in India

On January 26, 1950, India adopted the Constitution after its independence from British rule. The Indian Constitution, prepared by *Dr. B.R. Ambedkar*, India's first law minister and a *Dalit* (from a community recognized as lower caste in India), vigorously campaigned against social discrimination and advocated abolishing caste-based discrimination. He believed that through fundamental rights, the people of India would remedy their grievances and protect the well-being of children in India. The Constitution includes the following provisions that guarantee the security and well-being of children in India (Constitution of India, 1950). Specifically, Articles 14, 15(3), 39(e), and 39(f) have provisions for equality and protection of the rights of women and children as fundamental rights and directive principles of state policy at the national level.

Article 14 states that the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India.

Article 15(3) states that the State can make special provisions for children.

Article 39(e) states that the State shall direct its policy towards securing that the health and strength of workers, men and women, and children's tender age are not abused. Citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Article 39(f) states that children are given opportunities and facilities to grow in a safe manner and conditions of freedom and dignity and that

childhood and youth are secured against exploitation and moral and material abandonment. (Constitution of India, 1950, p. 34)

In addition to the rape law introduced in 1860 during British rule, the rights guaranteed by the Constitution of India in 1950 aimed at the protection of girl children from sexual offenses, and several landmark court decisions on rape cases at the end of the 20th century paved the way for offering more procedural protections to rape victims. For example, the Supreme Court decisions have expanded the definition of presumed consent, addressed the age of consent, and denounced the character assassination of rape victims. The following section provides the judgments of the Supreme Court in shaping the Indian criminal justice system to protect minor girls from sexual offenses. The next section provides the descriptions and outcomes of landmark court cases and amendments to rape laws.

Landmark Court Decisions and Criminal Law Amendments of Rape Cases

The section highlights the three significant cases that paved the way for substantial legislative changes. The first case—the *Mathura rape case*—involved an allegation of custodial rape of a young girl by two police constables. The second case—*State of Punjab vs. Gurmit Singh*—concerned a young schoolgirl kidnapped and gang-raped. The third case—the *Nirbhaya* gang-rape case—involved juvenile and three adults in the gang-rape and murder of a 23-year-old college student. Although the circumstances surrounding these cases were different, the judges were reluctant to believe the stories of the victims.

Mathura (Gang) Rape Case (Tukaram and Anr vs. State of Maharashtra, 1979)

Mathura, a young *Adivasi* girl from a tribal community, eloped with a man of her choice. It is a customary practice of her tribe to have a live-in relationship before marriage. Also, in her case, the “culture of cohabitation is based on the couple’s right to choose and right to reject” (Shanti, 2021, para 1). On the night of the incident, local police summoned Mathura, who was under 16 years of age, to the police station regarding a complaint filed by her brother, who was unhappy about her live-in relationship. The two constables made statements (the complaint) but insisted the girl stay back at the station for further questioning. One of the two constables—Ganpat—dragged her to a room and raped her. The second constable—Tukaram—attempted to rape her but was unsuccessful as he was heavily intoxicated. Mathura’s family, waiting outside, grew suspicious and raised the alarm. Mathura emerged from the police station and informed the crowd that the constables had raped her (Shanti, 2021). The case was filed in the Sessions Court,¹² which found the defendants not guilty based on lack of evidence. The judge further held that Mathura was “a shocking liar” whose testimony “is riddled with falsehood and improbabilities” (Singhal, 2019, para 9). On appeal to the

¹² The Session court is established by the State Government for every session’s division. The court is presided over by a Judge, appointed by the High Court of that particular state. The Sessions Court is responsible for adjudicating matters related to criminal cases and has the power to impose the full range of penalties for criminal acts, including the death penalty.

High Court¹³, the Court agreed with the trial judge's assessment that there was a difference between sexual intercourse and rape. However, the High Court ruled that the trial judge failed to distinguish between consent and "passive submission"¹⁴ and found the defendants guilty. Ganpat was convicted of rape under Section 376 IPC, and Tukaram was convicted of assault (criminal force) intending to outrage women's modesty under Section 354 of IPC. They were given sentences of five years and one-year imprisonment, respectively.

The appellants (the two policemen) appealed to the Supreme Court.¹⁵ The Supreme Court, the highest Court in the country, noted that Mathura had not raised any alarm and had no apparent signs of injuries on her body, implying that there had been no

¹³ High Courts are the highest judicial body at the State level. Article 214 lays down the authority of High Courts. There are 25 High Courts in India. High Courts exercise civil or criminal jurisdiction only if the subordinate courts in the State are not competent to try the matters. High Courts may even take appeals from lower courts. High The President of India appoints High Court judges upon consultation with the Chief Justice of India, the Chief Justice of the High Court, and the Governor of the State.

¹⁴ Tukaram v. State of Maharashtra AIR 1979 SC 185

¹⁵ It is the Apex court of the country and was constituted on 28th January 1950. It is the highest court of appeal and enjoys both original suits and appeals of High Court judgments. The Supreme Court is comprised of the Chief Justice and 25 other judges. Articles 124-147 of the Constitution of India lay down the authority of the Supreme Court.

confrontation and, thus, no rape. The Supreme Court allowed the moral taboo of premarital intercourse to influence its decision leading to the “character assassination” of the girl victim, and “submission” during the rape was misinterpreted as “consent.” As a result, the Supreme Court acquitted the police officers, stating that Mathura was sexually active, therefore, not raped. The acquittal of the accused by the Supreme Court sparked public outrage and public protests (Suman, 2018).

The Supreme Court was under increased pressure to re-examine rape laws and the treatment of victims, resulting in changes to the law in 1983 (Kasera, 2020). The public pressure culminated in the Criminal Law (Second Amendment) Act 1983, amending Indian rape law by inserting the term “putting her” in danger of death or bodily harm in the clause in section 375 IPC (Suman, 2018). Consent to sexual activity gained by holding the woman or someone she cares for in danger of death or harm—like a woman’s children, spouse, or parents—is considered no consent. As a result, any sexual contact will be regarded as the rape of a woman (Suman, 2018).

State of Punjab Vs. Gurmit Singh (Gang) Rape Case

In the *State of Punjab Vs. Gurmit Singh* (1996)¹⁶ case, three defendants kidnapped a young girl under the age of 16 when she was on her way to her uncle’s place after completing an exam. Three men, ranging from 20-25 years of age, kidnapped her, drugged her, and took turns raping her. The following day, they dropped her off at the school where they had abducted her. The parents first approached the *town panchayat* (a village council) to resolve the matter. The girl and her father filed a complaint with the

¹⁶ *State of Punjab Vs. Gurmit Singh*, 2 S.C.C. 384 (1996).

police as the village council failed to resolve the issue. Due to the delay in filing a police complaint and minor contradictions in the victim's testimony, the trial court acquitted all the accused on both charges of abduction and rape. The trial court dismissed the girl's statement, referring to her as a questionable character who made up the rape story to justify spending the night away from home (Suman, 2018).

On appeal to the Supreme Court, the Court ordered the lower court to ensure that the victim was protected during cross-examination from stereotype branding and abuse by the defense, even if the victim is "habituated" to sex (Nair, 2020). In addition, the *Mathura case* eventually led to an amendment to the Indian rape law (i.e., The Criminal Law Amendment Act, 1983) by prohibiting the use of the previous sexual conduct of the victim as evidence of her character. In this case, the *State of Punjab Vs. Gurmit Singh*, the Supreme Court held that high courts should be sensitive in these types of cases, and rape cases should be tried in-camera rather than in open courts. The Supreme Court also ruled that a female judge should be present during a sexual assault trial so the victim can easily give her statement, and the Court can carry out its duties with greater efficiency and productivity (*The State of Punjab Vs. Gurmit Singh*, 1996). The significant elements of this definition in Section 375 of IPC ensured that intercourse would only be considered rape without consent from the woman. However, the Delhi high court's decision in the *Nirbhaya Rape Case* broadened the definition of rape.

Nirbhaya (Gang) Rape Case

On December 16, 2012, six adult men and a juvenile brutally assaulted and gang-raped a 23-year-old physiotherapy student on her way home with her 28-year-old male friend on a moving bus during the night in New Delhi (the capital of India). Three days

after being raped, the woman died of injuries caused during the incident (TOI-Online, 2019). The police arrested six suspects, including the juvenile. One of the accused committed suicide in jail before the verdict was pronounced. Four adults between the ages of 19 and 28 were convicted and sentenced to death. The 17-year-old juvenile was sentenced to three years (the maximum allowed for children under 18) to be served in a juvenile institution.

The case resulted in widespread political and social unrest in the nation's capital, forcing stricter legislation and the assurance of speedy justice (Verma & Prakash, 2020). Following protests in Delhi over the rape of the student, a committee was constituted under the supervision of Retired Justice J. S. Verma¹⁷ to make recommendations related to sexual offense laws (Nair, 2020). Based on these recommendations, the criminal law was amended to broaden the definition of rape and increase sanctions that addressed the complexities involved in the rape and sexual assaults of women and minor girls.

Significant Amendments and Enactments to Protect Minor Girls

The brutality of the *Nirbhaya Gang-Rape* and the victim's death awakened the Indian judicial system. As a result, the Indian judicial system made three major reforms

¹⁷ Justice Verma Committee was constituted to recommend amendments to the Criminal Law to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee submitted its report on January 23, 2013. It made recommendations on laws related to rape, sexual harassment, trafficking, and child sexual abuse, medical examination of victims, police, electoral and educational reforms.

by making significant changes to section 375 IPC through the *Criminal Law (Amendment) Act, 2013*, *Juvenile Justice (Care and Protection) Act, 2015*, concerning children in conflict with the law, and the enactment of the *Protection of Children from Sexual Offences (POSCO) Act, 2012*.

Criminal Law (Amendment) Act, 2013

Until 2013, only penile-vaginal intercourse was interpreted as rape under criminal law. The *Criminal Law (Amendment) Act, 2013*,¹⁸ passed on April 2, 2013, expanded the definition of rape. Under Section 375 IPC, a man is said to commit rape when he uses any type of penetration into a women's body (including insertion of any object) "either by himself or make any other person to do" [Criminal Law (Amendment) Act, 2013, p. 5]. The Act further includes, under the definition of rape, oral sex, inserting an object or any body part into a woman's vagina, urethra, or anus (Yamini, 2015).

In addition, Section 375 IPC, amended in 2013, states that it is considered rape when such an act is committed "with or without the consent when she is below eighteen years of age" [Criminal Law (Amendment) Act, 2013, p. 6]. Punishments under Section 376 IPC also were amended to include stringent sanctions. For example, if the victim dies or goes into a vegetative state due to rape, the offender is sentenced to life imprisonment or death. The penalty for gang-rape is a minimum of 20 years of imprisonment (Yamini, 2015).

¹⁸ <https://www.iitk.ac.in/wc/data/TheCriminalLaw.pdf>

The Juvenile Justice (Care and Protection of Children) Act, 2015

Prior to the 2015 Act, the *Juvenile Justice (Care and Protection) Act of 2000* defined a juvenile or child as any person under the age of 18 years. Applying the 2000 Act, the defendant, a minor in the *Nirbhaya case*, was tried in the juvenile court and received a maximum punishment of three years imprisonment in a special home (i.e., a juvenile institution or prison). The public demanded changes to the existing law because of the juvenile's active participation in the crime and the gruesome nature of the offense. As a result, the age for charging a juvenile as an adult for serious crimes was reduced from 18 to 16 years through the amendment of the 2015 *Juvenile Justice (Care and Protection of Children) Act* (Kasera, 2020).

The new Act, the *Juvenile Justice (Care and Protection of Children) Act of 2015*, broadened the definition of rape by raising the age of consent. The Act defined a juvenile or child as anyone under 18. However, the Act allowed minors aged 16 to 18 to be tried as adults if they committed heinous crimes. Suppose a child has committed serious crimes like murder, abduction, rape, or other sexual offenses. In that case, the minimum punishment is imprisonment for seven years or more, equivalent to that provided for adults [The Juvenile Justice (Care and Protection of Children) Act, 2015, 2016, p. 5].

Suppose a (male) child is over 16 years old and is accused of committing a heinous crime. In that case, the Juvenile Justice Board¹⁹ (referred to as the Juvenile Court) shall conduct a preliminary assessment of the child's mental and physical

¹⁹ Juvenile Justice Boards exercising their powers and carrying out their functions in relation to children who are in conflict with the law under Juvenile Justice Act.

capacity. In addition, the Act requires an evaluation of whether the child committed the crime, the child's ability to understand the consequences, and the circumstances under which the child committed the crime. The Juvenile Justice Board enlists the services of psychologists, psychosocial workers, and other professionals with experience working with children in difficult situations to conduct this review or assessment and determine whether to try a child as an adult. If the Juvenile Justice Board determines, following a preliminary assessment under Section 15, that the child needs to be tried as an adult, the Board issues an order to transfer for the trial and provides grounds for it.

Special Legislation to Protect Minor Girls from Sexual Offences

The Government of India passed special legislation to protect minor girls from rape, including the Information Technology Act 2000, the Juvenile Justice (Care and Protection of Children) Act 2015, the Protection of Women from Domestic Violence Act 2005, the Commissions for Protection of Child Rights Act 2005, and the Prohibition of Child Marriage Act 2006. Additionally, the Government of India, Ministry of Women and Child Development (MWCD) commissioned a report to ascertain the nature and severity of child abuse in India. This report estimated that one out of every two children had been exposed to some form of sexual abuse (MWCD, 2007). This alarming trend led to a particular law, *the Protection of Children from Sexual Offences (POCSO) Act, 2012*, to protect victims and prosecute offenders who commit sexual offenses against children.

Protection of Children from Sexual Offences (POCSO) Act, 2012. The POCSO Act of 2012 expanded the scope of offenses previously not regulated by criminal law (Nair, 2020). This Act was adopted to prevent and secure children, irrespective of gender, from sexual assault/harassment and pornography and to prosecute those engaged

in sexual activities with children (POCSO Act, 2012). The Act defines “aggravated penetrative sexual assault,” “penetrative sexual assault,” “aggravated sexual assault,” “sexual assault,” “sexual harassment,” and “child pornography” and prescribes minimum and maximum penalties (POCSO Act, 2012, p. 2).

A person commits “penetrative sexual assault” if a person (i) penetrates their penis into the child’s vagina, mouth, urethra, or anus, or (ii) forces a child to do so, or (iii) puts any other object into the child’s body, or (iv) applies his mouth to a child’s bodily parts, according to the POCSO Act. The penalty is a sentence of imprisonment ranging from seven years to life in prison, as well as a monetary fine [POCSO (Amendment) Act, 2019]. Suppose the perpetrator is a child’s family member or an individual in a position of authority or trust and commits penetrative sexual assault on a child? In that case, it is “aggravated penetrative sexual assault.” This rule also applies to anyone in positions of authority committing such an offense, including police officers, members of military force, public servants, hospital staff, or staff of an educational institution, children’s home, or religious institution. Also, if the sexual act injures a child’s sexual organs or causes mental or physical impairment, it is categorized as “aggravated penetrative sexual assault.”

Importantly, gang-rape of a child is specified in Section 5(g), “Whoever commits gang penetrative sexual assault on a child” is punishable by not less than ten years in prison and up to life in prison, as well as a fine (POCSO Act, 2012, p. 3). Section 6 of the POCSO Act of 2012 defines aggravated penetrative sexual assault. “Whoever commits an aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for

life and shall also be liable to fine” [POCSO (Amendment) Act, 2019, p. 4]. In addition, the POCSO Act has specific provisions to safeguard the rights of children at all stages of the legal process by implementing child-friendly procedures in reporting, recording, and investigating cases by the police and by providing speedy justice by the Special Courts.

Special Court. Section 28 of the POCSO Act (2012) designates a Court of Session in each District (an administrative division of a State) to serve as a Special Court to try the offenses under the Act (p. 10). Special Courts, also known as fast-track special courts (FTSC), conduct the trial secretly and without disclosing the child’s name. As a result, the child can participate with a parent or other trustworthy adult and may seek assistance from a translator, special educator, or other specialists when providing testimony. Above all, the POCSO Act mandates that a case of child sexual assault be resolved within one year of the offense being registered. This timeline allows the Special Court to provide timely justice and compensation to a sexual assault victim for psychiatric treatment and rehabilitation.

In addition to the special courts exclusively dealing with various forms of child sexual abuse/exploitation, the Act includes several provisions to educate the police and courts on timely disposal cases. For example, the Act requires police officers to be sensitive when documenting the testimony of a child abuse survivor. As a result, the ACT mandates the statement of the child victim be gathered by a female police officer, provide judicial safeguards to the victim, and, most importantly, resolve cases within one year by the Special Courts. Indian society views rape as a social stigma that only affects the victim, not the offender. Due to these views and the devastating process for the victim who must deal with the stigma, most victims remain silent (Mathur, 2019).

Immediately after the POCSO Act was passed in 2012, the Indian criminal justice system began to record and prosecute sexual offenses against children under the POSCO Act. Similarly, the NCRB recorded incidents of sexual crimes against children and reported them in India's official crime statistics. Even after specific legislation was enacted to protect children from sexual offenses, the incidents nearly doubled between 2013 and 2018 (NCRB, 2014 & 2019). Officially recorded rape assaults against children were 12,363 in 2013, and the recording of such incidents increased to 21,605 in 2018 (NCRB, 2014 & 2019). A possible reason for the increase in the recording of rape assaults could be that the POCSO Act mandates reporting child sexual abuse cases (Saha, 2015).

Essential Amendment to the Protect Minor Girls from Sexual Offences

Even after enacting special acts to protect minor girls, sexual offenses rose. The POCSO Act of 2012 was ineffective in preventing sexual crimes against children, particularly against girls. Like the *Nirbhaya gang-rape* case that brought amendments to criminal law in 2013, the gang-rape and murder of an eight-year-old girl in *Kathua* city (*Kathua rape case*) led to the Criminal Law Amendment in 2018 and the Protection of Children from Sexual Offences (Amendment) Act in 2019.

*Kathua (Gang) Rape Case. Mohd. Akhtar v. State of Jammu and Kashmir,*²⁰
known as (the Kathua rape case) brought about the Criminal Law (Amendment) Act

²⁰ <https://indiankanoon.org/doc/62196194/>

2018.²¹ The *Kathua rape case* in 2018 involved the kidnapping, gang-rape, and murder of an eight-year-old girl from a nomadic community in Rasana village near Kathua city, located in Jammu & Kashmir, a Union Territory administered by the Central Government. The charges were leveled against seven defendants, four of whom were police officers accused of trying to cover up the case. The case sparked outrage nationwide, mainly because it involved a child. Moreover, the rape was committed by a Hindu priest at a Hindu Temple, and the victim was a Muslim. The incident soon became politicized along Hindu-Muslim lines (Bhatt, 2021).

On April 16, 2018, the *Kathua Gang-rape and Murder* case trial began in the Sessions Court in Kathua City, Jammu & Kashmir (northwestern part of India). During the second hearing, the victim's father requested the Court to move the trial from Jammu to Chandigarh, a neighboring state, to avoid an injustice. The Supreme Court transferred the case from Jammu & Kashmir to a neighboring state Pathankot on May 7, 2018, and ordered that the trial be fast-tracked. Six of the seven defendants were found guilty on June 10, 2019. Three received life sentences of 25 years in prison, another three received a five-year prison sentence each for destroying evidence, and one was acquitted due to a lack of evidence. Considering the *Kathua Gang-rape and Murder* case, the 2018 Criminal Law Amendment incorporated major recommendations from the *Justice Verma Committee* (Nair, 2020), as discussed below.

²¹https://www.mha.gov.in/sites/default/files/CSdivTheCriminalLawAct_14082018_2.pdf

Criminal Law (Amendment) Act, 2018

The Criminal Law (Amendment) Act, 2018, enacted on August 11, 2018, led to significant changes for rape in the punishment section 376 of IPC. If a minor child under 16 is sexually assaulted, the minimum punishment for the offender is at least 20 years of imprisonment. The maximum penalty is capital punishment if the child is under 12 (Nair, 2020). In addition to Section 376, a new Section 376AB was added with Section 376A to punish perpetrators of rape of girls under twelve. The maximum penalty is capital punishment if the child is under 12 (Nair, 2020).

Similarly, new Sections 376DA and Section 376DB were added, distinguishing rape from gang-rape of children and the age criteria of the victim.

376DA. Where a woman under sixteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine. (The Criminal Law (Amendment) Act, 2018, p. 2)

376DB. Where a woman under twelve years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death:

Provided that such fine shall be just and reasonable to meet the medical

expenses and rehabilitation of the victim: Provided further that any fine imposed under this section shall be paid to the victim (The Criminal Law (Amendment) Act, 2018, p. 3).

Protection of Children from Sexual Offences (Amendment) Act, 2019

The Protection of Children from Sexual Offences (POCSO) Act was introduced in 2012 to protect minors under 18 from sexual violence. Sexual assault, sexual harassment, and child pornography are the three principal offenses for which it aims to impose legal penalties. The Ministry of Law and Justice amended the POCSO Act in 2019 to broaden its scope and include new clauses. The POCSO Act raised the mandatory minimum sentence from seven to 10 years. The punishment for penetrative sexual assault on a child under 16 is a minimum of 20 years to life in prison and a fine. The amended POCSO Act expanded the definition of aggravated penetrative sexual assault to include two new conditions. These include assaults that result in a child's death and assaults perpetrated during a natural disaster: "5 (j) (iv) causes the death of the child" [POCSO (Amendment) Act, 2019, p. 2].

According to the POSCO Act of 2012, aggravated penetrative sexual assault imposes a sentence of 10 years to life in prison and a monetary fine. But as per POCSO (Amendment) Act, 2019, aggravated penetrative sexual assault on children increased the imprisonment to a minimum of 20 years and a maximum sentence with the death penalty in rare circumstances. It also amended stricter punishments for sexual assault with hefty fines and prison sentences for child pornography.

Despite the Indian Government's efforts to pass special laws and provisions to protect minor girls from sexual offenses, there are many limitations in the Indian criminal

justice system (Jaithlia & Maheshwari, 2020). For example, the significant shortages of police officers for the investigation of cases, lack of forensic laboratories for the timely processing of evidence, fewer fast-track special courts,²² and fewer special court judges are barriers to timely justice for victims (Mathur, 2019). This lack of personnel and resources resulted in a poor conviction rate and delays in rendering judgments in child sexual assault cases (Gupta, 2020). For example, only 33.2% of sexual assault cases resulted in a conviction in 2017, compared to 34.2% in 2018, 34.9% in 2019, and 39.6% in 2020 (NCRB, 2018 – 2021). Another reason for the low conviction rate of rape cases is that the prolonged process deters most women and minor girls from going through the court process (Kalra, 2018).

Not only is the conviction rate for sexual offenses markedly low, but courts try a significantly lower number of cases of murder with rape of minor girls. For example, only 14 cases of rape-murder of children were tried out of 285 pending cases at the end of 2017, indicating that 95.1% were awaiting trial (NCRB, 2018). A similar pattern was reported in subsequent years. For example, only 29 of 388 pending cases in 2017 were tried in 2018 (NCRB, 2019; 2020; 2021). As a result, it is critical to understand how patriarchal beliefs affect women and young girls, in general, with specific reference to those who belong to lower castes and religious minorities.

²² Fast-track courts can provide swift justice in these kinds of cases and can speed up the legal process in certain types of cases.

Patriarchal Beliefs in India

In the broadest terms, patriarchy refers to the nature and institutionalization of male domination over women and children in the household and the expansion of male supremacy over women in society (Alkana & Lerner, 1988). Weitz (2010) mentioned that many historical civilizations, including Hebrew, Chinese, Greek, Indian, and Roman cultures, have relied on patriarchy to organize their social, legal, political, and economic systems. Women's lack of empowerment is linked to patriarchal beliefs and practices being the dominant socio-political discourse that oppresses women, children, and other minorities on various levels, including political, economic, sociological, and cultural oppression (Rawat, 2014).

The country's long tradition of patriarchal hierarchy is the root cause of gender-based violence against women and girls in India (Roy & Dastidar, 2018). Highly rooted patriarchal ideologies implicitly accept gender-based violence and dominant beliefs of gender because females are regarded as meant for sexual, reproductive, and domestic work. At the same time, males are considered to secure and support the family (Sahni, 2019). Due to patriarchal beliefs, even women from the middle and higher levels of society do not achieve psychological empowerment (Rawat, 2014).

Choudhry et al. (2018) reviewed the motivation for sexual violence against minor girls and suggested that child sexual exploitation is a multifaceted phenomenon of personal, family, cultural, and societal influences. Likewise, Diwakar (2020) described how patriarchal beliefs, caste hierarchy, and class divisions affect women and girls from marginalized communities. Often, wealthy, educated, and upper-caste men use forced sex as a powerful tool to undermine *Dalit* women and girls' rights and dignity by justifying

sexual crime against the lower caste. India's long tradition of patriarchal hierarchy, social attitudes toward women, and victim blaming were cited as reasons for the rise in sexual violence and rape culture in India (Roy & Dastidar, 2018).

Rape Culture in India

Rape culture represents more than sexual assault (Taub, 2014). According to Burt (1980), rape culture is a persistent ideology that actively justifies or defends sexual assault against women. In India, sexual assault is the most prevalent crime against women and minor girls, downgrading the nation into an unsafe geographical setting for females (Prajapati, 2020). Social values and norms in India shield rapists, promote impunity, degrade victims, and require women to make unjustified sacrifices to avoid sexual assault. For instance, females are taught at a young age how to dress to prevent humiliation and sexual abuse (Menon, 2019) since 'inappropriate clothing' leads to a 'rape culture' (Bhattacharyya, 2015). However, in several cases, men have raped children as young as eight months old and women as old as a 100-year-old in India (Menon, 2019). Another aspect contributing to India's "rape culture" is that women are coerced into withdrawing sexual assault charges or marrying their attackers to avoid shame for their families (Peri Charmatz, 2020). In some cases, judges recommend the offenders marry the rape victim to prevent sanction, demonstrating that there is still a patriarchal prejudice in judicial decisions (France-Presse, 2021; Gupta, 2020).

Every time a rape or murder of a minor girl is broadcasted in the newspapers or on television, the nation is shocked, and this is not an infrequent event in the recent decade. According to Krishnan (2015), more contemporary reasons like caste, politics, and the economy actively seek to perpetuate rape culture and sexism in Indian society.

Although there are concerns and progress in combating rape culture, Indian political discourse often leads to systematic victim-blaming, which benefits the offenders, intentionally or unintentionally (Shahid et al., 2021). Geetha (2013) explored the rape culture, sexual assault, and brutality experienced by *Dalit* women in India at the hands of dominant upper-caste males who enjoy legal impunity while targeting and destroying *Dalits and Adivasis*.

Understanding Hate Crime in India

According to Shukla (2020), “Hate crime is understood as a manifestation of prejudice based on religious, caste, ethnic, gender, or regional identities” in India (p. 14). In India, caste is explained by the practices of “untouchability,” which forms the core of caste-based crimes. Hate crimes perpetrated by non-scheduled castes/tribes against scheduled castes/tribes in India, on the other hand, are referred to as “crimes of atrocity.” Hate or bias-motivated acts convey to victims that they are hated and insecure in the community, victimizing the entire group and diminishing feelings of safety and security (Bell & Perry, 2015; Noelle, 2002).

Bias-motivated crimes differ from non-bias-motivated crimes regarding the consequent harm and the offender’s psychological condition. In addition, the nature of the harm created by a prejudiced crime surpasses the harm caused by non-biased crimes (Lawrence, 1994). While prejudice and biased crime have wide-ranging motives in different parts of the world, the situation in India is distinct in the form of patriarchal beliefs/practices and social, political, religious, and caste aspects rooted in the historical and cultural context of the nation.

In India, law enforcement agencies have been antagonistic to victims of hate crimes. Also, there are no adequate mechanisms to account for public officials' laxity or outright disregard for the rights of minority communities (Viswanath, 2021). The lack of reliable statistics on gender-based rapes and murders of women and girls and the absence of theoretical explanations for such crimes further limit understanding of the extent and motives of such crimes. More importantly, due to caste-based violence motivated by India's centuries-old caste system, conventional criminological theories cannot fully explain hate crimes in India. The following section discusses relevant theoretical explanations comparing the Indian perspectives.

Theories on Hate Crimes

Criminological study on the motives of atrocities or hate crimes in India is limited. It is worth noting that hate-motivated offenses are not a new kind of criminality in India. This section examines some criminological theories to provide a more comprehensive view of Indian hate crimes. Several criminological theories have been used to explain hate crime from Western perspectives. These include Perry's (2001) difference theory, Merton's (1968) strain theory, Robert Agnew's (1992) general strain theory, and Cohen and Felson's (1979) routine activity theory.

Perry (2001) claims that most hate crimes are better described as severe forms of prejudice stemming from a history of segregation, discriminatory treatment, and marginalization of individuals who are seen to be different. Understanding the reasons for atrocities or hate crimes in India is critical, as is understanding the societal structures that divide individuals into distinct caste hierarchical groups based on birth. In India, four castes are at the top of the caste system, while others are at the bottom, and there is a fifth

group known as outcasts or *Dalits*. Those at the top claim social and political power and are characterized as Indian society's ideal identity. Those who fall outside society's "identity ideals" (for example, lower-caste or *Dalits*, Scheduled Caste and Scheduled Tribes, and religious minorities like Muslims and Christians) are viewed as different by higher castes.

Due to disparity in income and education, many citizens will be unable to achieve the goals set by capitalist societies. Merton (1968) defines "imbalance" as the gap between culturally prescribed goals and the means and opportunities to reach them legally. As a result, those seeking material success are under pressure to obtain the materials and respect required to achieve the social status that society promotes, and some will resort to illegal means, including violence (Merton, 1968). According to Agnew (1992), three key forms of strain are the avoidance or obstruction of "achieving positively valued goals, the removal of positively valued stimuli, and the threatening or presence of adversely valued stimuli" (1992, p. 48).

Based on Merton's concept of strain and Agnew's use of negative relations, violence against Black minority groups or other identity groups could be due to the perpetrator's perceived socioeconomic insecurity, which he blames as the fault of such groups (Walters, 2010). In India, however, the religious majority with stable social and economic security (higher-caste and majority religious groups) commit prejudiced crimes against communities with unstable social and economic security (lower-caste and religious minority groups) due to the inherent imbalance in the caste system. The caste system supports discriminatory practices such as imposing taboos, social stigma, unstable social and economic security, political backwardness, and a lack of access to

opportunities in education, employment, and legislative power. As a result, caste conflicts are widespread in India and will continue to occur as long as the nation's socio-political-economic landscape remains uneven.

According to Cohen and Felson (1979), routine activities theory is a way of understanding crime based on the idea that anyone with the opportunity can commit a crime. Cohen and Felson identify three critical factors or components that must be present simultaneously for a crime to occur: the presence of motivated criminals, the presence of suitable targets, and the absence of capable guardians who can prevent the crime from occurring. Even when the first two elements are present, the presence of capable guardians, such as a neighborhood watch or a surveillance mechanism, can act as a deterrent (Cohen & Felson, 1979). In the case of India, a capable guardian—an effective criminal justice system—could investigate and record biased acts under existing atrocities law, prosecute hate crimes in a special court, and impose severe punishment to deter potential offenders from committing bias-motivated offenses.

Furthermore, because India's current laws on hate crimes are limited, legislation criminalizing biased offenses, initiating a proper investigation, irrespective of one's social standing, and respecting the human rights of victims from marginalizing communities are challenging to achieve. For example, Bhat et al.'s (2020) study demonstrated how police officers utilize discretion to construct biased crime and conceal the crime at various phases of inquiry and filing charging. In India, police discretion is impacted by structural issues, namely the lack of independence, poor training, and institutional prejudice (Bhat et al., 2020).

Structural Barriers

Due to the necessity for examination and treatment, the Model Police Act 2006 mandates state and regional forensic science laboratories with mobile units in every district (Linden 2011). However, since India only has 25 DNA specialists, 300 medico-legal experts, and 5,000 forensic experts, it lacks forensic labs for collecting, recording, and analyzing biological samples such as DNA and physical evidence (Sharma et al., 2015; Tondon, 2013). Also, India has limited professionally qualified people (women's rights attorneys, social workers, sexual assault nurses, psychoanalysts, medico-legal specialists, trained police officers, and so on) to develop a statewide community emergency action plan (Sharma et al., 2015). Police officers must be aware of the distinction between biased and non-bias offenses to effectively investigate incidents of sexual assault against minor girls and women, which are more likely to be decided by a court.

The criminal justice system, in general, and the judiciary do not fully comprehend the ramifications of rape against women in India (Barn & Kumari, 2015). The insulting comments by Indian judges in their court rulings undermine the victims and erect barriers to justice. Gowen (2015), for example, a judge in 2013 at Delhi court stated that an increase in sexual offenses is worrisome because young women agree to have sex with their boyfriends and then accuse them of rape. In *State v. Ashish Kumar*, a rape case, the judge also said women who indulge in sex before marriage are immoral. In 2013, a former judge from the Indian state of Kerala told a journalist that child prostitution is not rape. In another case, *Dilip v. State of Madhya Pradesh*, the rapist of a 14-year-old girl

was acquitted by the trial court because the victim did not resist throughout the sexual attack, suggesting that she consented (Gowen, 2015; Rawat, 2020).

As a result, the “perfect” rape victim, in the eyes of the judge, resists the attacker based on conventional notions about how women should act and behave. The question then is, who can take on the role of capable guardian to address the plight of these victims in biased motivated incidents? These attitudes seem to permeate all aspects of society, including the criminal justice system. However, the Indian criminal justice system is ill-equipped to address biased and non-biased incidents of sexual crimes against women and minor girls.

Bias Motivated Factors

Patriarchal beliefs due to social, political, and religious biases against lower-caste and religious minorities lead to various forms of discrimination and violence, including rape and murder of children as a form of dominance against marginalized communities. Due to the diversity of castes, religions, and cultures, India’s social system is classified as a multi-cultural and multi-religious community (Kalim et al., 2020). Differences in cultural and religious practices, in addition to the oppressive nature of the male-dominated society, often lead to gender-based violence, particularly rapes against women and minor girls in India (Kalra & Bhugra, 2013). This kind of gender-based violence differs from other forms of violence, in which rape is an act of power-play that extends beyond the act and is used to stigmatize the community and create fear that even the police and the court system revictimize the family for reporting (Ghosal, 2009). For instance, some police officers, attorneys, and judges mistreat and stigmatize rape victims in various stages of case processing to the final court decision (Ghosal, 2009).

Societal Factors for Rape

Women's position and status are intensely debated daily in India as more women become conscious of the inequalities and prejudices. Misogyny is an ancient Indian practice that considers women in India as men's property (Varma, 2018). The idea of misogyny permeates politics, the workplace, and everyday life (Chapman, 2014). According to the IPSOS Global Trends Poll²³ (2017), 64% of Indians stated that women's primary task is to be good mothers and faithful wives, suggesting "the self-sacrificing, self-effacing pure image of women" (Sivakumar & Manimkalai, 2021, p. 432).

These perceived notions of purity are used to show dominance over women (Bhattacharya, 2017). Male dominance in society is a significant social factor contributing to the prevalence of gender-based violence, such as rape, sexual assault, and other crimes against women, including minor girls, in India, indicating the country's gender inequality (Choudhary, 2018). For example, in the *Mathura* case, the police officers who raped the young girl were freed, and the victim was blamed for the rape (Sivakumar & Manimkalai, 2021).

²³ The IPSOS Global Trends survey is the largest study of its kind, providing a unique snapshot of the world today. It explores the attitudes and behaviors of over 18,000 consumers and citizens in 23 key countries around the world and with over 400 questions, covers everything from tradition to trust, from brands to business, from society to social media and much, much more.

According to Roy and Dastidar (2018), societies that promote male dominance and women's social and cultural conditioning make women feel less powerful and inferior. Men who feel their masculinity is threatened show sexual dominance against women and girls. As a result, women and girls are more likely to experience sexual abuse. Verma and Prakash's (2020) rape analysis revealed that a significant psychological influence behind rape is male bonding (men's development of a profoundly intimate friendship) during rape, particularly during a gang-rape. Male bonding facilitates the creation of a social hierarchy within a group and is an effective way for a group to protect itself and act as a gang (Norman, 2022). As a result, during sexual acts, male bonding leads to support and facilitation of the activity (Sanday, 2007).

The patrilineal aspect of a patriarchal society emphasizes female vaginal purity and female chastity because chaste women are worshiped as goddesses while women's unsanctified sexual indulgences are condemned (Verma & Prakash, 2020). As a result, exerting power, control, or dominance over a community or its people is exhibited through sexual victimization in the form of rape. Therefore, rape is used as a powerful tool to maintain control over women and minor girls and keep them as oppressed gender. This type of male bonding-based support and protection shields males from the consequences of sexual offenses while maintaining powerful social status within the framework of a patriarchal society (Verma & Prakash, 2020). As more cases of rapes and gang-rapes of children are reported, male bonding appears to have played an essential role in those cases (May & Strikwerda, 1994).

Political Factors for Rape

Men and women have equal rights under the Indian Constitution. Yet, legal, and political inequality have prevented the laws and regulations from achieving gender equality, resulting in sexual violence against women and girls in India (Choudhary, 2018). According to Bhatia (2018), rape and murder are becoming a political issue in India, an act of power assertion and dominance to maintain women's inferiority and a systematic way to abuse women's economic and political rights (Chatterji, 2018). Salim (2018) noted that sexual harassment has instilled terror among many minority groups in India to keep them under the control and purview of the dominant mainstream institutions and individuals. The majority/mainstream usually belongs to the upper castes in the Hindu religion. For instance, the rape and murder of an eight-year-old girl, commonly referred to as the *Kathua rape case*, was committed with the intent to drive her community away from that region. In this situation, rape is a resource-control mechanism (Choudhury, 2018).

Sexual crime is not committed against a female body or mind alone but rather against her father, husband, brother, son, family, and society (Ghosal, 2009). As a result, misogynistic culture is not constant but shaped for political purposes by right-wing politicians to strengthen support from the dominant economic classes, castes, and religious groups (Krishnan, 2015). For example, since the ruling political party, the Bharatiya Janata Party (BJP), came to power in 2014, violence against minority religious communities in India—Muslims and lower-caste—*Dalits* have escalated (Viswanath, 2021).

Religious Motivated Factors for Rape

A religious-motivated crime has two characteristics: it is a prima facie criminal conduct, as defined by the Indian legal system, and it is partially or entirely motivated by prejudice against the victim's religious identity (Basu, 2021). According to Varma (2017), the growth of right-wing political power committed by Hindu religious agendas is widespread in many states, especially in Uttar Pradesh, Gujarat, Haryana, Maharashtra, Madhya Pradesh, Bihar, Assam, and Karnataka. Moreover, over the last three decades, many of these states have seen a new social and political pattern of Hindu-Muslim conflict due to the dominance of the population (79.8%) belonging to the Hindu religion (India Guide, n.a.).

Hindu fundamentalism and denying minorities' rights in India have a long history. In India, Hindus are socially and culturally dominant, but when that dominance turned into a political plurality, it became troublesome to remain in power because of Hindus' preferred authoritarianism (Kalim et al., 2020). According to Basu's (2021) study, the Bharatiya Janata Party's (BJP) electoral triumph in 2014 resulted in a surge in hate crimes against religious minorities, particularly against Muslims in India. Others claim that sexual violence against minorities, particularly against minor girls, has been used to negatively realign the lives of minority people by Hindu nationalists (Varma, 2017).

The *Kathua Rape Case* frightened not just the Muslim minority community but other minority communities as well due to the increasingly violent incidents of hatred. Unfortunately, the debate turned into a Hindu *versus* Muslim controversy rather than reflecting on the reality that an eight-year-old child was gang-raped and murdered (Bhatia, 2018). Singh (2020) wrote that the Indian Nation was shattered and broken, not because of the rape and killing of a minor Muslim girl, but of the group of people in

society who supported the rapist, including the top political executives and representatives of the ruling political party who helped the rapists by interfering in the investigation. Unlike other nations, political figures in India often support perpetrators of sexual assault who belong to their community or have a political affiliation when the victims belong to minority communities or lower castes regarding their social ranking. They commit these acts of violence to deter, isolate, and shame those they consider to be “anti-national” (Muslim community) and “untouchables” (*Dalits and Adivasis*) (Varma, 2017).

Caste-based discrimination and rapes. In addition to patriarchy, incidents of rape of minor girls are often associated with caste-based violence motivated by India’s centuries-old caste system. Tradition, power politics, and shame are all functions of caste, and caste is used to humiliate and deprive people of their rights (Jagnoor, 2020). The severity of sexual violence against *Dalit* women, as depicted via derogatory terms, is impossible to document. In the state of Uttar Pradesh, the fourth largest state in the north-central part of India, Jagnoor (2020) stated that upper-caste males frequently assert that “a male is not satisfied until he has drunk goat’s milk and a *Chamar (Dalit)* woman’s body” (para. 7). The remark expressed upper-caste men’s domination over *Dalit* women’s bodies and their impunity, as evidenced by numerous cases of sexual assault (Jagnoor, 2020).

Although some Indian women have achieved prestigious positions in the judicial system, academics, politics, information technology, healthcare, and various other sectors, they are primarily from the upper caste. The opportunities received by upper-class women are unavailable to the women and girls who belong to the lower-class,

minority community, and the lower caste/*Dalit* (Gangoli, 2011). Occupational limitations and endogamy are the two most prominent aspects of the Indian caste system.

Occupational segregation shows that gendered hierarchies exist, with upper-caste women being placed above lower-caste or *Dalit* women in leadership positions. *Dalit* women work as maids and manual scavengers in upper-caste houses, resulting in submissive social connections and further dividing communal identities (Jagnoor, 2020). The caste-based (upper-caste *versus* lower-caste) inequality sanctified by the Hindu religious culture victimizes a significant portion of the Indian population belonging to the *Dalits* and *Adivasis*.

India has an alarmingly high incidence of bias-motivated violence. In most cases, victims belong to the *Dalit* community. For example, men from dominant castes perpetrated most sexual assault cases against *Dalit* women and girls (87.4%) in the northern state of Haryana, where 90% of the population belongs to the Hindu Religion (India Guide, n.a.; Swabhiman Society, 2020). Similarly, out of 119 rape-murder incidents against minor girls reported in 2020, nearly 61 (52%) were reported in the central (30 in Uttar Pradesh, 13 in Madhya Pradesh) and western regions (11 in Maharashtra, and seven in Gujarat) of India (NCRB, 2021). These four states have more than 80% of the population belonging to the Hindu religion.

In addition to the social, political, religious, and caste prejudice, judicial processes also are biased in determining which cases fit into the “rarest of rare” cases, such as rapes involving minor girls where the offender is eligible for the death penalty (Verma & Prakash, 2020). There is no statutory definition of “rarest of rare,” and it depends upon the facts and circumstances of a particular case, the brutality of the crime, the offender’s

conduct, the offender's previous history, involvement in the crime, and chances of reforming and integrating the offender into society. However, by giving the perpetrator the benefit of the doubt, the courts have disregarded Violence against Women (VAW) and minor girl children in India. Some men benefit from systematically exploiting a section of society and claiming that "casteism doesn't exist in India" due to a lack of facts or processes deliberately used to destroy evidence in sexual offense cases (Pramanik, 2020, para. 11).

Non-Bias Motivated Factors

The victims suffer the same outcome whether the incident of murder with rape is biased or non-biased motivated. In both instances, the perpetrator tries to conceal the victim's identity to avoid arrest and prosecution (Folino, 2000). Police, prosecutors, and judges are usually more concerned with whether the accused committed the alleged offense than why the accused committed the crime. However, the consequences of bias-motivated incidents have far-reaching impacts. For example, the intent behind such crimes is to create a sense of fear or terror for the immediate family and the entire community.

Unlike the bias-motivated factors, offenders who commit non-bias murders with rape may engage in sexual acts as an expression of anger and sexual sadism (Barbaree et al., 1994; Berlin et al., 1997; Myers et al., 1999; Sarkar, 2013). The non-bias rapes are often unplanned and spontaneous, aiming for instant sexual pleasure (Sarkar, 2013). Opportunistic sexual perpetrators look for lonely victims without bystanders to protect or witness the sexual act. Sexual sadism is a desire for the perpetrator to torture and humiliate the victim to show dominance and control (Barbaree et al., 1994; Sarkar, 2013).

Chopin and Beauregard (2022) investigated 135 cases of sexual homicide and found 35 instances of sexual sadism involving minor victims. Kerr et al.'s (2013) study focused on adult female rape-murders. His findings support the argument that anger, and sadism are important factors in understanding the motive behind brutal acts of sexual violence. Due to a lack of official data, sexual sadism-related murders of minor victims have not been documented in India. Focusing on such studies contributes to understanding the nature and extent of these crimes in India. However, the following section discusses relevant studies on murders with rape or sexual homicides in other countries.

Gender-based Murder across the World. Studies in the United States, Canada, European nations, China, and South Africa offer various explanations for sexual homicides or sexual murders. Sexual homicide accounts for about one percent of all recorded killings in the United States each year (Chan & Heide, 2009). Similarly, in England and Wales, homicides in sexual activities are significantly more prevalent, with 3.7% of 4,860 persons convicted of homicide in sexual settings between 1985 and 1994 (Francis & Soothill, 2000). Based on 62 years of data, Beauregard and Martineau (2013) determined that 600 probable sexual homicide instances were reported to police in Canada. According to Chan and Heide (2016), who examined 84 cases of sexual murders perpetrated by men in China, more than half (56%) of sexual homicides were motivated primarily by sex, with power and control being the weakest motives (six percent). Specifically, in a study on crime against children by Abrahams et al. (2017), one out of every 10 child killings in 2009 in South Africa was a rape-murder, outnumbering other documented rates of child rape and murder.

Sexual murderers vary from non-homicidal sex offenders. Personality factors such as impulsivity can explain why some sex offenders kill their victims (Healey & Beauregard, 2017). Also, sexual murder offenders had considerably greater mental health issues, such as psychopathy, childhood sexual abuse, and a history of sexual crime (Häkkinen-Nyholm et al., 2009). In a study of American sexual killers, Chan et al. (2010) discovered that White offenders were more likely to murder members of their race than other races. Similarly, Hickey (2002) stated that child sexual murderers target victims from their own racial and ethnic groups. Besides the lack of theory in the Indian context to explain or predict murders with rape against minor girls due to bias and non-bias motives, the lack of evaluation studies in determining the potential impact of existing legislation further complicates the scholarly work.

Bias and non-bias crimes against women and minor girls result from gender inequalities (Stotzer, 2014), and they disproportionately harm women and minor girls. Many countries have taken measures to address Violence against Women (VAW) and gender-related killings in different ways by adopting legal changes, early interventions, multi-agency efforts, the creation of special units and implementing training in the criminal justice system. Countries also have adopted legislation that criminalizes femicide or feminicide as a specific offense in their criminal codes.

Similarly, to implement adequate preventive policies in India, one should be familiar with the history of rape laws, the constitutional rights of women, and laws related to protecting women and girls from sexual offenses motivated by various bias and non-bias factors. Also, it is essential to understand the reasons for geographical variations in the prevalence of such incidents. There are regional differences in terms of political

affiliation, level of education, religious beliefs, socio-economic differences, and cultural practices in India.

Geographic Patterns and Prevalence of Murder with Rape

In India, the frequency of overall crime varies among states and union territories. Similarly, the prevalence of rape-related murder of minor girls also differs from one state to another and across different regions of India. Therefore, it is essential to understand the relationship between factors that impact geographical patterns of rape incidents. India's regional differences are based on ethnic groups, languages, traditions, religions, and economic and educational aspects. Jha (2015) suggested the need for micro-level research to understand the relationship between rape and socioeconomic indicators to evaluate the consistent spatial trend.

Prevalence of Murder with Rape Across States

The prevalence of rape-related murder of minor girls in India is not evenly distributed across India. When compared to states in the southern, eastern, and western regions of India, some states in India's northern and central parts of India had a higher number of murders with rape cases. For example, in 2020, nearly half of all victims of murders with rape (55 out of 119 total cases) were from northern and central regions (NCRB, 2021). Similarly, 82 of 151 victims in 2017, 76 of 145 in 2018, and 73 of 130 victims in 2019 of murders with rape against minor girls were recorded from the same regions (NCRB, 2018, 2019 & 2020).

Socio-economic Indicators

Education. In India, the literacy rate varies from state to state. The Gross Enrollment Ratio (GER)²⁴ in higher education for the 18–23 age group in 2018–19 is about 26.3% (Kancharla, 2019), which means that among school-going children, only 26 or 27 out of 100 enrolled in higher education after completing schooling in India. The remaining 74% are school dropouts who cannot continue their college education for various reasons. The southern states typically have higher literacy rates. For example, Kerala’s literacy rate was above 96.2% in 2021 compared to the eastern state of Bihar’s literacy rate of 67.25% (National Survey of India, 2021). When comparing GER enrollment rates in higher education across India in 2018–2019, the northern state of Rajasthan, the western state of Gujarat, the central states of Chhattisgarh, Madhya Pradesh, and Uttar Pradesh, the eastern states of Bihar, Jharkhand, Odisha, and West Bengal, and the north-eastern state of Assam had lower GER than the national average of 26.3% (Kancharla, 2019). Among the states with a low GER rate, two states from India’s central region—Madhya Pradesh and Uttar Pradesh—have reported nearly 40% of 126

²⁴ Number of students *enrolled* in each level of education, regardless of age, expressed as a *percentage* of the official school-age population corresponding to the same level of education.

incidents of rape resulting in the murder of minor girls in 2019 (NCRB, 2020).

Furthermore, Madhya Pradesh and Uttar Pradesh are governed by right-wing nationalist parties promoting anti-Muslim and anti-*Dalit* ideologies (Anderson & Jaffrelot, 2018).

Research claims that individuals who do not receive adequate education may be more prone to antisocial behavior, such as gender discrimination, which may explain the higher crime rate against women in rural areas (Rakshit & Neog, 2020). For example, according to Rakshit and Neog (2020), a one percent increase in higher education enrollment results in an eight percent decrease in overall crimes in India. In addition, the eight states that showed a lower GER rate reported higher incidents of violence against children compared to other states.

Economic factors. Regarding the economy, four states—Gujarat, Haryana, Maharashtra, and Tamil Nadu—account for more than a third of the national economic output (Luchnikava, 2015). Kerala, Punjab, Karnataka, Arunachal Pradesh, West Bengal, Nagaland, Mizoram, Tripura, and Himachal Pradesh are states with average economic growth (Luchnikava, 2015). Eight states—Bihar, Assam, Jharkhand, Manipur, Madhya Pradesh, Rajasthan, Odisha, and Uttar Pradesh—were considered economically poorest states in India (Luchnikava, 2015; Purfield, 2006). Betigeri et al. (2018) noted an association between economic factors among states and sexual violence. For example, Rasul and Sharma (2014) investigated the underlying causes of Bihar and Uttar Pradesh's poor economic performance (UP). They concluded that it is due to a lack of human capital, poor governance, and inadequate infrastructure, as well as political instability and social turmoil rooted in sectarian politics based on caste, class, and ethnic separation. Despite recent advancements in women's financial, educational, and technological

achievements, the attitude towards women and their societal role has not changed in states like Bihar and Uttar Pradesh of India (Rasul & Sharma, 2014).

Gaps in Published Official Crime Data

The national official statistical crime data, *Crime in India*, is published annually by the National Crime Record Bureau (NCRB). The data by NCRB are compiled from the police departments of 28 states and eight Union Territories in India. The political executives of the respective state/union territory governments administer the police force. India, which became a secular democratic republic and union of states in 1950, has a dual polity structure. The country divides its powers between the central/federal and state governments governed by different political parties because of a multi-party system often dominated by local parties. Often executives of the state's ruling political parties use political influence on the state police force to underreport the number of incidents to highlight their respective area as a less crime-prone state (Bhat, 2018).

The NCRB published an official report on the violent crime of rape-related murder of minor girls under the chapter *Crime against Children*. However, the report does not separate gang-rapes from murder with rape of minor girls or details of victims' caste or religion (Ahmad, 2019). A 2011 committee established by the Ministry of Statistics and Program Implementation (MOSPI) to study crime statistics reported by NCRB noted the deficiencies regarding the pervasiveness of crime against women and minor girls in India (Raman, 2020).

In addition to NCRB, the National Family Health Survey (NFHS) collects data on physical and sexual violence against women and girls aged 15 to 49 in rural and urban

areas across religions and castes. However, the NFHS, like NCRB, does not provide any statistics on sexual violence against girls under the age of 15 (Raman, 2020). In contrast, the nation's print media reports more reliable data on serious crimes like rape and rape-related murder of minor girls. As such, news media reports serve as a valuable source of information.

Summary

The chapter discussed the history of rape laws in India, including landmark court decisions on rape cases, significant amendments to rape law, and the enactment of special legislation to protect minor girls from sexual offenses in India. These laws and judicial opinions are intended to deter, prevent, and protect children from sexual crimes. India's patriarchal beliefs and caste hierarchy may partially explain the increasing sexual crimes against women and girls. However, the traditional cultural views combined with more recent socio-political factors that have further encouraged rape culture and hatred against marginalized communities in the form of sexual violence against women and girls tend to provide a more comprehensive explanation.

The oppressive nature of the religiously dominated and influential caste led to violence against marginalized communities. The chapter reviewed biased and non-biased motivating factors related to child murders and rapes in India. It further discussed the barriers to provide adequate justice to the victims. It identified the current gaps in the literature by integrating bias and non-bias motivating factors in determining the prevalence, incidents, and contributing factors relevant to murders and rape of children. The chapter also deliberated the prevailing public sentiments regarding rape victims and perpetrators. Increasing awareness of the problem will help legislators, activists, criminal

justice officials, and service providers adopt and strengthen enforceable policies and create effective monitoring of such enforcement.

Following the reviewed literature, Chapter III provides an overview of the methodological approach used for this research, including the research questions, research design, data sources, search methods, term definitions, measures, analysis plan, and research limitations. In addition, Chapter III explains the reason for choosing the qualitative and quantitative methods for data collection by using systematic content analysis as the research method. Furthermore, Chapter III discusses the population and sampling strategies used in this research to collect secondary data from published print media news, digital news, legal, scholarly, and official crime data sources due to the scarcity of research on the subject and the lack of primary data.

CHAPTER III

METHODOLOGY

This research adopted systematic content analysis to gather qualitative and quantitative data to assess the prevalence, victim characteristics, motives, geographical variations, public reaction, and the case outcomes of murders with rape/gang-rape of minor girls in India. Specifically, the data gathered from the open sources (print media news reports, digital news portals, legal sources, scholarly articles, and published crime data), (1) compared official statistics of child murder (minor girl) with rape/gang-rape incidents from NCRB with the systematic study to examine trends and variation in state and regional data for 2017–2018, (2) analyzed the bias-motivating factors like social, political, religious, and caste-based discrimination associated with child (minor girl) rape-murders, (3) non-bias motivating factors such as revenge/anger, sexual sadism, or opportunity to commit the crime; (4) reviewed case outcomes of murders with rape recorded in the criminal/juvenile justice systems, and (5) assessed public reaction to incidents of murder with rape/gang-rape from news media.

Research Question

At present, there has been limited research on murder with rape/gang-rape of minor girls in India and motivating factors for such violent crimes against minor girls. This research study addressed six research questions derived from the literature, outcomes of prior cases, and news coverage:

1. What is India's child (minor girl) murders with rape/gang-rape trends including state and regional variations in the years (2017—2018)?

2. What bias-motivating factors (i.e., social, political, religious, and caste-based) contribute to child (minor girl) murders in India with rape/gang-rape?
3. What trends can be observed between non-bias motivated factors (i.e., revenge/anger, sexual sadism, or opportunity) and bias-motivated factors in committing murders with rape/gang-rape of minor girls?
4. How do the criminal justice/juvenile justice systems address child (minor girl) murders with rape/gang-rape cases in each state of India?
5. What are the public reactions to the child (minor girl) murders with rape/gang-rape cases in India as determined by news media?

Research Design

This study employed a systematic content analysis method to contextualize information using qualitative and quantitative methodological approaches (Hall & Wright, 2008). Content analysis helps investigate newspaper narratives and editorial magazine content in various texts (McNamara, 2005). Also, when reliable and valid data are challenging to obtain from primary sources, content analysis is a valuable methodology tool to study trends and measure latent and manifest content (Duriau et al., 2007; Short & Palmer, 2008).

Quantitative content analysis (i.e., manifest content) allows researchers to count the frequencies of specific words, for example, the number of incidents of murders with rape/gang-rape (Kondracki & Wellman, 2002). It also allows for coding the textual information into specific categories (i.e., bias v. non-bias factors). This approach enables researchers to quantify qualitative data (Morgan, 1993). In contrast, qualitative content analysis (i.e., latent content) extends beyond counting words to examine the underlying

meaning in the textual data. These categories may include “explicit communication or inferred communication” and subjective interpretation of textual data through a “systematic classification process of coding and identifying themes or patterns” (Hsieh & Shannon, 2005, p. 1278).

Content Analysis

The three main approaches to latent content analysis include conventional, directed, and summative content analysis. These three approaches are similar in that they are used to assess the meaning of the text. However, the application of methods depends on two factors: (1) the availability of research on the topic and (2) the stage at which the researcher should develop the coding. Conventional content analysis describes a phenomenon (for example, bias-motivation) derived directly from the textual data (Hsieh & Shannon, 2005). This type of design is appropriate when there is a limited theoretical perspective or research on the topic. In such situations, researchers use the inductive method to develop conventional content analysis categories instead of pre-determined categories (Kondracki & Wellman, 2002; Mayring, 2000).

Directed content analysis is appropriate when a study involves an existing theory. This approach requires the deductive use of a theory (Potter & Levine-Donnerstein, 1999). Using existing theory or prior research enables researchers to identify key concepts for coding the textual content. However, using the directed approach may pose challenges as the researchers may likely look for supportive evidence in their study.

The summative quantitative content analysis involves “identifying and quantifying certain words or content in the text to understand the contextual use of words or content” (Hsieh & Shannon, 2005, p. 1283). It has several advantages compared to

conventional and directed content analysis: (1) it allows for the identification of keywords before and during data collection; (2) it enables the researcher to study sensitive topics unobtrusively without any interaction with the participant; (3) it is appropriate to use when the choice of research methods are not readily available, or outcomes are not easily attainable; (4) it aids researchers to identify the use of words in a different context; and (5) it allows identification of patterns in the data (Rubin & Babbie, 2016; Rapport, 2010). However, internal consistency could be an issue with the approach if researchers fail to contextualize the broader meaning of the concept/term in the data (Hsieh & Shannon, 2005).

The current research utilized summative content analysis focusing on qualitative and quantitative approaches. The summative analysis is appropriate for this research as there are limited theoretical perspectives or empirical research on the topic. Also, the official data did not provide a contextual explanation for murder with rape/gang-rape of minor girls. Therefore, compiling comprehensive pre-determined coding was not feasible.

The summative approach enabled coding development before and during data collection. The availability of advanced search strategies allowed this proposed content analysis to extract qualitative and quantitative data from published secondary sources (i.e., online print media, independent online digital news portals, court cases, scholarly articles, and crime statistics—National Crime Records Bureau [NCRB] covering 2017 to 2018). Also, qualitative, and quantitative content analyses prove to be a more practical approach than surveys and interviews due to their unobtrusive nature and lack of reliance on subjective judgments (Krippendorff, 2004). The quantitative data extraction allowed

the researcher to document the number of reported incidents by state and region, type of offense, and note the demographic characteristics of victims and offenders.

The qualitative data extraction involved a more in-depth assessment of the textual data in creating themes. This thematic analysis allowed the researcher to closely examine the textual data to understand and identify the themes such as bias-related motivating factors and non-biased motivating factors behind murders with rape/gang-rape of girls in India. It further enhanced the subjective interpretation of the textual data (i.e., victim-offender relationship, motivations, court case outcomes, and public reaction to the case).

For creating specific themes, the researcher adopted an inductive approach. Firstly, the researcher familiarized himself with the textual data, generated themes (domains and sub-domains) based on the research questions, made necessary modifications, and developed appropriate codes. The inductive approach to analysis helped identify the concepts and theories related to the murder with rape of minor girls in India by identifying structural issues, patriarchal and cultural beliefs, and the influence of dominant caste hierarchy and non-bias factors.

In addition to systematic content analysis, the researcher used discourse analysis to assess motivating factors and public opinion related to each reported incident (Harris, 1952). Discourse analysis allows researchers to focus on more significant portions of the text instead of smaller units of words or phrases, providing the underlying meaning of the verbal or written text from a social and historical context (Harris, 1952). The analytical process involved careful “sifting, comparing and contrasting the different ways in which these themes emerge” (Tonkiss, 2012, p. 413), in addition to identifying the recurrent themes, specific themes, and phrases used and the meaning of those themes

(Schoenebeck et al., 2016). This approach provided insight into participants' views and perspectives and how these views and perspectives are socially and historically negotiated (Schoenebeck et al., 2016).

In the Indian context, the public reaction did not always support rape victims, even when the victim was a young woman or child. Recently, a 20-year-old woman in New Delhi was paraded on the streets with sandals around her neck, her face blackened, and her hair shaved off after being tortured and gang-raped because she refused advances by a teenager who later committed suicide (Taskin, 2022). While the teenager's relatives were torturing the victim, several women stated that the victim instigated the young men to commit rape. Others took videos of the incident and posted them on social media. Identifying the varying views of participants and connecting them from the point of historical and social contexts are vital in providing the context.

Operationalization of Murder with Rape/Gang-rape

Given the nature of the Indian criminal justice system, legislation like the criminal code (IPC) and special legislation (POCSO Act) define and address sexual offenses against minors. Specifically, the substantive law (IPC) defines rape, gang-rape, and murder offenses. While the IPC specifies punishments for murder, rape, and gang-rape of minors under 16, the POCSO Act defines types of sexual assault and gang-rape of children under 18. It describes the terms of minimum and maximum punishment for offenders. If the accused is under the age of 18 years, the *Juvenile Justice (Care and Protection of Children) Act* of 2015 defines the juvenile justice process. It broadens the age of minors who are 16 to 18 years, whether they must be tried as adults, and recommends punishment based on the age of consent.

The *Protection of Children from Sexual Offences (POCSO) Act* and the *Juvenile Justice (Care and Protection) Act* define a minor child as anyone under the age of 18 years. The Indian Penal Code (IPC) Section 375 defines rape as sexual intercourse with a woman with or without her consent [Criminal Law (Amendment) Act, 2013]. The *Protection of Children from Sexual Offences (POCSO) Act, 2012*, Section 2, includes a range of sexual crimes against minors, including “aggravated penetrative sexual assault and aggravated sexual assault” against children (p. 2). Section 3 of the Act clarifies the meaning of “penetrative sexual assault” (p. 2–3). Section 5 defines “aggravated penetrative sexual assault” (p. 3–4). IPC Section 376 (DB) defines gang-rape as an act committed by “one or more in a group of persons acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offense of rape” [Criminal Law (Amendment) Act, 2018, p. 8].

Operational definition

For the intent of this research, Murder with Rape and Murder with Gang-rape, as defined in the Indian Penal Code and special legislation *Protection of Children from Sexual Offences, (POCSO) Act*, were used. Murder with rape is characterized as the commission of intentional murder of a child (girl) under the age of 18 years by an individual, showing a “sexual nature” or sexual assault injuries resulting in the death of a child (girl). Murder with gang-rape is characterized as the commission of intentional murder of a child (girl) under the age of 18 years by two or more individuals, showing a “sexual nature” or sexual assault injuries caused by a gang that results in the death of a child (girl). The term “sexual nature” refers to all aspects of sexual activity.

Population and Sample

The unit of analysis was primarily articles/reports from published print media news articles/reports and digital news media portals from January 2017 to December 2018. The official crime statistics of India do not explicitly archive incident-based case details; thus, the cumulative number of cases reported in official statistics (see Table 1) may not represent the actual incidents. Therefore, collecting information from multiple sources such as print media news articles/reports, digital news media portals, legal sources, scholarly articles, and official crime statistics provided a better estimate of incidents and validated data for this research.

Table 1

Number of Murders with Rape of Minor Girls in India

Year	Murder with Rape/POCSO
2017	151
2018	145

Note. The number of incidents presented from *Crime in India*, 2017–2018, the official crime statistics published by NCRB.

Sampling and Sampling Strategy

Researchers have used different sampling techniques to conduct a content analysis of media (MacNamara, 2005; Song & Chang, 2012; Weare & Lin, 2000). Simple Random Sampling (SRS), utilizing week or consecutive-day sampling (Cavazos-Rehg et al., 2016; Chew & Eysenbach, 2010; Giglietto & Selva, 2014; Song & Chang, 2012; Takahashi et al., 2015) or a modified SRS systematic sample (Artwick, 2014; Giglietto & Selva, 2014; Harlow & Johnson, 2011), is the most used method in media content

analysis (Kim et al., 2013). However, when the population is not easily accessible, convenience sampling is the most appropriate method (Riffe et al., 1993). For example, researchers have used convenience sampling for social media content analysis based on the purpose of the study (Adam & McCorkindale, 2013; Clark & Ferguson, 2011; Waters & Jamal, 2011). The current research utilized relevant or purposeful content from newspaper articles from 2017 to 2018 related to murder with rape/gang-rape cases of minor girls to address the research questions. Thus, the sampling strategy involved convenience sampling with newspaper/online reports as the units of analysis for the study.

Data Sources and Search Strategy

The NewsBank database, accessible through the PVAMU digital library, was used to collect incidents of rape/gang-rape with murder from 2017–2018. This NewsBank database contained online news reports from over 11,600 sources worldwide. Four hundred sixty-four news sources (blogs, college/university newspapers, journals, magazines, newspapers, Newswire, web-only) pertained to news reports from India. A keyword search was conducted to select the eligible news sources for the study systematically using a unique combination of search terms—“rape and murder” OR “rape with murder” OR “murder with rape” OR “rape with murder” OR “gang-rape with murder” OR “rape and murder” OR “sexual homicide” OR “sexual killing*” OR “sexual murder*” OR “sex murder” OR “lust murder” AND minor OR “minor girl*” OR girl OR children* OR child* AND India*. Further filtering of dates (between 2017 and 2018) and restricting source location to Asia resulted in 4,807 news reports from various sources.

The initial search of the *NewsBank* data covered journals, magazines, print media, and digital media reports. The search yielded 28 journals, 57 magazines, and 3,640 newspaper reports from 33 print media sources. In addition to the print media, the digital media produced 670 documents from 10 Newswire sources and 403s from 36 web-only sources. However, the search of journals and magazines did not include details of the incidents of murder with rape/gang-rape. Therefore, they were excluded from further review.

Of the 33 newspapers in print media relevant to the study, only five widely circulated newspapers, the *Times of India*, *Hindustan Times*, *The Hindu*, *The Indian Express*, and *The New Indian Express*, published in English from 2017 to 2018, were first included for further review (see Table 2). The five selected newspapers are published nationwide in India, covering crime incidents from the entire country or specific regions. The *Times of India* has nationwide coverage and includes all states and Union Territories. While the *Hindustan Times* primarily covers news from the northern states, *The Hindu* contains information from southern states, the northern city of New Delhi, and the western city of Mumbai. *The New Indian Express* focuses on news events from the southern states of Tamil Nadu, Karnataka, Kerala, Andhra Pradesh, Telangana, and Odisha. At the same time, *The Indian Express* covers major cities in India. This study excluded other print media sources as they did not cover nationwide incidents of rape with murders.

Second, news articles/reports accessed for the study on murder with rape/gang-rape against minor girls in India were digital media news articles. The digital media news reports included Newswire and web-only based news reports. Among the 10

newswire sources, only three—*Asian News International (ANI)*, *IANS-English (Indo Asian News Service)*, and *United News of India (UNI)*—were accessed for this study. Similarly, from 36 web-only news sources, only five—*India TV*, *India Blooms*, *International Business Times: Indian Edition*, *OrissaTV.com*, and *Youth Ki Awaaz* were accessed for the study (see Table 2). Six other newswire sources, like newspaper print media sources, were not included in data collection due to a lower number of reported news and a discrepancy in the dates of the published news articles for the research. In addition to the Newswire and web-only sources, the search of case details in Google resulted in other digital news service portals e—*Deccan Chronicle*, *India.com*, *IndiaToday.in*, *NDTV.COM*, *News minute*, *Newsroom Orissa*, *The Quint*, *The Pioneer*, *The Weekend Leader.com* and *Tribune News Service* (see Table 2).

Third, in addition to incident-based data from news reports, this research reviewed legal sources to collect data to answer the research questions. First, the legislations—the *Criminal Law (Amendment) Acts, 2013* and *2018* in the Indian Penal Code, and special legislation enacted to protect children, the *Protection of Children from Sexual Offences (POSCO) Act, 2012*, and *POSCO (Amendment) Act, 2019*—were checked for the information on the current definition of sexual atrocities, criminal justice procedures, victim protection policies, judicial processes, and sentencing terms to the offender involved in child murders with rape/gang-rape in different states of India (Legislative Department, Ministry of Law and Justice, n.a.). Court judgments were accessed using the *IndianKannon.org* search engine. Court judgment documents provided case details, like case history, offender and victim details, convictions, and acquittal case

outcomes were updated in the data file. The court case documents were searched with case details identified through news reports included in the research.

Finally, scholarly research articles published between 2017 and 2018 were searched from *ProQuest* and *EBSCOhost* in PVAMU library databases, as well as *Google Scholar* (see Table 2). Twenty-six databases were available in ProQuest containing resources from blogs, books, dissertations, scholarly journals, conference papers, and other sources. Among the available sources, *Criminal Justice Database* and *Dissertations & Theses Global* databases were explored to identify the research documents for this research. Furthermore, the *ProQuest Dissertations & Theses (PQDT) Global* database collects dissertations and theses from institutions worldwide covering arts, business, education, humanities, social sciences, medical sciences, and other sources. The EBSCOhost's database collection covered more than 500 full-text peer-reviewed publications on social behavior, human tendencies, community development, culture, and social structure. Google Scholar was assessed for scholarly literature, particularly from academic publishers.

The official aggregated data were compiled from the National Crime Records Bureau (NCRB) in the chapter—*Crime against Children*—under the crime head—*Murder with Rape/POCSO*—in *Crime in India, 2017 & 2018*. Apart from the overall incident-based comparison with the incidents of murder with rape/gang-rape, state-by-state, and region-wise data were examined for this research. Additionally, geographical demographics like the political party in rule, census data for population representation in religion and caste among the states, economic level, and the literacy rate of each state in India were also examined to answer the research questions (see Table 3).

The following section describes the search sources examined for the research.

For details of the search strategy (see Appendix B):

Table 2

Types of Data Sources

Data Sources	
1. Print media news reports/articles	<i>Times of India, Hindustan Times, The Hindu, The Indian Express, and The New Indian Express</i>
2. Digital news portals	<ul style="list-style-type: none"> ➤ Newswire – <i>Asian News International (ANI), IANS-English (Indo Asian News Service), and United News of India (UNI).</i> ➤ Web-only based – <i>India TV, India Blooms, International Business Times: Indian Edition, OrissaTV.com, and Youth Ki Aavaaz.</i> ➤ Other sources – <i>Deccan Chronicle, India.com, IndiaToday.in, NDTV.COM, News minute, Newsroom Orissa, The Quint, The Pioneer, The Weekend Leader.com, and Tribune News Service</i>
3. Legal sources	<p>Criminal Law Amendment Acts, 2013 and 2018, Protection of Children from Sexual Offences (POSCO) Act, 2012, and POSCO (Amendment) Act, 2019. Court Judgements – <i>IndianKannon.org</i></p>
4. Scholarly articles	<p>ProQuest – <i>Criminal Justice Database and Dissertations & Theses Global: Social Science</i>, EBSCOhost – <i>Academic Search Complete; APA PsycArticles; APA PsycInfo; E-Journals; ERIC; Humanities Full Text (H.W. Wilson); and SocINDEX with Full Text</i>, and Google Scholar</p>
5. Crime statistics	<i>Crime Against Children (Crime in India, 2017 & 2018)</i>

Table: 3*Data Sources and Relevant Research Questions*

Data Sources	Data Items	Research Question
Print media news reports/articles	Detailed news report on Murder with Rape/Gang-rape incidents	Q. 1, Q. 2, Q. 3, Q. 4, Q. 5
Digital news portals	Detailed news report on Murder with Rape/Gang-rape incidents	Q. 1, Q. 2, Q. 3, Q. 4, Q. 5
Legal sources	Penal law, special legislation, and Case outcomes in CJS/JJ	Q. 3, Q. 4,
Scholarly articles	Empirical articles, case study reports, literature reviews or systematic reviews, theoretical articles, and doctoral dissertations.	Q. 2, Q. 3
Crime statistics	National and state-level incidents of “Murder with Rape” will be compared with the political party in rule, census data for population, such as literacy rates, representation by religion, and economic factors, were compared for Geographical demographics.	Q. 1, Q. 4,

Measures

An initial coding instrument was developed based on a preliminary review of news articles, digital media news reports, legal sources, scholarly literature, and crime statistics chapters. Once the eligible reports were compiled and reviewed, the draft tool was modified. The review of quantitative and qualitative data resulted in eight broad categories coinciding with several sub-categories (see Table 4). The primary categories included (1) classification of murder with rape (rape or gang-rape resulting in murder), (2) victim characteristics, (3) offender characteristics, (4) victim-offender relationship,

(5) motivational factors (bias v. non-bias), (6) case outcomes, (7) public reaction, and (8) geographical factors (see Tables 3 & 4). The following are the primary categories and sub-categories:

- Victim characteristics (VC) include the victim's age, place of residence, living arrangements (whether the victim lived with both parents, a single parent, and grandparents), level of education, family income, religion, and caste.
- Offender characteristics (OC) include the offender's age, place of residence, living arrangements, level of education, income, employment status, type of employment, marital status, religion, and caste.
- Victim-offender relationships (VoR) include the relationship between the victim and the offender, such as a family member, neighbor, friend, stranger, acquaintance, and others.
- Motivating factors (M) include Bias and Non-Bias factors.
 - Bias factors (MB) include social (MBS), political (MBP), religious (MBR), and caste (MBC).
 - Non-bias factors include anger (MNBA) or revenge (MNBR), sexual sadism (MNBS), and opportunity (MNBO).
- Case outcomes (CO) include no charges (CONC), convictions (COC), acquittal (COA), appeals (COAP), and pending decisions (COP).
- Public reaction (PP) consists of a positive reaction toward the victim (PRV), a positive response toward the offender (PRO), a negative reaction toward the victim (NRV), and a negative reaction toward the offender (NVO).

- Geographical demographics (GD) include political (GDP), religious (GDR), economic (GDE), and educational variations (GDED) from the selected regions.

Table 4*Coding Scheme of Domains and Subdomains*

Domain	Subdomains	Measures
Crime Characteristics	Classification of Crime	<ul style="list-style-type: none"> • Murder with Rape/Gang-rape • Year of Incidents • Case details and status
	Victim Characteristics	<ul style="list-style-type: none"> • Victim's age, place of residence, living arrangements, level of education, family income, religion, and caste.
	Offender Characteristics	<ul style="list-style-type: none"> • Offender's age, place of residence, living arrangements, level of education, income, employment status, marital status, religion, and caste.
	Victim-offender relationships	<ul style="list-style-type: none"> • Relationship among the victim and the offender—The offender is known to the victim, and conflict details
Motivating Factors	Bias Motivating Factors	<ul style="list-style-type: none"> • Social factors • Political factors • Religious factors • Caste discrimination
	Non-bias Motivating Factors	<ul style="list-style-type: none"> • Revenge or Anger • Sexual Sadism • Opportunity
Case Outcomes	Police response	<ul style="list-style-type: none"> • Incident reported under criminal law section. • Investigation status
	Court response	<ul style="list-style-type: none"> • Court details • Court

	Status of the Case	<ul style="list-style-type: none"> • Pending trial / Under trial / Pending decision / Disposed—Convicted or Acquitted • If Convicted, Sentence details. • Appeal Status • Victim Compensation
Public Reaction	Reaction towards Victim	<ul style="list-style-type: none"> • Positively reacted or supported the victim. • Negatively reacted toward the victim
	Reaction towards Offender	<ul style="list-style-type: none"> • Positively reacted or supported the offender. • Negatively reacted toward the offender
Geographical Demographics	Political power and division	<ul style="list-style-type: none"> • Political party in power • Regional divisions—India is divided into six namely North, South, East, West, Central, and Northeast regions. • State divisions
	Religious representation	<ul style="list-style-type: none"> • Census data for the population • Population percentage of each state as per gender, religion, caste
	Economic factors	<ul style="list-style-type: none"> • Employment and non-employment rate • National and state economic rate
	Educational factors	<ul style="list-style-type: none"> • Literacy rate • Gross Enrollment Ratio

Data Analysis Plan

Before coding data, Case ID numbers were assigned to each incident of murder with rape/gang-rape recorded between January 2017 and December 2018 that was eligible for this research and determined to be the unit of analysis. However, a systematic search of data sources yielded multiple reports of the same case, which were given the same Case ID number and counted as a single case. Therefore, data from several eligible

reports on each incident case were coded following the coding scheme developed (see Appendix C) for this analysis. Before coding the systematically searched records included in this analysis, the intended data measures were tested for reliability and validity to ensure unbiased findings.

Reliability and Validity

Often researchers fail to report reliability tests when conducting content analysis due to a lack of specific guidelines (Lombard et al., 2002). Krippendorff (2004) provided four recommendations for establishing reliability in ensuring the reliable measurement of data collected from included reports: (1) explicit instructions to the coders, and each coder must code independently and may code different subsamples; (2) agreement within multiple descriptions, regardless of the number of coders; (3) an acceptable level of agreement (preferably $\alpha \geq 0.800$), and (4) discard data if there is disagreement by most of the coders. Even though the primary researcher performs most of the research, a scientific approach to content analysis from news reports requires at least two or more coders to check the reliability of a sub-sample.

In this study, the researcher followed the recommended approaches to attain reliability. First, manual coding was used to gather data with three (one primary and two secondary) coders. Second, the two secondary coders were trained to review textual documents, find data on incidents, and use the codebook to enter the data using content analysis. Third, a sample of 50 news reports was chosen randomly, with 10 from each of the five primary news sources (*Times of India*, *Hindustan Times*, *The Hindu*, *The Indian Express*, and *The New Indian Express*) assessed for this research. Fourth, the coders were assigned the same 50 randomly selected news reports. The reports were reviewed and

coded independently by all three coders using the pre-determined coding scheme. Fifth, after coding 50 news reports, the reliability of the coders' decisions was calculated using Cohen's Kappa (0.89) method for evaluating inter-rater reliability.

Additionally, Rourke et al. (2001) recommended four criteria for establishing content analysis validity: objectivity, reliability, replicability, and systematic coherence. First, objectivity refers to the extent to which the categorization of information in the transcripts is subject to the coders' interpretation (Berelson, 1952). The current study utilized a clear and objective coding instrument to avoid excessive subjectivity. Second, the uniformity of findings over time and across various coders (i.e., coder reliability), multiple coders were used in the study to meet consistency and inter-coder reliability. The third characteristic is replicability, meaning multiple and distinct groups of researchers can use coding to replicate the analysis and obtain comparable results. It was addressed by providing a comprehensive description of the systematic methodology for constructing the search process from various sources and measures used to gather data with a detailed coding process. The fourth is to use a systematic process for recognizing a structured approach to identify concepts and assumptions (Reber, 1995; Rourke et al., 2002). It was also responded to by providing a clear and systematic measure used in collecting qualitative and quantitative data and justifying analytical choices based on the type of data collected from the included reports for the analysis.

This research addressed both the reliability and validity recommended in using content analysis to collect and measure data (Krippendorff, 2004; Reber, 1995; Rourke et al., 2001) and employed a systematic process to search for data and multiple coders to code data in the coding phases. In addition, the coding was reviewed by experts in the

field to ensure the interpretation of the data collected applied to the Indian context. Using latent and manifest content analysis of reports, both qualitative and quantitative data were manually collected once the measure's reliability was attained.

Qualitative data's latent and manifest content was compiled manually to identify and interpret the visible and underlying meanings from news reports on the incidents. Due to a lack of resources of prior established thematic categories, pre-defined categories or themes were developed through a preliminary review of news reports and the researcher refined the themes during the coding process using the inductive method. Furthermore, summative content analysis was carried out by reading and analyzing each report in this study, identifying relevant data and patterns in the study context.

The quantitative data were coded using Microsoft Office Excel before being exported to SPSS for quantitative data analyses. Additionally, qualitative data were collected and categorized using domains and sub-domains developed in response to the research questions. In addition, qualitative data were examined to identify and understand the meaning and themes within the text by going through the text several times and capturing the significant ideas, themes, and patterns. The specified key concepts or themes were categorized, interpreted, and the findings were reported in Chapter IV.

Limitations

The official crime data compared for this study and the data gathered from various sources have limitations. The research compared incident-based information collected from news articles about murder with rape/gang-rape against minor girls with the number of victims—Murder with Rape/POCSO—recorded in the *Crimes Against Children* chapter published by the NCRB in 2017 and 2018. However, there is a

possibility that the officially registered incidents may not have an accurate account of actual incidents. For instance, “murder with rape” could have been recorded as a murder due to incomplete data, a lack of transparency, and data manipulation. In addition, NCRB is not engaged in data collection; instead, information is obtained from State/UT Police, Central Law Enforcement Agencies, CAPFs, and CPOs. Therefore, NCRB is not liable for the accuracy of the data. Considering these methodological concerns in NCRB, the study has examined and assessed the incident-based data collected from various sources on the incidents recorded for two years (2017 to 2018). Aside from that, incidents documented in NCRB on murder with rape in 2018 have pending clarifications from states such as West Bengal, Assam, Arunachal Pradesh, Meghalaya, and Sikkim.

Meanwhile, print media and digital news reports only captured some of the incidents reported by the NCRB in 2017 and 2018, limiting population completeness on incident-based data compared with an official number of incidents reported in NCRB. Therefore, collecting incident-based data from news sources noticed five limitations in this research. First, newspapers and digital news sources were the only primary sources of incident-based data accessible and used for this research. Second, only publicly available newspapers and digital news source collections archived in the *NewsBank* database were used as samples. Third, due to the kind of this research, data was limited to the availability of systematically searched data and included news materials from *NewsBank* and other sources such as legal and scholarly reports. Fourth, only descriptive information about the victim, offender, case progress and outcomes, motivational factors, and public reaction about the incidents mentioned within the text on news sources were limited. Fifth, because not all news reports published in chosen newspapers are accessible

in the world news search collection, the *NewsBank* database used for this study has limitations in assessing news sources.

CHAPTER IV

RESULTS

Data were collected using systematic content analysis, primarily from news reports published on incidents of murder with rape/gang-rape against minor girls in India between 2017 and 2018. Initially, a draft coding tool was created by reviewing news articles, digital media news reports, legal sources, scholarly literature, and crime statistics. The coding instrument was completed during the coding process after reviewing eligible reports. First, the systematic search process results are presented, showing the final number of documents included in the study. Second, descriptive statistics from NCRB are provided. The results from NCRB data are later compared with the findings from the systematic search of incidents of murder with rape/gang-rape.

The incident-based data were compiled using latent and manifest content-coding and summative and thematic processes to answer the six research questions. Specifically, the qualitative and quantitative systematic content analyses were used to identify and define the incidents of murder with rape and murder with gang-rape, victim and offender characteristics, victim-offender relationship, state and regional-level trends, motivational factors (bias vs. non-bias), case outcomes, public reaction, and geographical variation.

Systematic Search Results

The systematic search procedure used a relevant search strategy to compile the data to address the research questions. Searching different data sources yielded 3,590 records (see Figure 2). These records include print media news reports (1876 records), digital news portals (671 records), and online scholarly sources (1034 documents). In addition., the search of the Indian legal search engine, *Indiainkanoon.com*, resulted in five

court cases. The government legislative website produced four (criminal law amendments and the enactment of special laws to protect children from sexual offenses) relevant legal documents.

Identification of Records

First, a systematic search of print media yielded 1,876 news articles from the *NewsBank* database, specifically from five print media sources. The *Times of India* (TOI) published the most news articles, with 595 records, followed by the *Hindustan Times* (HT), with 507 articles. *The Hindu* (TH) published 266 articles, the *Indian Express* (IE) 369, and the *New Indian Express* (NIE) 139 from 2017 to 2018 (see Figures 1 and 2).

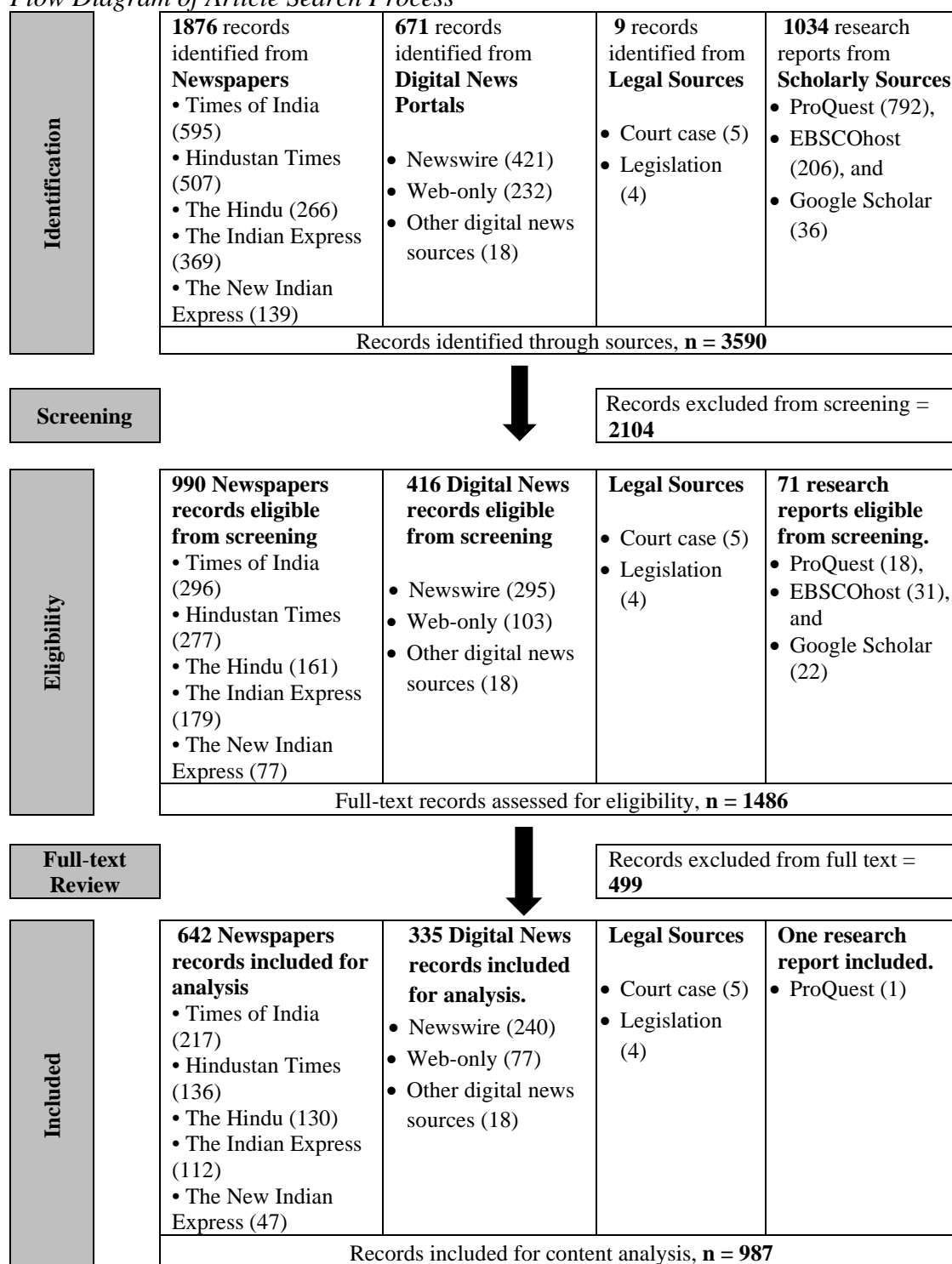
In addition, from 2017 to 2018, the digital new media search from the *NewsBank* database search resulted in 671 reports (newswire had 421 articles, web-only 232, and manual examination of other digital media resulted in 18 articles). For example, the newswire sources yielded 421 articles—149 articles from *Asian News International* (ANI), 71 from *IANS-English* (*Indo Asian News Service*), and 201 articles from *United News of India* (UNI). Web-only digital news sources yielded 232 articles from five sources—58 news articles from *India TV*; 33 from *India Blooms*; 77 from *International Business Times: Indian Edition*; 24 from *OrissaTV.com*; and 40 from *Youth Ki Awaaz*—from the *NewsBank* database (see Figure 1).

Second, the legal search source yielded five court cases from *IndianKannoon.com* and four legislation documents (Criminal Law Amendments, 2013 and 2018; special laws—Protection of Children from Sexual Offenses Act 2012 and POSCO amendments Act, 2019) from the legislative department, Government of India. Finally, a search of scholarly databases resulted in 1,034 from *ProQuest* and yielded (792) research

documents—the Criminal Justice database resulted in 79 academic journal articles, and the *Dissertations & Theses Global database: Social Science* resulted in 713 collections of dissertations. An additional scholarly source, *EBSCOhost*, yielded 206 academic journal articles from academic databases and 36 scholarly literature articles from *Google Scholar*.

Screening. The screening process included several steps. First, duplicate records of incidents against adult victims were excluded. Second, news articles reporting murder with rape or murder with gang-rape against minor victims were reviewed for eligibility. Third, records published from January 2017 to December 2018 were retrieved for full-text eligibility. This screening process resulted in 2,104 ineligible records and 1,486 eligible full-text documents for further review. See Figure 1 for details.

Eligibility. The screening process resulted in 1,486 full-text entries representing 990 newspaper records, with 296 from *Times of India*, 277 from *Hindustan Times*, 161 from *The Hindu*, 179 from *The Indian Express*, and 77 from *The New Indian Express* (see Figures 1 and 2). A total of 416 digital news records were considered eligible, including 295 from newswire sources, 103 from web-only sources, and 18 from other digital news sources. From the scholarly sources, 71 research reports were found eligible for screening, with 18 from *ProQuest*, 31 from *EBSCOhost*, and 22 from *Google Scholar*. The legal sources are unchanged with (9 records) (see Figure 1).

Figure 1*Flow Diagram of Article Search Process*

Note. Flow diagram was created for this study to explain the search process

Full-text review. The in-depth full-text review eliminated 499 records because incidents before 2017 were brought into the current time frame or lacked incident details. The final documents (N = 987) included 642 newspaper records, including 217 from the *Times of India*, 136 from the *Hindustan Times*, 130 from *The Hindu*, 112 from *The Indian Express*, and 47 from *The New Indian Express*. In addition to the print news reports, 335 digital news records were included, with 240 coming from newswire sources, 77 from web-only sources, and 18 from other digital news sources. Finally, the legal sources stayed the same, with nine records. Only one *ProQuest: Dissertations & Theses Global database* report was included in the final analysis (see Figure 1).

Demographic Statistics—Systematic Search Results by Year

The systematic search found 90 (71.4%) murders with rape incidents, with 38 (70.4%) in 2017 and 52 (72.2%) in 2018. In addition, 36 (28.6%) murders with gang-rape were recorded for the two years, with 16 (29.6%) in 2017 and 20 (27.8%) in 2018 (see Table 5 & Figure 5). Regarding victims' age, the 0–6 ($n = 38$, 30.2%) and 7–12 ($n = 43$, 34.1%) age groups accounted for most incidents, with the 0–6 age group representing 35.2% in 2017 and 26.4% in 2018, and the 7–12 age group accounting for 33.3% in 2017 and 34.7% in 2018. On the other hand, the 13–16 age group accounted for 34 (27.0%) incidents, with 14 (25.9%) in 2017 and 20 (27.8%) in 2018. Lastly, the 17–18 age group had only 11 (8.7%) incidents, with 3 (5.6%) in 2017 and 8 (11.1%) in 2018 (see Table 5 & Figure 2).

When it comes to the location of occurrence of the crime, residential areas recorded the highest number of incidents, accounting for 28 (22.2%) of total incidents, with 12 (22.2%) in 2017 and 16 (22.2%) in 2018. The second-highest number of

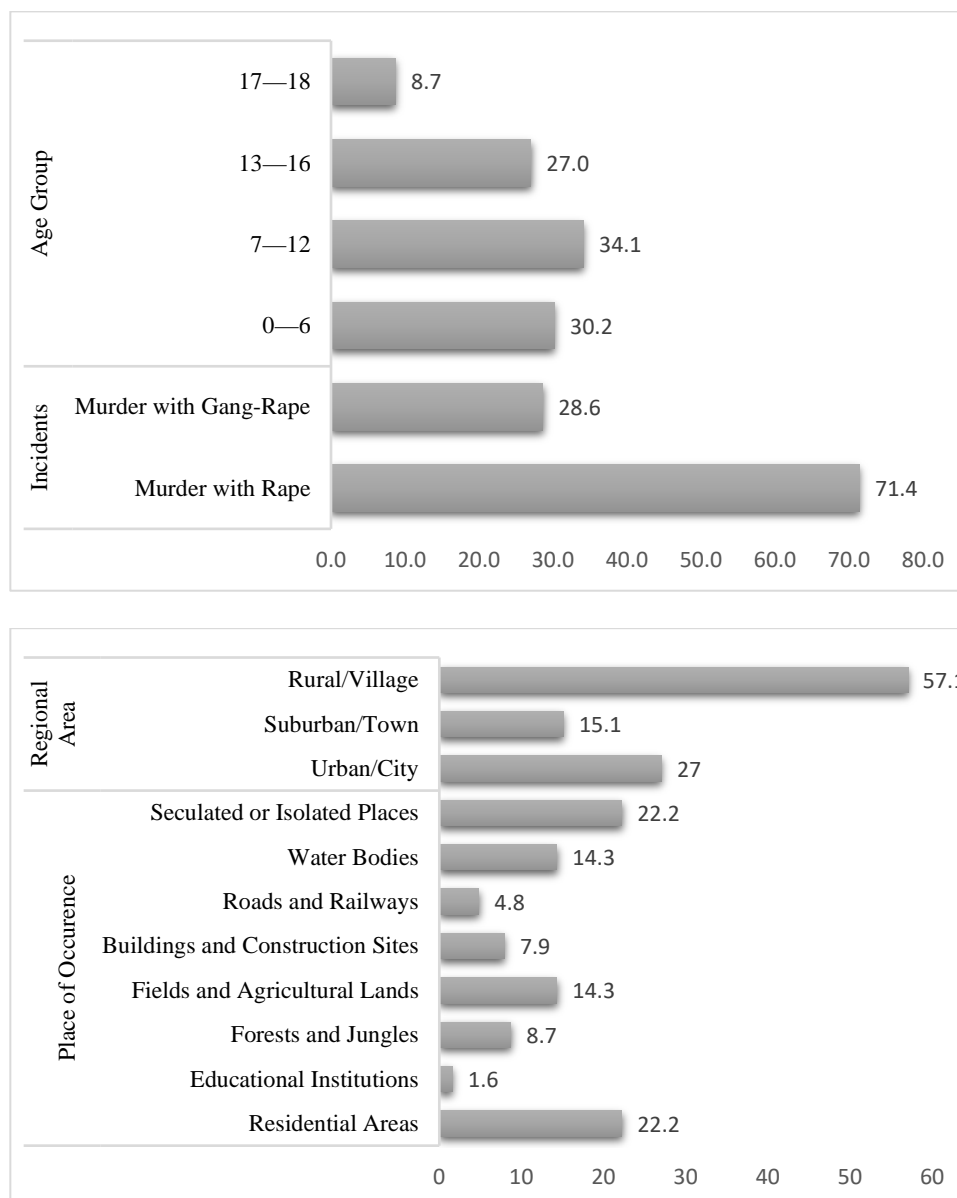
incidents occurred in secluded or isolated areas, with 28 (22.2%), consisting of 11 (20.4%) in 2017 and 17 (23.6%) in 2018. Regarding the location of the incidents, fields and agricultural lands recorded 18 (14.3%) incidents, with seven (13.0%) in 2017 and 11 (15.3%) in 2018. In total, there were 18 (14.3%) incidents in water bodies, compared to 12 (22.2%) in 2017 and six (8.3%) in 2018. Forests and jungles accounted for 11 (8.7%) incidents, compared to four (7.4%) in 2017 and 7 (9.7%) in 2018. Buildings and construction sites recorded 10 (7.9%) incidents, with five (9.3%) in 2017 compared to (6.9%) in 2018. Six (4.8%) incidents were reported on roads and railways. These included two (3.7%) in 2017 and four (5.6%) in 2018. Educational institutions reported no incidents in 2017, compared to two (2.8%) in 2018 (see Table 5 & Figure 2).

Regarding the distribution of crime incidents across different geographical/regional areas, the 'Rural areas/Villages' had the highest proportion of crime incidents in both years, with an overall 72 (57.1%) incidents, 28 (51.9%) in 2017, and 44 (61.6%) in 2018. 'Urban/City' areas accounted for 14 (25.9%) cases in 2017, compared to 20 (27.8%) in 2018, accounting for 34 (27.0%) of the total. 'Sub-Urban/Town' areas reported 11 (20.4%) in 2017 and eight (11.1%) in 2018, representing 19 (15.1%) incidents of murder with rape/gang-rape (see Table 5 & Figure 2).

Table 5*Descriptive Crime Incident Statistics by Year of Occurrence*

Incident Demographics	Year		Total Incidents n (%)
	2017 n (%)	2018 n (%)	
<i>Crime Incidents</i>			
Murder with Rape	38 (70.4)	52 (72.2)	90 (71.4)
Murder with Gang-rape	16 (29.4)	20 (27.8)	36 (28.6)
<i>Age Group (in Years)</i>			
0—6	19 (35.2)	29 (26.4)	38 (30.2)
7—12	18 (33.3)	25 (34.7)	43 (34.1)
13—16	14 (25.9)	20 (27.8)	34 (27.0)
17—18	3 (5.6)	8 (11.1)	11 (8.7)
<i>Place of Occurrence</i>			
Residential Areas	12 (22.2)	16 (22.2)	28 (22.2)
Educational Institutions	0 (0)	2 (2.8)	2 (1.6)
Forests and Jungles	4 (7.4)	7 (9.7)	11 (8.7)
Fields and Agricultural Lands	7 (13.0)	11 (15.3)	18 (14.3)
Buildings and Construction Sites	5 (9.3)	5 (6.9)	10 (7.9)
Roads and Railways	2 (3.7)	4 (5.6)	6 (4.8)
Water Bodies	12 (22.2)	6 (8.3)	18 (14.3)
Secluded or Isolated Places	11 (20.4)	17 (23.6)	28 (22.2)
<i>Regional Area</i>			
Urban/City	14 (25.9)	20 (27.8)	34 (27.0)
Suburban/Town	11 (20.4)	8 (11.1)	19 (15.1)
Rural/Village	28 (51.6)	45 (61.1)	75 (57.1)
<i>Total Incidents</i>	54	72	126

Note. Murder with Rape/Gang-Rape reported comparing 2017 and 2018

Figure 2*Percentage of Descriptive Crime Incidents 2017—2018*

Note. Overall crime incidents Murder with Rape/Gang-rape was presented by years

Victim Demographics

Age

Regarding the age groups, murder with rape showed a higher percentage of victims in the 0–6 age group, with 33 incidents (36.7%), compared to five incidents of murder with gang-rape (13.9%). Conversely, murder with gang-rape incidents had a higher percentage of victims, with 16 reported in the 13–16 age group (44.4% out of 36 incidents) compared to 18 (20% out of 90 murders with rape). The 7–12 age group represented equal percentages in murders with rape (34.4%) and murder with gang-rape (33.3%). Finally, the 17–18 age group represented a relatively small proportion of victims in both categories, with 8.9% in murder with rape and 8.3% in murder with gang-rape (see Table 6 & Figure 3).

Place of Incident

Regarding the place of occurrence, residential areas were represented slightly higher in murder with rape incidents with 21 (23.3%) than in murder with gang-rape (7 out of 36, 19.4%). In addition, secluded or isolated places were more often associated with murder with rape, reporting 25 out of 90 incidents (27.8%) than murder with gang-rape, which recorded only three out of 36 (8.3%). In contrast, higher incidents ($n = 8$, 22.2%) of murder with gang-rape were reported in forests and jungles, compared to only three (3.3%) incidents of murder with rape. The remaining categories had relatively similar distributions across both types of crimes.

Regional Area (Location)

Crime incidents were compared in three locations: {Urban/City, Suburban/Town, and Rural/Village}. Among the three areas, 'Rural/Village' areas accounted for a higher

percentage of murder with gang-rape, representing 23 (63.9%) out of 36 cases than murder with rape ($n = 49$, 54.4% out of 90) incidents. ‘Urban/city’ areas reported 28 (31.1%) murders with rape and six (16.7%) murders with gang-rapes. ‘Suburban/Town’ areas had a slightly higher percentage ($n = 7$, 19.4%) of murder with gang-rape than murder with rape incidents ($n = 12$, 13.3%) see Table 3 and Figure 6.

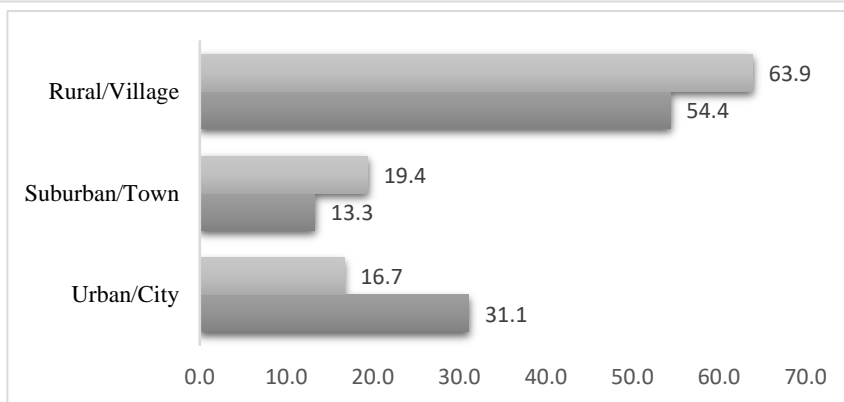
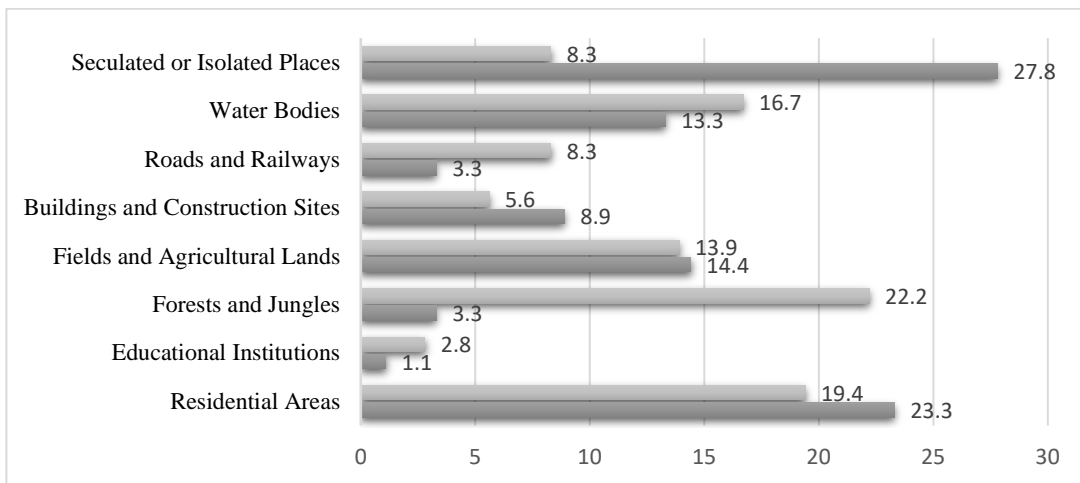
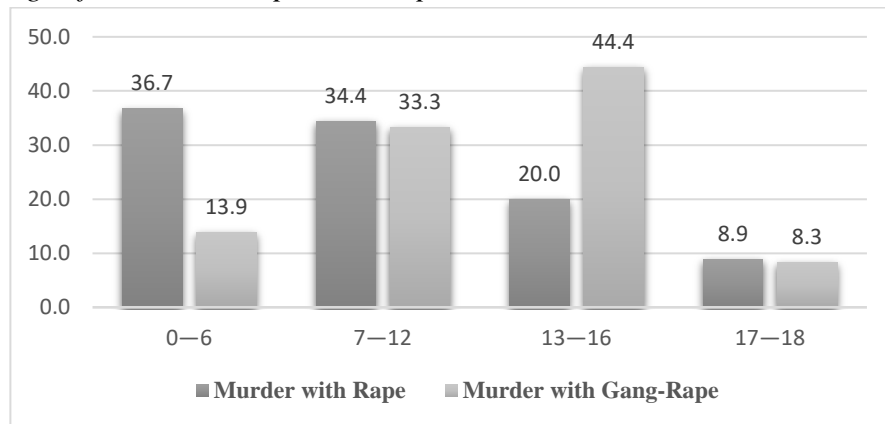
Table 6*Descriptive Victim Demographics by Crime Incident Types*

Victim Demographics	Systematic Study			
	Murder with Rape		Murder with Gang-Rape	
	n	%	n	%
<i>Age Group</i>				
0 — 6	33	36.7	5	13.9
7 — 12	31	34.4	12	33.3
13 — 16	18	20.0	16	44.4
17 — 18	8	8.9	3	8.3
<i>Place of Occurrence</i>				
Residential Areas	21	23.3	7	19.4
Educational Institutions	1	1.1	1	2.8
Forests and Jungles	3	3.3	8	22.2
Fields and Agricultural Lands	14	14.4	5	13.9
Buildings and Construction Sites	8	8.9	2	5.6
Roads and Railways	3	3.3	3	8.3
Water Bodies	12	13.3	7	16.7
Secluded or Isolated Places	26	27.8	3	8.3
<i>Regional Area (Location)</i>				
Urban/City	28	31.1	6	16.7
Suburban/Town	12	13.3	7	19.4
Rural/Village	49	54.4	23	63.9

Note. Reported victim characteristics comparing Murder with Rape/Gang-Rape

Figure 3

Percentage of Victim Descriptives Compared with Crime Incidents



Note. Overall, crime incidents by Murder with Rape/Gang-rape

Summary of results—Research Questions

The study addressed six research questions. Questions 1 and 2 focused on incident trends, state, and regional variations, a comparison between the official crime report and the systematic search results, and a plausible explanation. Questions 3 and 4 reviewed differences in motivational factors (bias vs. non-bias) for committing these crimes. Question 5 addressed criminal/juvenile justice responses, and question 6 analyzed the public response toward victims and perpetrators of these crimes.

RQ 1. What is India’s child (minor girl) murders with rape/gang-rape trends including state and regional variation (2017—2018)?

The NCRB does not report incidents of murder with gang-rape nor disaggregate rape incidents of children by gender. Comparing the official data with the incidents-based data compiled for this study addressed the gaps in the official statistics about underreported incidents of murder with rape/gang-rape. State and regional variations from the NCRB data, the characteristics of the crime incident, and victim and offender characteristics from the systematic search results for 2017 and 2018 are reported below.

Murder with Rape/POCSO—NCRB

State-wide comparison

In 2017, the NCRB reported a total of 151 cases of child murders with rape in India, with 146 (96.7%) cases across the states and five (3.3%) cases in union territories (NCRB, 2017); (see Table 2). The state with the highest percentage of incidents was reported in Uttar Pradesh (a state in the central region with the largest population), accounting for 43 (28.5%), and Maharashtra (a western state and the third biggest state) with 18 cases, making up 11.9% of the overall cases. Other states with notable

percentages of incidents included Jharkhand ($n = 9$, 6.0%), Telangana ($n = 10$, 6.6%), and Madhya Pradesh ($n = 12$, 7.9%). In contrast, states such as Bihar, Goa, Jammu & Kashmir, Mizoram, Nagaland, Sikkim, and Uttarakhand reported no child murders with rape. The remaining states had varying percentages, ranging from 0.7% to 4.0%. Regarding union territories, Delhi (both the capital city and a union territory) reported four (2.6%), while Puducherry had one case, making up 0.7% of the overall incidents. The other union territories reported no incidents of murder with rape in 2017.

In 2018, the NCRB reported a total of 145 cases of murders with rape of minor girls, with 142 (97.9%) cases occurring in several states and three (2.1%) cases in union territories (NCRB, 2018) (see Table 3). The state with the highest percentage of incidents was Uttar Pradesh, accounting for 31 or 21.4% of the total. Madhya Pradesh (a centrally found state) followed with 17 incidents, making up 11.7% of the overall cases. Three states with equal percentages included Assam ($n = 12$, 8.3%), Bihar ($n = 12$, 8.3%), and Maharashtra ($n = 12$, 8.3%). In contrast, states such as Goa, Himachal Pradesh, Jammu & Kashmir, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Uttarakhand reported no cases of murder of minor girls with rape. The remaining states had varying percentages, ranging from 0.7% to 6.2%. Regarding union territories, Delhi reported three cases, accounting for 2.1% of the total incidents, while the other union territories reported no murders with rape in 2018 (see Figure 4; Tables 8 & 9).

Regional Variations

Like state-level interpretation, regional-level variations were analyzed based on India's six regions (northern, northeastern, eastern, central, western, and southern) (see Figure 5). In 2017, the central region—consisting of Chhattisgarh, Madhya Pradesh,

Uttar Pradesh, and Uttarakhand—reported 38.4%, followed by the states in the southern region—made up of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Telangana, Lakshadweep, and Puducherry—accounted for 15.9% of the total incidents. The western region—comprised of Goa, Gujarat, Maharashtra, D&N Haveli, and Daman & Diu—contributed 15.2%. The northern part—Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Chandigarh, and New Delhi— reported 11.9% of the total incidents. The lowest incidents were reported from the eastern region—consisting of Bihar, Jharkhand, Odisha, West Bengal, and A&N Islands—with 9.9%. The northeastern part—consisting of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim—reported 8.6% in 2017 (NCRB, 2018).

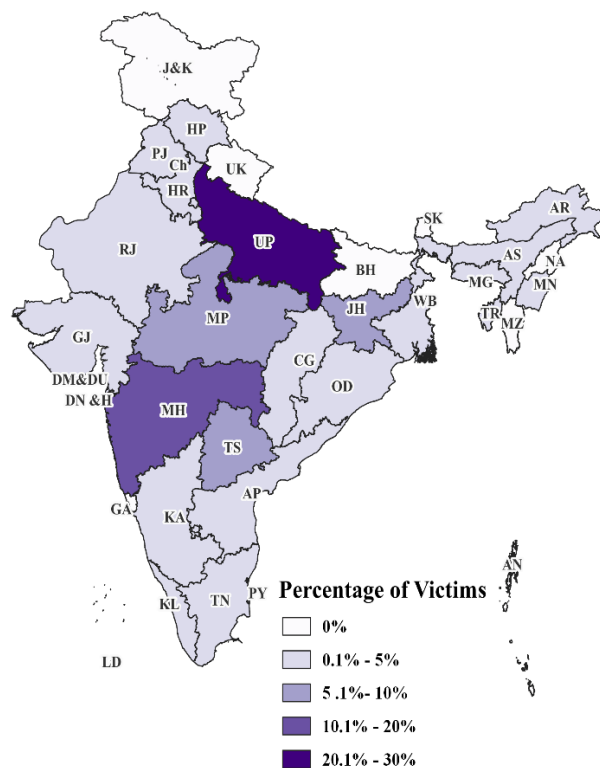
In 2018, the central region had the highest percentage of incidents, accounting for 37.9%, followed by the northern regions (14.5%). Among the states in the northern region, the state of Haryana (7.6%) had the most reported incidents. The eastern part recorded 14.5% (increased from 9.9% in 2017), sharing the same percentage as the northern region. The western region recorded 11.7% of total incidents (a decrease from 15.2% in 2017), and the Northeastern region accounted for 11%, with Assam accounting for the most incidents (8.3% out of 11%). The southern part reported 10.3% (a decrease from 15.9% in 2017) incidents, and the lowest among the regions in 2018 (see Figure 5). In both 2017 and 2018, the central part had the highest percentage of murder with rape cases. However, the southern region saw a decline in incidents, while the eastern and northern parts saw some increase. Over the two years, the western region reported a slight decrease, while the northeastern region saw a moderate increase.

The NCRB does not include incident-specific information. As a result, this study gathered incident-based data on murder with rape and murder with gang-rape of minor girls reported in 2017 and 2018 from a systematic search of print media, digital media, and other relevant sources. The following section describes the incident-based characteristics, including demographic data characterizing rape/gang-rape incidents in 2017 and 2018.

Figure 4

State/UT-wise Distribution of Murder with Rape/POCSO—NCRB

NCRB Data on Murder with Rape (States and U/T's) - 2017



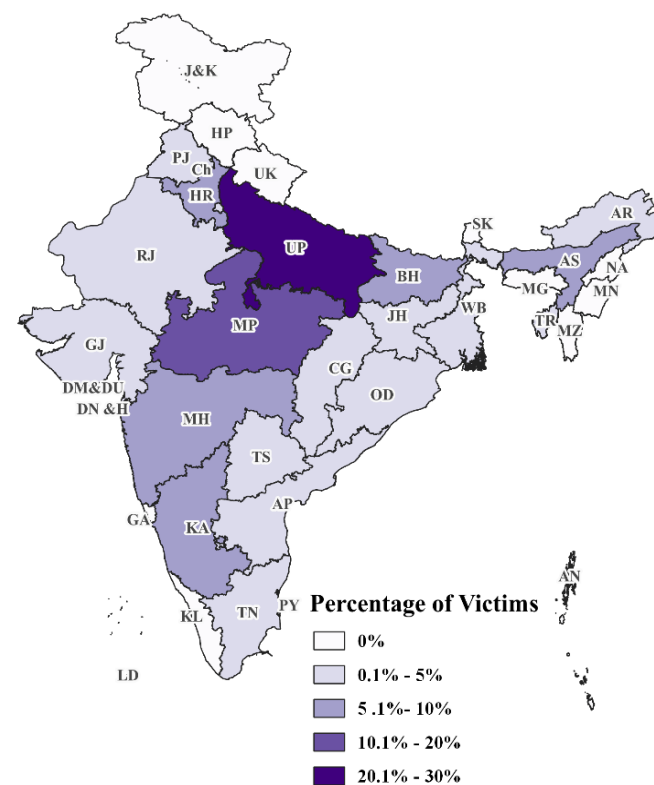
Name of Indian States

- AP Andhra Pradesh
- AR Arunachal Pradesh
- AS Assam
- BH Bihar
- CG Chhattisgarh
- GA Goa
- GJ Gujarat
- HR Haryana
- HP Himachal Pradesh
- JH Jharkhand
- KA Karnataka
- KL Kerala
- MP Madhya Pradesh
- MH Maharashtra
- MN Manipur
- MG Meghalaya
- MZ Mizoram
- NA Nagaland
- OD Odisha
- PB Punjab
- RJ Rajasthan
- SK Sikkim
- TN Tamil Nadu
- TS Telangana
- TR Tripura
- UK Uttarakhand
- UP Uttar Pradesh
- WB West Bengal

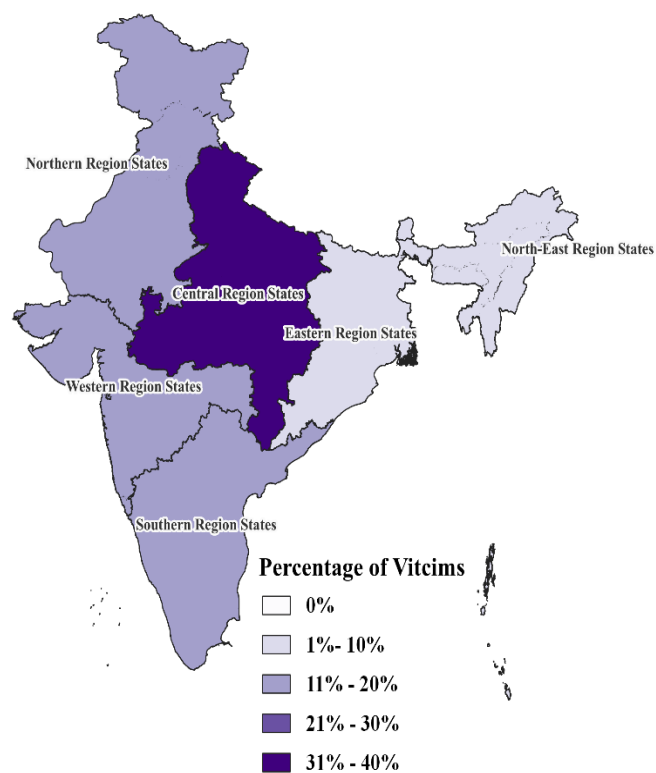
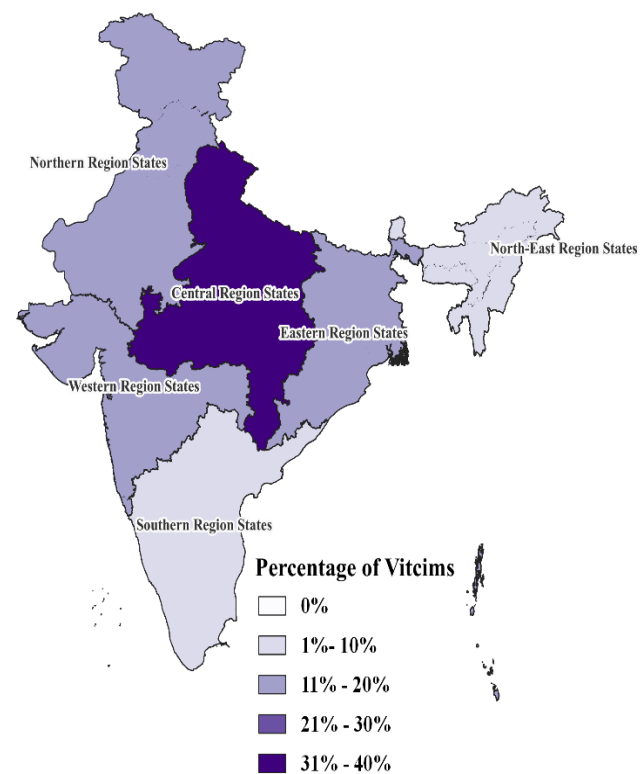
Name of Indian Union Territories

- AN Andaman and Nicobar Islands
- Ch Chandigarh
- DN&H Dadra and Nagar Haveli
- DM&DU Daman & Diu
- J&K Jammu & Kashmir
- LK Lakshadweep
- DL New Delhi
- PY Puducherry

NCRB Data on Murder with Rape (States and U/T's) - 2018



Note. As per data gathered from “Crime in India—2017 & 2018”

Figure 5*Region-wide Distribution of Murder with Rape/POCSO—NCRB***NCRB Data on Murder with Rape (Regions) - 2017****NCRB Data on Murder with Rape (Regions) - 2018**

Note. As per data gathered from “Crime in India—2017 & 2018”

Murder with Rape/Gang-rape—Systematic Search Results

State-wide Variations

The systematic search revealed that in 2017, Uttar Pradesh had the highest number of rape/gang-rape-related murders (10.7%, six of total cases, 54), followed by Haryana reported five (9.3%) incidents. In Four states, Karnataka, Kerala, Madhya Pradesh, and Maharashtra reported a similar number of incidents (7.4%, four each out of 54 incidents). On the other hand, Arunachal Pradesh, Assam, Goa, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, and Uttarakhand, as well as all union territories except for Delhi (5.6%, three out of 54 incidents), did not report any incidents.

Similarly, in 2018, with 11 incidents (15.3% of total cases 72), Uttar Pradesh had the highest number of murders with rape/gang-rape, followed by 10 incidents (13.9%) in Madhya Pradesh. On the other hand, Haryana reported eight incidents (11.1%), Gujarat seven (9.7%), and Goa, Himachal Pradesh, Kerala, Telangana, and all union territories did not report any incidents (see Tables 8 and 9). Further, the incidents recorded from each state in the systematic analysis are divided into six regions like NCRB to find the prevalence of murder cases involving rape/gang-rape across regional-level variation that includes Northern, Northeastern, Eastern, Central, Western, and Southern regions.

Regional Variations

The southern part of the country had the most murder with rape/gang-rape in 2017 out of 54, with 15 incidents (27.8%), followed by the northern region (25.9%), which reported 14 incidents. The prevalence was relatively comparable in the eastern and

central regions, with seven cases (13%) and 11 cases (20.4%), respectively. Finally, the northeastern part did not report any cases in 2017 from the systematic study.

In 2018, out of 72 incidents, the central region reported the highest number of murders with rape/gang-rape, with a total of 24 cases (33.3%), and the northern part followed, accounting for 14 incidents (19.4%). The Eastern and Western regions reported 11 incidents (15.3%) and 12 incidents (16.7%), respectively. The southern (eight incidents, 11.1%) and northeastern (three cases, 4.2%) regions had the lowest prevalence among the regions in 2018.

NCRB vs. Systematic Search

Compared to NCRB (151 in 2017 and 145 in 2018), the total number of incidents reported in news reports was 126 (54 in 2017 and 72 in 2018; see Table 7). Murder with rape accounted for 71.4% ($n = 9$) of the total, compared with 28.5% ($n = 36$) of murder with gang-rape. When comparing the two years' data, murder with rape incidents were slightly lower ($n = 38$, 70.4%) in 2017 compared to 2018 ($n = 52$, 72%). In contrast, the percentage of murder with gang-rape incidents noted a slight increase from 29.7% ($n = 16$) in 2017 to 27.8% ($n = 20$) out of 72 incidents) in 2018 (see Tables 7, 8, and 9).

Table 7

Descriptives of Murder with Rape/Gang-rape—NCRB vs. Current Research

Crime Incidents	Official Data - NCRB		Systematic Study		
	2017	2018	2017	2018	Total
Murder with Rape	151	145	38	52	90 71.4%
Murder with Gang-rape	-	-	16	20	36 28.6%
Total	151	145	54	72	126 out of 296

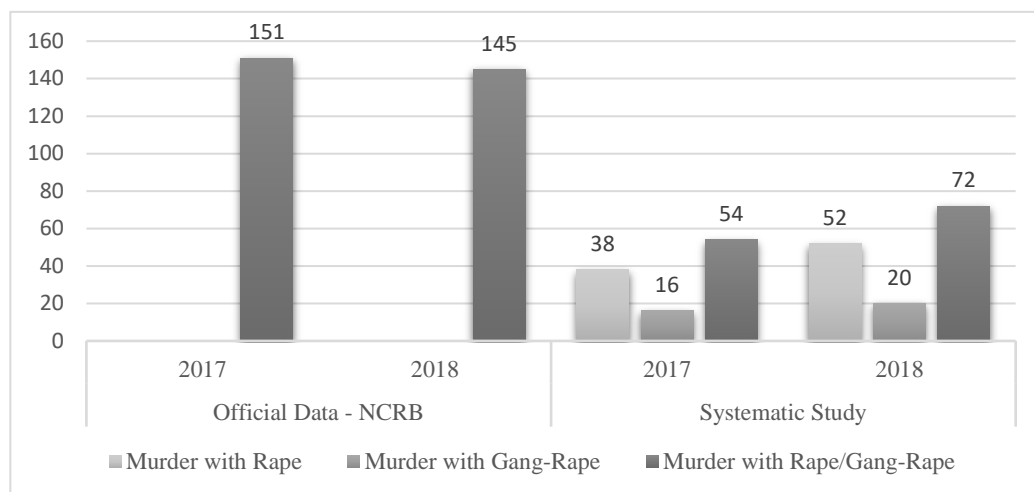
Note. The official data on Murder with Rape/POCSO is included from crime statistics—*Crime in India*—

2017 & 2018, published by NCRB

The overall state-wide comparison of data from the systematic search and NCRB data showed that Uttar Pradesh had the highest number of incidents of murder with rape/gang-rape in both 2017 and 2018. The NCRB data reported 74 cases, compared to only 17 cases documented in the systematic search. Two other states (Madhya Pradesh and Maharashtra) recorded the highest incidents in NCRB data, with 30 in Maharashtra and 29 in Madhya Pradesh. However, the systematic search resulted in nine incidents in Maharashtra and 14 in Madhya Pradesh. Also, no incidents of murder with rape/ were reported in the NCRB data for the state of Kerala; the systematic search documented four incidents (see Table 8). While examining the NCRB data with systematic search incidents from 2017 and 2018, the current study found that some states underreported the incidents of murders with rape of children in the NCRB. Likewise, the systematic search did not find many cases in Uttar Pradesh, Maharashtra, Bihar, Assam, and Haryana. Therefore, the results must be read with caution when addressing the trends.

Figure 6

Incidents of Murder with Rape/Gang-rape—NCRB vs. Current Research



Note. The official data published by NCRB and data from the systematic search are compared.

Table 8*NCRB Compared with Data Compiled from Systematic Study—2017*

STATES	Official Data – NCRB 2017	Systematic Study—2017		
		Murder with Rape	Murder with Gang-rape	Unreported (UR)
1 Andhra Pradesh	2	2	1	UR
2 Arunachal Pradesh	2			
3 Assam	6			
4 Bihar	0	1		UR
5 Chhattisgarh	3	1		
6 Goa	0			
7 Gujarat	5	3		
8 Haryana	5	4	1	
9 Himachal Pradesh	3	1	1	
10 Jammu & Kashmir	0			
11 Jharkhand	9	3		
12 Karnataka	6	2	2	
13 Kerala	1	4		UR
14 Madhya Pradesh	12	3	1	
15 Maharashtra	18	3	1	
16 Manipur	1			
17 Meghalaya	2			
18 Mizoram	0			
19 Nagaland	0			
20 Odisha	1	1		
21 Punjab	4	1	1	
22 Rajasthan	2	1	1	
23 Sikkim	0			
24 Tamil Nadu	4	2	1	
25 Telangana	10	1		
26 Tripura	2			
27 Uttar Pradesh	43	1	5	
28 Uttarakhand	0			
29 West Bengal	5	1	1	
TOTAL STATE(S)	146			
30 A&N Islands	0			
31 Chandigarh	0			
32 D&N Haveli	0			
33 Daman & Diu	0			
34 Delhi	4	3		
35 Lakshadweep	0			
36 Puducherry	1			
TOTAL UT(S)	5			
TOTAL ALL INDIA	151	38	16	

Note. UR (underreporting)

Table 9*NCRB Compared with Data Compiled from Systematic Study—2018*

	STATES	Official Data – NCRB 2018	Systematic Study—2018		
			Murder with Rape	Murder with Gang-rape	Unreported (UR)
1	Andhra Pradesh	1	1		
2	Arunachal Pradesh	2		1	
3	Assam	12	1	1	
4	Bihar	12	1	1	
5	Chhattisgarh	7	2		
6	Goa	0			
7	Gujarat	5	6	1	UR
8	Haryana	11	5	3	
9	Himachal Pradesh	0			
10	Jammu & Kashmir	0		2	UR
11	Jharkhand	2	1	2	UR
12	Karnataka	9	2		
13	Kerala	0			
14	Madhya Pradesh	17	8	2	
15	Maharashtra	12	5		
16	Manipur	0			
17	Meghalaya	0			
18	Mizoram	0			
19	Nagaland	0			
20	Odisha	1	5	1	UR
21	Punjab	3	1		
22	Rajasthan	4	3		
23	Sikkim	0			
24	Tamil Nadu	3	4		UR
25	Telangana	2			
26	Tripura	2		1	
27	Uttar Pradesh	31	6	5	
28	Uttarakhand	0	1		UR
29	West Bengal	6	1		
TOTAL STATE(S)		142			
30	A&N Islands	0			
31	Chandigarh	0			
32	D&N Haveli	0			
33	Daman & Diu	0			
34	Delhi	3			
35	Lakshadweep	0			
36	Puducherry	0			
TOTAL UT(S)		3			
TOTAL ALL INDIA		145	52	20	

Note. UR (underreporting)

RQ 2. What bias-motivating factors (i.e., social, political, religious, and caste-based) contribute to murders with rape/gang-rape of minor girls in India?

India has diverse social, political, religious, and caste groups; unfortunately, biases based on these factors persist in various forms. Nevertheless, prior studies reported similar motivating factors as contributors to the sexual assaults of women and girls in India (Basu, 2021; Chatterji, 2018; Kalra & Bhugra, 2013). This study used the results from the systematic search to examine social, political, religious, and caste-based bias factors as motivators for rape/gang-rape resulting in the murder of minor girls. Between 2017 and 2018, 126 incidents of murder with rape/gang-rape of minor girls were documented, with 26 (20.6%) incidents reporting one or more bias-motivating factors.

Among bias factors, social bias was the most reported bias, with 19.0% (n = 24) of the 126 incidents, followed by caste bias (n = 15, 11.9%). However, many of the social bias factors also included other bias factors. For example, in only 10 cases, social bias was the sole motivating factor, and in 12 incidents, both social and caste biases were reported. In addition, social and political biases were reported in one case, and in another, social, political, religious, and caste biases were reported. These findings suggest that bias-motivated factors, specifically social and caste-based, played a significant role in murder with rape/gang-rape incidents against minor girls in India.

Social Bias

In India, social bias related to gender, age, and economic status tends to play a significant role in rape/gang-rape incidents involving minor girls. In the systematic study, social bias led to heinous sexual acts targeting minor girls. The reports listed below were examples of social bias:

—The child’s parents “*are poor farm laborers*” (Eapen & Shubhra Pant, 2018, para. 10)

—Lack of proper toilet facility, “*the child has no other choice, but to defecate in the open near the stream,*” (Times of India, 2018g, para. 4) from where the victim was abducted.

—Homeless, “*living in the street*” (Times of India, 2018f, para. 3).

—Victim disability— “*speech and hearing impairment*” (Walter Scott, 2018, para. 1).

—*Disability of victim’s parents – “father physically disabled.”* (Kotnala, 2018, para. 1).

—The victim was “*left with a herd of goats*” (Chauhan, 2018a, para. 4). She comes from a low-socio-economic status, as she had to tend to goats in her village. The “*mutilated body of a teenage girl was found on an islet of river Ganga at the border of Kasganj and Badaun district*” (Chauhan, 2018a, para. 1).

In one incident, a one-year-old girl was abducted “*when she was sleeping in front of a garment shop with her mother and three sisters*” (Times of India, 2018f, para. 4), sexually assaulted, and found unconscious near a railway station. In the second incident—the *Uklana murder-rape case*—a six-year-old victim was abducted from “*the makeshift roadside ten*” (Saini, 2017, para. 4) while asleep with her sibling. The father was away when the incident took place. The victim was sexually assaulted and murdered.

In two other incidents, physical or mental disabilities were cited as reasons for taking advantage of the victim. In first case—*Uttarkashi gang-rape murder*, a 12-year-old victim was brutally gang-raped and murdered. The victim’s mother was “*mentally*

challenged,” while “*the father reported having some physical disability*” issues (Kotnala, 2018, para. 1). In the second case—*Acharampatti rape-murder*, a 17-year-old school dropout from a village with speech and hearing impairment “*was raped and murdered near her house*” (Walter Scott, 2018, para. 1) when her parents went for farm work. The victims all had some things in common: they belonged to low-income families, lacked proper housing, were disabled, had parents who were disabled, and came from socially backward and marginalized communities.

Furthermore, over 80% (19 out of 24 incidents) of social bias incidents were from rural/village areas. Most minor victims were school dropouts and working as daily laborers, with parents who were poor farm laborers. Apart from the social bias, the victims lacked proper guardians, which provided opportunities for perpetrators.

Political and Religious Bias

Often Indian politicians are accused of shielding rapists and murderers. As such, criminals with political influence believe they can get away with their crimes if they have the backing of a powerful political party. Such actions tend to result in conflict and violence against marginalized groups, including women and minor girls. Religious bias, in addition to political bias, was mentioned as a contributing factor for rapes and gang-rapes, resulting in the murders of young girls. Political parties in India often use religious identity to mobilize voters and raise communal tensions and violence against minority religious communities. Even in high-profile cases of rape and murder, the Indian government did not take adequate action (Sura, 2018). In the systematic research, political prejudice was identified in only two incidents of 26 incidents of social bias. The following are examples of political and religious biases:

— “not voting for the perpetrator/ his family members in an election.”

(Hindustan Times, 2018a, para. 1)

— “Scare away the nomadic Muslim community out of the village” (Hindustan Times, 2018b, para. 6).

In the *Pakur gang-rape-murder case*, a 13-year-old girl was gang-raped and murdered in the *Chatra* district of Jharkhand, an eastern region, allegedly because her family did not vote for the accused’s wife in the *panchayat* (local council) election. The accused and his accomplices kidnapped the victim while she was sleeping outside with her parents, took her to a nearby forest, and gang-raped and murdered the victim (Hindustan Times, 2018a).

In the *Kathua gang-rape and murder case*, both political, religious, and caste biases were reported. Kathua village in the northern region of India is predominantly a Muslim community. The victim, an eight-year-old Muslim girl belonged to nomadic-Tribes, was kidnapped, drugged, kept hostage for nearly four days, gang-raped repeatedly, and murdered. The accused were members of the Hindu religion. The incident was initially reported as a hate crime against the Muslim minority community (Rana, 2018), as the victim and perpetrators belong to different religious communities. The accused were reportedly aided by a right-wing Hindu organization with political ties (Suri, 2018). Several politicians and lawyers from the right-wing Hindu organization supported the accused claiming the state police were biased. The report said, “*The victim was attacked to scare away the nomadic Muslim community from the village*” (Hindustan Times, 2018b, para. 6). This case sparked claims of political prejudice, religious

divisiveness, and efforts to conceal the defendants from justice by Hindus against Muslims (Times of India, 2018c).

Caste Bias

Caste bias was significant in sexual crimes against minor girls in India. Lower castes, particularly *Dalits* (formerly known as “untouchable”) and *Adivasis* (indigenous or tribal community), are often subjected to discrimination and violence because of the caste hierarchy (Myers & Radhakrishna, 2017). Due to prejudices, the rape and murder of minor girls from lower castes often go unreported or unaddressed (Kar, 2021). In contrast, perpetrators from higher castes often use their power and influence to avoid punishment, subjecting victims and their families to social stigma and injustice. Caste bias was noted in 15 (11.9% of 126 incidents) out of 26 bias-motivated factors, and nearly 80% (12 out of 15) from villages/rural areas and 20% from sub-urban/towns. This result shows that underdeveloped regions with high levels of poverty, low literacy rates, and socially backward communities still experience caste discrimination.

The systematic search data revealed that victims of caste bias were repeatedly raped and brutalized. All these victims belong to the *Dalit* community. The following statements illustrate the mode of death motivated by caste bias:

—Death of the elder girl, “*police had initially done nothing more than file a case of "unnatural death"* (Sunday Guardian, 2019, para. 6) because the victim “*was found hanging in the family's one room house*” (para. 6).

—52 days later, “*the younger sister was also found hanging in the same house*” (Sunday Guardian, 2019, para. 6).

— “*the minors were subjected to multiple sexual assaults, including unnatural sex*” (Times of India, 2017a, para. 1).

— “*A minor girl from the Dalit community, hailing from Harijanpara at Kundeli in Baikunthpur, was found hanging to a tree*” (Droliya, 2018, para. 2).

In the *Walayar minor sisters’ case*, the victims, who were sisters, were 9 and 13 years of age. The murder with rape (alleged gang-rape) incident occurred in the *Walayar* town of Kerala (southern state) in 2017. They were sexually assaulted and strangled to death. The investigation accused several men, including close relatives of the victim, the accused friends, and other acquaintances. Following public outcry and protests, “*the police recorded it as suicide,*” (Times of India, 2017a, para. 1) later changed to rape and murder charges. A special court acquitted all the accused in the case in 2019, citing a lack of evidence. Following a High Court judgment in March 2021, the Central Bureau of Investigation (CBI) took up the case, and murder accusations were dismissed due to a lack of evidence. However, on August 10, the POCSO court dismissed the CBI charges and ordered a re-trial (The Hindu, 2022, September 02). The investigation is ongoing, and the real perpetrators have not been arrested.

In the *Kundeli rape-murder case*, a 17-year-old *Dalit* girl’s body was found hanging from a tree in Kundeli village, Korias district, North Chhattisgarh (one of the northern states). After the corpse was found, the police first suspected suicide. However, the doctors determined it was rape. An “*autopsy proved that the girl was repeatedly raped before being murdered*” (Droliya, 2018, para. 4). According to a preliminary investigation, “*the girl was severely beaten and then hanged from a tree to give it a suicide angle*” (Droliya, 2018, para. 6).

In four incidents, the victims from the *Dalit* community were held hostage, brutally beaten, had foreign objects inserted into their bodies, were mutilated, gang-raped, and murdered. The victims' ages ranged from six years to 15 years. The following statements were recorded in the news articles:

— *“the foreign object, 16 cm of which was inside her body, damaged her large intestine and ruptured the veins”* (Saini, 2017, para. 2) and *“The victim had struggled to free herself from the killer/s, who could be more than one”* (para. 2)

— *“The girl was brutalized by her assailant who inserted a foreign object into her private parts that caused massive internal injuries”* (Saini, 2018, para. 1). and *“her body had 19 injuries largely on face, head, chest, and hands”* (Saini, 2018, para. 2).

— Due to caste pride, the perpetrator *“gang-raped and murdered”* by victims' *“boyfriend and his three accomplices”* (Hindustan Times, 2017b, para. 6) by abducting the victim, and *“her body was stripped and dumped naked with hands tied”* (Black Noise, 2012, p. 10).

In the *Uklana murder-rape* and *Jind gang-rape-murder cases*, the victims were brutally raped and murdered by the perpetrators. In the *Uklana murder rape*, the autopsy report showed that *“the foreign object, 16 cm of which was inside her body, damaged her large intestine and ruptured the veins,”* (Saini, 2017, para. 2) resulting in the victim's death. Besides this, there were abrasion marks on her lower abdomen and injuries on her nose and face. Moreover, some injury marks on the waist and shoulder suggested: *“The victim had struggled to free herself from the killer/s, who could be more than one”* (Saini, 2017, para. 2).

In the *Jind gang-rape-murder case*, a 15-year-old victim's body was found in the Jind district of Haryana (a northern state). The medical examination showed "*the girl was brutalized by her assailant who inserted a foreign object into her private parts that caused massive internal injuries*" (Saini, 2018, para. 1) and "*her body had 19 injuries – largely on the face, head, chest and hands*" (Saini, 2018, para. 2). The victim belongs to *Dalit* Community.

In the *Ariyalur gang-rape case*, a 16-year-old *Dalit* girl from Tamil Nadu (a southern state) was gang-raped and murdered by her intimate partner and his relatives. The accused was from the *Vanniyar* caste (a dominant caste). In addition, the perpetrator was affiliated with a Hindu political party, which further strengthened his position in the community. The victim, who was pregnant then, was pressured by the accused to have an abortion as he did not want to marry "*due to caste pride*". So, "*the perpetrator gang-raped and murdered by abducting the victim*" (Vichare et al., 2021). The victim's body was dumped naked with hands tied into a water well, weighed down by a heavy stone (Hindustan Times. (2017b))

These incidents reported in the systematic data—*Kathua gang-rape and murder case*, *Walayar minor sisters' case*, *Kundeli rape-murder case*, *Uklana murder-rape*, *Jind gangrape-murder case*, and *Ariyalur gang-rape case*—highlighted the persistent issue of caste-based bias in India. All these incidents underscore the need for authorities to be sensitive and accountable when dealing with sexual violence against minors, particularly those from socially marginalized castes. Apart from the biased motivational factors, such as social, political, religious, or caste bias, the study found other non-bias factors that contributed to the murder with rape/gang-rape incidents. Non-biased factors, such as

revenge/anger, sexual sadism, and opportunity, played a role in the crimes discussed below. In question 3, the link between biased and non-biased factors was addressed.

RQ 3. What trends can be observed between non-bias motivated factors (i.e., revenge/anger, sexual sadism, or opportunity) and bias-motivated factors in committing murders with rape/gang-rape of minor girls?

Non-bias motivating factors—opportunity, revenge/anger, and sexual sadism—were reported in 119 (94.4%) of the 126 incidents, while seven (5.6%) incidents had no details. Among the non-bias factors, “opportunity” was the most reported reason (n = 119, 94.4%), followed by sexual sadism, which occurred in 34 (27.0%) incidents. Revenge/anger was reported in 14 (11.1%) cases. Investigating non-bias factors offered new insights into the murder and rape of minor girls in India.

Opportunity

In cases involving opportunity as a motivating factor, perpetrators took advantage of the circumstances, such as the victims’ vulnerability and powerlessness or a lack of guardianship/supervision of the victims where they were left alone. In 70% of the cases, perpetrators were known to the victims. They included family members (10.3%), relatives (11.9%), neighbors (14.3%), acquaintances from the same community (27.8%), or people from work (5.6%). In one of the four incidents, the victim was raped by her father, and the grandmother helped him to strangulate the victim to death to save his son rather than the granddaughter. Aside from family members, neighbors preyed on young children when they were alone and unsupervised. The following examples were noted in the news reports:

—*“Neighbor of 5-year-old girl who lured her with wafers, juice”* (Jha, 2017, line. 1).

—The perpetrator *“lured the girl with mangoes into the thickets and raped her”* (Times of India, 2017b, para. 1).

— *“Victims were lured with chocolates”* (Namboodiri, 2017, para. 6).

—Perpetrators *“collided with the victim who was on her way for nature’s call”* (Chauhan, 2018b, para. 5) and *“raped and later killed while she had gone out in the forest to relieve herself”* (United News of India, 2018, para. 4).

Revenge/Anger

In 14 (11.1%) out of 119 incidents, revenge or anger towards the victim, the victim’s parents, family, and community were cited. Among the 14 incidents, eight victims were gang-raped and then murdered. Often, more than one factor seemed to overlap. For example, hatred/anger towards a religious community, the feeling of being insulted/cheated by the victim, legal action by the victim, or witnessing a criminal act resulting in rape or murder of the victim. The following statements were recorded in the news articles:

—Claiming, *“the victim cheated”* (line. 27) the perpetrator. So, *“Feeling insulted, the offender had plotted to take revenge”* (Dixit, 2018, line. 28)

—Offender *“used to pass lewd comments on the victim,”* (Times of India, 2017d, line. 4) and *“when the accused came to know about her complaint, they decided to teach the girl a lesson”* (Times of India, 2017d, line. 15).

— The victim witnessed her mother’s death. Then, fearing that she would report the crime, he *“took her on the terrace of his house where she was gang-raped by*

the accused and his accomplices” (Times of India, 2018d, para. 4). In addition, the victim was kept captive for several days, then the “*offender raped and brutally tortured the victim and strangulated to death as it was getting difficult to confine the victim anymore*” (Shaikh, 2018, para. 8).

In the *Judapur gang-rape case*, the offender felt cheated by the victim and took revenge by gang-raping and murdering her. In the *Rajwara rape-murder case*, the victim filed a harassment complaint against the offender, for which the offender wanted revenge, raped, and murdered the victim. In the *Surat rape murder case*, an 11-year-old girl was tortured in captivity before being murdered and thrown near a national highway.

According to investigators, the victim’s body had 89 severe injuries. The postmortem examination revealed injuries on the victim’s private parts (Shaikh, 2018a). Later it was revealed that the accused had bought the victim and her mother as bonded laborers. He raped and murdered the victim’s mother in front of her. Fearing that the minor might reveal her mother’s death “*took her on the terrace of his house where she was gang-raped thrice and assaulted by the accused and his accomplices*” (Times of India, 2018d, para. 4). In addition, the victim was kept captive for several days, then the “*offender raped and brutally tortured the victim and strangulated to death as it was getting difficult to confine the victim anymore*” (Shaikh, 2018b, para. 8).

In addition,

—*property dispute* (Times of India, 2018b).

—*“stepmother was jealous”* of the victim (Desk, 2018, para. 5).

—Victim’s “*mother remarried*” (Times of India, 2018e, para. 6).

were cited as reasons for revenge/anger for murder with rape/gang-rape incidents and in these cases, family members were the perpetrators. In the *Jamnagar rape-murder case*, the news report mentioned that a 16-year-old stepbrother raped his stepsister by “*thrashing her with a cricket stump and smothered her with a pillow in their house*” (Times of India, 2018b, para. 6) due to a property dispute. In the *Uri gang-rape murder case*, the report again cited a stepbrother as the perpetrator. The stepbrother and his friends sexually assaulted the minor. The stepmother strangled the stepdaughter while her son “*stuck the minor girl’s head with an axe*” (Desk, 2018, para. 6) and “*associate of the stepbrother gouged out her eyes with a sharp knife and poured acid on her body*” (Desk, 2018, para. 6). In the *Ratlam rape-murder case*, a six-year-old girl was strangled after being sexually assaulted by her stepfather because the victim’s mother had remarried. The victim was beaten for several days before being raped and murdered (Times of India, 2018e). These heinous crimes against minor girls show that rape and gage rapes were used to seek revenge.

Sexual Sadism

According to Chopin and Beauregard (2021), sexual sadism manifests in four unique patterns in sadistic sexual homicides: anal/oral sex, inanimate object insertion, collector, and torture/mutilation. Also, Skott’s (2019) study found that sexual homicide criminals targeting minors should be distinguished from other offenders. Similarly, the current study noted sadistic behavior in 34 (27%) incidents of murder with rape/gang-rape. While sexual sadism and necrophilia were cited as the primary motivating factor in some cases, social and caste biases, opportunity, revenge, and anger played a part in the commission of these crimes. For example, the *Kathua gang-rape and murder case*,

Walayar minor sisters' case, Ariyalur gang-rape case, Uri gang-rape murder case, Uklana murder-rape case, Jind gang-rape-murder case, and Surat rape-murder case depicted sexual sadism as well as other biases.

Necrophilia Involvement

Necrophilia is a paraphilia in which the perpetrator of the crime derives sexual satisfaction from having sexual activity with deceased individuals. The systematic study recorded four such incidents. For example, in the *Chandanakkavu rape-murder case*, a seven-year-old was raped and murdered by a 24-year-old man. The police revealed that the offender “*raped the child before and after murdering*” (Times of India, 2017c, para. 1). In *Panipat gang-rape case*, an 11-year-old girl was allegedly raped and murdered by two neighbors in Panipat, Haryana, in 2018. The police investigation revealed that one of the perpetrators “*confessed that the both of them had then committed necrophilia*” (Times of India, 2018a, para. 3) after dumping the victim’s body in the pond.

In the *Gangsara rape-murder case*, an eight-year-old girl was raped and killed in a farm field, and a 25-year-old male from Gangsara village was arrested. On the day of the incident, the offender was heavily inebriated and driving home from a farm field and saw the victim. He confronted the victim and began abusing her. The report noted that “*when she screamed for help, the accused strangled her to death. After her death, he raped the body*” (Chauhan, 2018b, para. 5). In the *Godadara rape-murder case*, a 22-year-old accused confessed to raping and murdering a three-year-old girl in Godadara, Surat district, Gujarat. A postmortem examination found that the girl had been sexually abused and died because of strangulation and a head injury. During the investigation, the police source stated that the offender first “*strangled the girl and hit a blunt object on her*

head. After she died, he sexually assaulted her body and had unnatural sex,” (Bharat Mehta, 2018, para. 2) and the investigation revealed that *“he slept in the same room in the night where he had hidden the body”* (Bharat Mehta, 2018, para. 6). Even though Indian laws are not explicit about necrophilia, Section 377 of the Indian Penal Code punishes those who engage in unnatural sexual activity.

Section 377 of the IPC states that “whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. (Indian Penal Code, 1860, p. 88)

It is critical to recognize that sexually sadistic behavior is a severe problem that can cause significant adverse effects on others, specifically against minor girls. Sexual sadistic conduct is a severe concern and may be a symptom of a mental disease such as sexual sadism disorder, which is not described in the systematic study because the study’s emphasis was solely on victims. Individuals who showed sexually sadistic conduct in the study may lack empathy and disregard for the well-being of others. They may also exhibit other hostile or dominating behavior that must be addressed.

In conclusion, the current study documented bias and non-bias motivating factors for committing crimes against minor girls in India. Social, political, religious, and caste-based discrimination is often intertwined with non-bias motivating factors like opportunity, revenge, and sexual sadism. The results also noted that family members, neighbors, strangers, and acquaintances were involved in committing these crimes. Furthermore, only when the crimes were committed against religious and caste minorities

and when there was public support did the cases come to the attention of the criminal justice system. Often, the crimes involve violence and brutality.

RQ 4. How do the criminal justice/juvenile justice systems address child (minor girl) murders with rape/gang-rape cases in each state of India?

The criminal justice system deals with crimes against minors through various special legislations, the Indian Penal Code, and regulations. First, a general overview of the arrest procedure is explained, followed by the case status, such as the arrest and conviction of the accused in cases identified in the current study. In addition, the researcher describes how law enforcement handled the victims, their families, and the perpetrators.

If the perpetrators are adults (above the age of 18), police register the complaint as First Information Report (FIR) under Section 154 of the *Criminal Procedure Code* (CrPC). The FIR includes information about the alleged offense, the victim, the offender, and the witnesses. If a suspect is arrested, details of the accused, the charges, and the evidence collected will be submitted to the court. If the perpetrators are juveniles (under 18 years of age), the criminal justice process follows a different set of procedures under the *Juvenile Justice (Care and Protection of Children) Act, 2015*. The special unit of police (juvenile police) apprehends and produces them before the Juvenile Justice Board (JJB) within 24 hours. The JJB determines whether the juvenile should be tried as an adult.

The current systematic search provided the case status of the accused or suspect(s) involved in criminal incidents. The case/offender status was known in 122 (96.8%) of the 126 incidents recorded in the systematic study. The perpetrators involved in 19 (15.1%)

incidents were convicted. It was reported that the arrested perpetrators confessed to the crime in the reports in 35 (27.8%) of cases. However, in 43 cases (34.1%), the accused were arrested but remained suspects because they had not yet confessed to the crime. In 13 (10.3%) incidents, the perpetrators were unidentified; in seven (5.6%) cases, the police did not arrest them. In four cases, the accused individuals were deceased—in two incidents, the accused were beaten to death and lynched by the public, and in one of the incidents, the accused committed suicide. In another incident, the suspected accused was also found dead.

In 77% of the 126 incidents, the perpetrators were either convicted, confessed, or arrested by police. However, the systematic study found that police failed to register the complaint on time, had no proper investigation, safeguarded the accused, threatened the victim's family, tried to cover up the case as suicide, and arrested the wrong person. These kinds of actions manifested by police were influenced by victims' caste or religion, socio-economic status, and political influence. The examples provided below depict police biases:

—In the *Dharmapuri* rape-murder case, the police informed the victim's family “not to reveal the rape incident to anyone who asks about her daughter's health condition in the hospital” (Kumaran, 2018, para. 5).

—In the *Walayar minor sister's* case, “the police recorded it as suicide, despite being told that one of the relatives was found sexually harassing” (Times of India, 2017a, para 1). This lack of care by police further “resulted in the sexual exploitation and murder of the younger daughter, too” (Times of India, 2017a, para 1).

—In the *Ariyalur gang-rape case*, the police told the victim’s mother, “*What kind of mother are you?*” (Blank Noise, 2021, para. 15) and shamed the victim’s mother “*by saying that the mother did not know how to raise a child*”? (Blank Noise, 2021, para. 23).

— In the *Kathua gang-rape case*, the crime branch that took over the investigation from the local police said, “*The girl’s clothes that were soaked in blood and mud were washed by the Kathua police before they were sent to a forensic laboratory,*” (Kashmir Observer, 2018, para. 2) destroying the evidence to safeguard the accused (Masoodi, 2018).

— In the *Gudiya rape case,*” *the custodial death of a key accused in the brutal rape and murder*” (Bodh, 2017, line. 2) showed police failure.

It is crucial to point out the effectiveness of the police response in dealing with sexual crime offenders and victims. In certain situations, police did not show sensitivity, lacked professionalism, and ignored the victim’s rights. Police used threats to intimidate the victims’ families, who were illiterate, poor, or lacked legal knowledge (Kumaran, 2018). They were involved in destroying the evidence, intimating the victim or her family, and failing to protect vulnerable victims by recording the cases as suicides, even when the evidence was contradicted. They showed no sympathy toward the victim and blamed the mother for her daughter’s death (Blank Noise, 2021). Sometimes, the police filed a missing person’s report instead of kidnapping, ignoring the legal requirements (Vichare et al., 2021, p.10).

The reports also noted that police even protected the accused, and in some cases, they ignored the complaints made by the victims. For example, in the *Rajwara rape-*

murder case, the victim approached the police to file a complaint against the perpetrator for harassing her. However, the police failed to act, and when the victim filed a case in court, the perpetrator was angry and raped and murdered the victim.

In the *Gudiya rape case*, a 16-year-old girl went missing on her way home from school. Later she was found dead in the neighboring woods in Kotkhai, a tiny town. According to an autopsy, the victim had been gang-raped and then killed. A special investigative team of police arrested six suspects, while one of the accused, a 29-year-old Nepalese laborer, died while being interrogated at the Kotkhai police station. Such acts demonstrate a need for better training.

RQ 5. What are the public reactions to the child (minor girl) murders with rape/gang-rape cases in India as determined by news media?

Even though many sexual offenses go unreported in India, some cases make headlines, sparking public outrage. Such public outcry and demands after the rape/gang-rape often led to several changes in the criminal justice/juvenile justice system. For example, the Indian government introduced amendments to the criminal law of rape. Before these amendments, the law only recognized “penal-vaginal penetration” and did not include other forms of sexual violence, such as inserting objects or marital rape. For example, the *Criminal Law Amendment Act* of 2013 standardized the definition of rape and sexual violence by expanding the definition. In addition, the public demand for enhanced sanctions for perpetrators of such violence, including juvenile perpetrators, led to reducing the age of juvenile court jurisdiction and including the death penalty for those who rape girls under 12 years.

Furthermore, comprehensive legislation for the protection of children from sexual offenses, the POCSO (Protection of Children from Sexual Offences) Act, was passed to safeguard the interest of children at various stages of the judicial process (Maity & Chakraborty, 2023). However, there were mixed reactions towards the victims and the accused, including outrage and protests in support of the victim and blaming the victim and the victim's family. Phillips et al.'s (2015) systematic study of reports of media sources of a high-profile rape case revealed significant discrepancies in media reports, such as applauding the bravery of the victim and showing outrage over the events to victim-blaming and trivializing the crime.

In the systematic study, public reaction was observed in only 37 (30%) of the 126 incidents of murder with rape/gang-rape. Nevertheless, several themes emerged in this study. The reactions toward victims included public outcry and protests, public and activist rallies, directly acting or mob violence against the perpetrators, and in support of victims and victims' families. Public reactions against injustices noted from the reports are listed below:

Public Outcry, Protests, and Rallies in Support of the victims

—In most incidents reported in village/rural areas, *residents and local communities gathered to protest*

—In some of the incidents—*family members and victim's relatives*—protested for justice for the victim.

—Various organizations and activists initiated the protest when the criminal justice agencies failed to act. For example, the All-India Democratic Women's Association (AIDWA), Sangharsh Samiti, Differently Abled Organization, Dalit

Organizations, Tribal Organizations, and Political Parties participated in the protest.

—Rally for the victim, for example, “*Residents march to demand death penalty for rapists of Uttarkashi girl*” (Kotnala, 2018, para. 1)

—Rally by youths, for example, the youth demanded “*immediate compensation for the victim’s family*” (The Hindu, 2018, para. 2).

Direct Action and Mob Violence

—In the Lohit rape-murder case, “*a mob dragged two rape-and-murder accused out of a police station and lynched them*” (Karmakar, 2018, para. 2).

— In the *Dumka rape-murder case*, the accused was beaten to death; the villagers from the victim’s place concluded the accused had been involved in the rape and killing of the minor victim, so they “*tied the accused to a tree and beat him to death*” (United News of India, 2017, para. 6).

For example, in the *Lohit rape-murder case*, a five-year-old girl went missing from a village under the jurisdiction of the *Wakro* police station in Arunachal (a northeastern state). Two of the girl’s relatives found the victim’s body in a pool of blood in the Namgo village in the jungle. According to unconfirmed reports, the victim was beheaded. The accused were apprehended by police and taken to court; however, the court’s decision to keep the accused in police custody was opposed by the public. So, while the accused was detained at the police station, “*a mob dragged two rape-and-murder accused out of a police station and lynched them*” (Karmakar, 2018, para. 2), at Tezu town in Lohit district of Arunachal Pradesh.

In the *Dumka* rape-murder case, the offender reportedly raped and murdered a seven-year-old girl before discarding her body beside a river. Based on the evidence provided by residents, the panchayat (a village-level committee) summoned the accused to a public hearing and demanded the location of the missing victim. The accused told the committee that he saw the victim near the river but denied wrongdoing. However, the locals soon decided that the accused had raped and murdered the victim, so “*in a fit of rage, they tied him to a tree and beat him to death*” (Hindustan Times, 2017a, para. 5). The reaction in these cases suggests the public’s lack of trust in formal organizations, thus taking the law into their hands.

Public in Support of the Accused/Against Victim’s Family

The community norms, political and religious differences, and caste bias seemed to sway the support against the victim. In two cases, the public reacted negatively toward the victim’s family. In another, the offender’s political affiliation garnered support from politicians from the same party, who responded negatively to the victim. The following cases show the negative reaction toward the victim/victim’s family and support for the accused.

Community Norms

In the *Chandanakkavu* rape-murder case, a seven-year-old was raped and murdered by a 24-year-old man. The victim, in this case, was the daughter of the accused wife’s elder sister. The accused confessed to the crime and was charged under IPC and POCSO. Villagers claimed that the victim’s aunt was living with the accused without marrying him, blamed the family for what had happened to the child, and warned them not to return to the village. The girl’s mother and sister “*were attacked by the mob, were*

forced to leave their residence and take shelter at a relative's home" (Prasanna, 2017, line. 5-6).

Political and Religious Factors

The *Kathua* case evoked mixed responses nationwide (Kumar, 2018). The state where the incident occurred (Jammu & Kashmir) was a tourist destination, often called India's Switzerland. The reaction to the incident was a tough political call. On the one hand, politicians must reassure citizens that they support them rather than use the situation for political gain.

On the other hand, however, the opposition used the case to attack the government. To complicate the matter further, the victim belonged to a Muslim tribal community, and the accused was from a Hindu religion, resulting in split loyalties. The Hindu political parties backed the accused by shielding them from punishment. The news report commented, *"Unleashed was an ugly spectacle of people marching in support of the rapists, chanting religious slogans, raising the tricolor and demanding a band"* (Sengar, 2020, para. 9). At the same time, the case received negative reactions from the public. Also, religious bias took an ugly turn in this case. For example, a Facebook post stated, *"Better she was killed now, or she could have come with a bomb against India tomorrow"* (Outlook, 2018, para. 5).

Despite the controversial issues raised in this case, the worldwide public protests that followed the *Kathua* case in 2018 prompted local public protests, which led to the speedy trial and conviction of the accused, who received the death penalty. Additionally, just two days after a nationwide outcry over the case, the state government announced the

establishment of a fast-track court to punish the perpetrators. Furthermore, it passed a law with concrete measures against child rapists (Saleem Pandit, 2018).

Caste Bias

The *Ariyalur* gang-rape case involved a pregnant 17-year-old girl from the *Dalit* community. The accused was a Union secretary of the Hindu Munnani (a right-wing Hindu Nationalist organization) party, who had a relationship with the victim for almost a year. Upon finding she was pregnant, he told her to have an abortion. Reluctant to marry her, he, along with three friends, gang-raped her, removed the fetus from her womb, then threw her body into a nearby well. The offender's political party obscured the caste dynamics of the crime. Instead, it blamed the victim, claiming, "*we hear that the girl had aborted many children (sic) before and had relationships with many me*" (Blank Noise, 2021, para. 25).

CHAPTER V

CONCLUSION

This research analyzed incident-based news coverage of murder with rape/gang-rape of minor girls in India and compared them with the official statistics to identify discrepancies and gaps. The following discussion first addresses trends, states, and regional variations. In addition, the study reviewed biased and non-biased motivating factors in incidents of murders with rape/gang-rape of minor girls and the criminal justice system's responses. It then discusses the public's reaction to the incidents reported in the systematic study, including support for victims, blaming the victim, and support for perpetrators. Finally, a discussion of the study's limitations, recommendations, and suggestions for future research are presented.

Murder with Rape/Gang-rape Trends and Variations

The analysis relied on two primary sources of data: aggregate data (incident count) from the National Crime Records Bureau (NCRB) and a systematic search of print and digital news media to gather incident-based information.

Official data—NCRB

The NCRB data showed that Uttar Pradesh had the highest percentage of incidents of child murders with rape in both 2017 and 2018. Other states with notable percentages of incidents included Maharashtra, Madhya Pradesh, Jharkhand, and Telangana. The central region of India had the highest rate of incidents in both years, while the southern part saw a decline, and the eastern and northern regions experienced an increase. Union territories, on the other hand, reported very few incidents in both years.

Systematic Study

The systematic search revealed that the southern region had the highest incidents in 2017, while the central region reported the highest number in 2018. Uttar Pradesh was again identified as the state with the highest number of incidents in both years, followed by Haryana, Madhya Pradesh, and Maharashtra. Interestingly, some states, such as Kerala, reported incidents in the systematic search but none in the NCRB data.

A comparison between the NCRB data and the systematic search results revealed discrepancies in the number of incidents reported. Some states, such as Uttar Pradesh, Maharashtra, and Madhya Pradesh, had higher incidents in the NCRB data than in the systematic search. Conversely, the systematic search documented incidents in states where the NCRB data reported none. These discrepancies highlight the limitations of relying solely on official statistics and emphasize the importance of using multiple sources to understand the issue comprehensively.

Motivational Factors

The systematic study investigated factors contributing to murder with rape/gang-rape incidents against minor girls in India. The study noticed that biased and non-biased factors contributed to the commission of these crimes. The most common bias factor was social bias, recorded in nearly 19% of incidents. As seen in several high-profile cases, the findings suggest political, religious, and caste biases can motivate these crimes. Non-biased factors such as revenge/anger, specifically sexual sadism, were reported in 27% of the incidents, suggesting a need for further classification of offenders with a personality disorder. Opportunity recorded in nearly 94% of the incidents can also play a role in committing these crimes. As per Cohen and Felson (1979), the presence of

motivated criminals, suitable targets, and the absence of capable guardians who can prevent crime increases criminal opportunities. Even if the offender is motivated by anger or sexual sadism, monitoring by family and community members and potential guardians (community leaders and law enforcement) can minimize the occurrence of these incidents.

Children from caste and religious minorities have become victims of sexual violence due to inherent caste discrimination in India. These findings support Agnew's use of negative relationships and Merton's concept of strain to explain perpetrators' perceived socioeconomic and political insecurities, leading to violence against girls belonging to a marginalized population. In addition, the biased-related crime against religious and caste minorities reflects severe forms of prejudice resulting from a history of oppression by caste and religious elites, segregation, and discriminatory practices against Dalits. This explanation is not unique to India but applies to similar situations, as Perry (2001) noted. It is important to note that each case is unique, and the interaction of these factors can differ across regions and communities. These findings have significant implications for Indian policymakers and law enforcement agencies.

The presence of social bias in these crimes suggests that more societal change and education about gender roles and laws against discriminatory practices are required. In addition, political and religious biases highlight the need for increased accountability and transparency in the legal system and court process. Finally, caste bias emphasizes the importance of greater protection and support for marginalized communities. Overall, this study highlights the complexities of the bias motivations behind murders with rape/gang-rape against minor girls in India and the need for a multifaceted approach to addressing

this issue. More research is needed to better understand these complex interactions between motivating factors and violence against girls and develop effective prevention and intervention strategies.

Similarly, non-motivational factors the study found significantly higher specifically by family members, although small in numbers, were the perpetrators of sexual offenses against girls. Relational theory (family members' involvement in sexual crimes against another family member) and the traditional view of power relations inside the family can both be used to explain non-bias sexual offenses against children. Family members who commit sexual crimes against minor girls (father, stepfather, stepmother, grandmother, and stepbrother) may do so because they believe they control the victim. Their position within the family or their capacity to limit the victim's access to resources like food, shelter, or emotional support may give them this power.

Criminal/Juvenile Justice Response

The criminal justice system in India faces challenges in dealing with crimes against minors, particularly murder with rape/gang-rape of minor girls. The complexities of each state's criminal justice system, combined with biases and inefficiencies in police procedures, make effective investigation and prosecution impossible. According to the systematic study, 77% of perpetrators were convicted, confessed, or arrested by police. The study did, however, indicate many instances in which police failed to register complaints on time, conducted improper investigations, protected the accused, or blamed the victim. Factors such as caste, religion, socioeconomic status, and political pressure all played a role in these lapses. In some cases, police failed to act sensitively and professionally, ignoring the victim's rights, and worsening the status of victimized girls.

Public Reaction

According to the news media, public reactions to murders with rape/gang-rape varied widely in India. They range from public outrage, protests, and rallies supporting the victims to mob violence against the perpetrators and, in some situations, even assisting the accused, and blaming the victim. These reactions reflect the complexities of public opinion on sexual violence and the problems of gender, caste, religion, and politics.

The public's desire for justice has resulted in considerable reforms in India's criminal and juvenile justice systems. Rape legislation, such as the Criminal Law Amendment Act of 2013, has broadened the definition of rape and sexual assault. In addition, the POCSO Act protects minors from sexual offenses and safeguards them throughout the legal process.

However, the media's coverage of such cases is not without problems. Discrepancies in reporting might range from praising the victim's bravery and expressing outrage at the events to victim-blaming and trivializing the crime. These differences show the distinction and complex nature of public reactions in India to child rape and murder incidents. The public responses to these incidents also demonstrate a lack of trust in formal organizations, resulting in mob violence and vigilante justice. In some situations, community social, political, and religious ties and caste bias can influence widespread sympathy for the offenders, distracting the public's reaction to such acts.

Despite the challenges and problems surrounding these incidents, public outrage can bring about beneficial change. In some instances, widespread protests have resulted in the accused being tried and convicted quickly, as well as the introduction of fast-track

courts, and the implementation of anti-child rapist measures. More work, however, is required to ensure that media coverage is fair and truthful and that a complete understanding of complicated issues like murder with rape/gang-rape of minor girls informs public responses.

Overall, the systematic search using news articles from print and digital media yielded valuable insights into incidents of murder with rape/gang-rape of minor girls in India, such as state and regional variations, compared to official NCRB data. Furthermore, gathering incident-based data through content analysis provided helpful details regarding the classification and motivational factors that contributed to the murders with rape/gang-rape of minor girls. Also, how the criminal justice system in India handled or addressed these crimes and how the public reacted to these incidents are important factors to consider in the systematic study of murder with rape/gang-rape.

Limitations

Though newspapers and official crime records can be valuable sources of information for researchers, there are several limits to keep in mind when using this resource for future research. First, data gathered from newspapers did not cover all crimes or incidents. For example, some of the incidents included in the study are incomplete due to state police undercounting or incorrectly documenting the cases, which led to an incomplete representation of the actual extent of the crimes against girls. Second, news reports were prone to sensationalism, focusing on high-profile or frightening cases that draw readers, making the public think the crimes are widespread or severe.

Third, reporting or updating data delays affected news media and official crime data reporting. When conducting research, this has impacted the accuracy and relevancy of the material. Fourth, data from several sources had different definitions, reporting delays, and data input problems, making comparing or combining information difficult. For example, data gathered in a systematic study from news reports mentioned murder with gang-rape as rape-murder, the age of the victim reported in some incidents was uncertain, and only in few incidents public reaction was reported. Similarly, due to the nature of maximum punishment as a counting unit, NCRB accounted murder with rape or murder with gang-rape as just murder.

Finally, news articles published in languages other than English or local languages were not accessible, so unable to interpret more detailed case details for this research, which could have resulted in additional cases not being included in the systematic study. Furthermore, cultural considerations and the social shame of victims and victims' families impacted crime reporting to media, as certain communities less reluctant to report crimes to authorities as well. Researchers should use several sources of information and data, confirm findings, and be aware of any biases or flaws in their study data to reduce these limitations.

Recommendations

The systematic research includes some recommendations for preventing and addressing these violent sexual crimes against minor girls in India. Official crime records should disclose incident-based information to conduct in-depth analysis and document murder with rape and murder with gang-rape as separate categories. Documenting murder with rape/gang-rape against SC/STs under the Atrocities Against SC/STs chapter in

NCRB will provide comprehensive data for studying the actual status of crimes against vulnerable communities in India.

The systematic study recommends a special investigation division of police for sexual crimes against minor girls and women under the POCSO Act 2019 to ensure that investigations are completed on time. Because “timely investigation in such cases and other criminal cases is the need of the hour,” said Justices Naresh Patil and Girish Kulkarni, adding that investigations involving minor girls must have “zero pendency” (Sequeira, 2018). India becomes the world’s ninth country to introduce sex offender registration. However, only law enforcement authorities in India, the United Kingdom, Australia, Canada, Ireland, New Zealand, South Africa, and Trinidad and Tobago will have access to it (Raja, 2018). Public access to the register could successfully prevent the commission of sexual crimes against women and minor girls in India because perpetrators who engage in sexual offenses may be in the watchful eye of law enforcement and the public.

Future Research

For the current study, incident data from 2017 to 2018 gathered 126 incidents, while the NCR reported 296 for the same time frame. Hence, future research could fill the gap by identifying the remaining incident-based murders with rape/gang-rape using local news reports for the same timeline. Similarly, as a longitudinal study, the research can be carried out using the same source and search procedure to collect incident-based data from 2019 to the present. Additionally, future research should investigate the motivations for committing sexual violence against women, comparable to the systematic study on rape/gang-rape of minor girls.

While conducting a systematic search, the researcher found incident-based data on gang-rapes that are sexually sadistic that were committed as an individual or as part of a gang. As part of the case, sex offender personalities must be evaluated to diagnose sadistic personality disorder. Because of the systematic study's limitations, future research should continue to investigate alternative data sources and methodologies to understand the true scope of the problem and inform effective policy interventions.

Conclusion

In conclusion, the study provides valuable insights into the underreported incidents of murder with rape/gang-rape of children in India by comparing official NCRB data with a systematic search of incident-based data from print and digital media. The findings indicate regional and state-level variations in the prevalence of such incidents highlighting the need for a more rigorous and comprehensive approach to collecting and reporting data on this critical issue. Crime rates differ among regions due to a variety of factors, including, but not limited to, socioeconomic conditions such as literacy rate and rate of enrollment in higher education, dominance of each religious group, and political rule in each state.

The Indian government, media, and society must continue collaborating to address the underlying issues contributing to the prevalence of sexual violence against minors, challenging harmful cultural norms, promoting gender equality, and advocating for more robust legal safeguards and assistance for victims and their families. Only by working together can real progress be made in addressing the issue of child rape and murder in India. Finally, the Indian police and other criminal justice agencies must address the inherent biases and inefficiencies in handling sexual crimes against minors. A

multifaceted approach that includes sensitization training, compliance with legal procedures, and increased awareness of victims' rights is warranted. India can better protect its most vulnerable citizens and ensure that perpetrators of heinous crimes are brought to justice by improving police response and legal processes.

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[exual%20Offences%20%28Amendment%29%20Act%2C%202019.pdf](https://wcd.nic.in/sites/default/files/Protection%20of%20Children%20From%20Sexual%20Offences%20%28Amendment%29%20Act%2C%202019.pdf)

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APPENDIX A
IRB APPROVAL



PRAIRIE VIEW A&M UNIVERSITY

A Member of the Texas A&M University System

To: **Sesha Kethineni, Ph.D.**, Principal Investigator
Dayanand Sundaravadivelu, Co-Investigator

From: Tony Maloy, MPA
Associate Director, Export Controls
Office of Research Compliance

Date: September 14, 2022

Re: IRB Protocol #2022-098
Motivating Factors for Murder with Rape of Minor Girls in India: A Study Using Systematic Content Analysis

After review of your application, it has been determined the proposed activities described do not meet the definition of research with human subjects according to federal regulations and IRB approval is not needed.

Thank you for the time and effort put into preparing and submitting your application. If you have any further questions, please call the Office of Research Compliance at (936) 261-1589.

A handwritten signature in black ink, appearing to read 'Tony Maloy'.

Tony Maloy, MPA
Associate Director
Office of Research Compliance
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APPENDIX B

Search Procedures

Newspapers. The research used five leading news sources—*Times of India*, *Hindustan Times*, *The Hindu*, *The Indian Express*, and *The New Indian Express*—available from India through the *NewsBank* database. The systematic search procedure was followed to identify the child rape/gang rape with murder incidents from selected newspaper reports. First, five Indian newspapers were individually searched for the incidents of rape/gang rape with murder using a unique combination of search terms, “rape and murder” OR “rape with murder” OR “murder with rape” OR “gang rape with murder” OR “gang rape with murder” OR “rape and murder” OR “sexual homicide” OR “sexual killing*” OR “sexual murder*” OR “sex murder” OR “lust murder” AND minor OR “minor girl*” OR girl OR children* OR child* AND India*. These search terms are selected based on the preliminary search strategy. Second, the search was limited to the incidents that were reported or published from 2017 to 2018. Finally, the resulting reports from each newspaper were saved for further screening to be eligible for the study.

Digital News Portals. This study evaluated two types of digital news portals: Newswire and web-only news sources. Three newswire sources—*Asian News International (ANI)*, *IANS-English (Indo Asian News Service)*, and *United News of India (UNI)* and five web-only based—*India TV*, *India Blooms*, *International Business Times: Indian Edition*, *OrissaTV.com*, and *Youth Ki Awaaz*—was systematically searched to gather incident-based data. Like print media, digital media news ports was searched individually with the search terms “rape and murder” OR “rape with murder” OR “murder with rape” OR “gang rape with murder” OR “gang rape with murder” OR “rape

and murder” OR “sexual homicide” OR “sexual killing*” OR “sexual murder*” OR “sex murder” OR “lust murder” AND minor OR “minor girl*” OR girl OR children* OR child* AND India* to identify the incidents of murder with rape/gang rape against minor girls. A similar procedure was followed, like print media, to limit the reported or published incidents from 2017 to 2018, and the resulting reports were saved for further screening to be eligible for the study.

Apart from digital media news sources such as Newswire and web-only based sources, independent online news sources—*Deccan Chronicle, India.com, IndiaToday.in, NDTV.COM, News minute, Newsroom Orissa, The Quint, The Pioneer, The Weekend Leader.com* and *Tribune News Service* were reviewed to collect data which lack information from the included primary news reports. These additional digital news sources were found by searching for case details in Google, primarily identified from the included news reports using incident details such as case name, victim age, city or village details, district, and place of occurrence.

Scholarly Articles. Scholarly articles were searched from *ProQuest* and *EBSCOhost* databases through PVAMU library resources. Additionally, *Google Scholar* was examined to gather data on murders with rape/gang-rape of minor girls from empirical articles, and case study reports, literature reviews or systematic reviews, theoretical articles, and doctoral dissertations.

The *ProQuest* databases—*Criminal Justice Database* and *Dissertations & Theses Global: Social Science*—were chosen. A combination of search terms like (“rape and murder” OR “rape with murder” OR “murder with rape” OR “gang rape with murder” OR “gang rape with murder” OR “rape and murder” OR “sexual homicide” OR “sexual

killing*” OR “sexual murder*” OR “sex murder” OR “lust murder” AND minor OR
 “minor girl*” OR girl OR children* OR child* AND Indian OR India) were used
 including the search term (India*) used in NewsBank database to limit the search only to
 India and gathered the data. Even though the incidence of murder with rape/gang rape
 reported from 2017-2018 was analyzed for this study, the search resulted in the *ProQuest*
 database with key terms filtered for publication date from 2017 to 2022 as cases reported
 from 2017 to 2018 continue to be utilized in academic research by scholars specializing
 in sexual violence.

In addition, among the *EBSCOhost* databases—*Academic Search Complete*; *APA*
PsycArticles; *APA PsycInfo*; *E-Journals*; *ERIC*; *Humanities Full Text (H.W. Wilson)*;
 and *SocINDEX with Full Text* were selected to search for the academic journals. First, the
 combination of search terms used in *ProQuest* databases was used in *EBSCOhost* by
 selecting—All Text (TX)—in the field of search for key terms, TX(“rape and murder”
 OR “rape with murder” OR “murder with rape” OR “gang rape with murder” OR “gang
 rape with murder” OR “rape and murder” OR “sexual homicide” OR “sexual killing*”
 OR “sexual murder*” OR “sex murder” OR “lust murder”) AND TX(minor OR “minor
 girl*” OR girl OR children* OR child*) AND TX(Indian OR India). Second, the search
 was limited to the academic journals from the source type and filtered for publication
 dates from 2017 to 2022, like the *ProQuest* database. Finally, the results from scholarly
 reports were reviewed to be eligible for the research.

APPENDIX C

CODEBOOK

Section 1—Report Details

Case ID: (3 digits)

Source: (Newspaper, Digital news media, Legal and Academic)

Case Name:

Section 2—Crime Incident Details

Year of Incident:

1. 2017
2. 2018

Crime Incident:

1. Murder with Rape
2. Murder with Gang-Rape

Place of Occurrence:

1. Residential Areas
2. Educational Institutions
3. Forests and Jungles
4. Fields and Agricultural Lands
5. Buildings and Construction Sites
6. Roads and Railways
7. Water Bodies
8. Secluded or Isolated Places

Regional Area

1. Urban/City
2. Suburban/Town
3. Rural/Village

Region:

1. Northern region
2. Northeastern region
3. Eastern region
4. Central region
5. Western region
6. Southern region

Section 3—Victim Demographics

Age of the Victim:

Caste of the Victim:

Religion:

City/Village:

District:

State:

Cause of Death:

Offender Demographics

Offender Age:

1. 10—15
2. 16—18
3. 19—24
4. 25—34
5. 35—49
6. 50—64
7. Above 65

Offender Status:

1. Convicted
2. Arrested and Confessed
3. Accused Arrested
4. Not arrested
5. Unidentified

Victim-Offender Relation

1. Family members
2. Related to victim
3. Neighbor
4. Same locality
5. Work-related
6. Stranger

Section 4—Motivated Factor*Bias Factor*

Social Bias: Yes / No

Political Bias: Yes / No

Religious Bias: Yes / No

Caste Bias: Yes / No

Non-Bias Factor

Opportunity: Yes / No

Revenger / Anger: Yes / No

Sexual Sadism: Yes / No

Section 6—Public Reaction

Positively reacted towards Victim: Yes / No

Negatively reacted towards Victim: Yes / No

Positively reacted towards Offender: Yes / No

Negatively reacted towards Offender: Yes / No

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- **B.Sc. Statistics** **2014-2016**
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RESEARCH EXPERIENCE

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TEACHING EXPERIENCE

- **Graduate Teaching Assistant**, Department of Justice Studies, PVAMU
Introduction to Criminal Justice Fall 2021 - Spring 2022
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HONORS AND AWARDS

- 2023** 3rd Place Third Annual Conference for Interdisciplinary Student Research (CISR)
- 2022** 1st Place in Graduate Student Paper Competition at the Southwestern Association of Criminal Justice Annual Meeting in Austin, Texas
- 2022** ACJS Doctoral Summit Scholarship, Las Vegas, Nevada.
- 2021** 2nd Place First Annual Conference for Interdisciplinary Student Research (CISR)
- 2018** Qualified for Junior Research Fellow (JRF) and National Eligibility Test (NET) for Assistant Professor (Criminology) to teach in Indian Universities and Colleges

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