



COMPARATIVE RESEARCH ON CRIME VIEWS OF INDIA AND US

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ABSTRACT

Strengthening the rule of law and increasing institutional accountability is essential to lowering conflict and inequity. A "juvenile delinquent" is a young individual whose actions are considered to be inappropriate by society. As a result of WWII, human rights are now widely considered as a priority by governments across the globe. Concepts of crime, wrongdoing, punishment, and redemption vary greatly from one culture to the next. Crime and its response are international problems, despite the fact that the great bulk of research and progress in this field has come from the West. Disappointingly, we fell four spots to 112 on the WEF's Global Gender Gap Index 2020, which is published by the World Economic Forum.

Keywords: Violence, NCRB, Rape, Murder, Case, justice system.

INTRODUCTION

A healthy business environment is crucial for development, but in some communities, business operations are disrupted due to the unreliability of social services and the prevalence of social problems such as poverty, hunger, and inequality. This is because peace is a key component of sustainable development. Over policing and underinvestment in housing and education have contributed to the deterioration of communities like Mumbai's (42%), Andhra Pradesh's (35.7%), Chhattisgarh's (31.9%), etc. (KAY JOHNSON, Associated Press, 2016) and Atlanta's (54%), Augusta's (54.7%), Baltimore's (64%) and other predominantly black neighborhoods in the United States (Wikipedia contributors, 2020c). This furthers the economic, political, and social marginalization of certain regions. Given the growing dangers of systemic violence and unjust power relations throughout the globe, the United Nations' 16th sustainable development objective of "Peace, Justice, and Strong Institutions" plays an extremely vital role today more than ever before.

In popular culture, a youngster is often depicted as innocent and sweet. People work hard so that the next generation may have a happy, healthy, and secure life. Every kid has the right to flourish in an environment that protects them and helps them achieve their full potential. However, poverty remains one of the greatest social problems that slows progress in society. It leaves many in poverty, and the common perception is that a kid should be innocent and charming. People work hard so that the next generation may have a happy, healthy, and secure life. Every kid has the right to flourish in an environment that protects them and helps them achieve their full potential. However, poverty remains one of the greatest social problems that slows progress in society. It leaves many people without food, shelter, and medical care. Children raised in such settings tend to become juvenile offenders. A juvenile delinquent is a young person who seems to have abandoned the rules and norms that society



has established for him or her. They are looked down upon as if they were incorrigible youngsters who rebel against authority and behave irresponsibly. Society as a whole use's punishment and other forms of corrective action to help those who have done wrong change their ways. The Latin word "juvenal," meaning "young," is the etymological ancestor of the English word "juvenile."

Technology, or more precisely technological innovation, has been the driving force leading to reform of crime prevention and crime control strategies, both by individual citizens and concerned groups, and by formal police agencies. This is clear from even a cursory review of the historical development of our efforts to prevent crime. Informational technologies (or "soft technology" for short) and material-based technologies are the two primary categories of technological advancements (which we will refer to here as hard technologies). "Dramatic changes in the structure of police," especially around the start of the previous century, have been connected to both sorts of technical advancement, and similar connections may be given to more general crime prevention measures used by people and community organizations.

LITERATURE REVIEW

Raghuvir Singh et.al (2020) A female child is vulnerable to violence at any point in her life, beginning even before she is born. Let's take a quick look at the risks that women face at different ages and phases of life. Offenses also vary in kind depending on the stage. The following tables and illustrations illustrate key points about this topic. According to the National Crime Records Bureau's 2012 report, India had a crime rate of 46 per 100,000 people, a rape rate of 2 per 100,000 people, a dowry murder rate of 0.7 per 100,000 people, and a domestic cruelty rate of 5.9 per 100,000 people. Despite having one of the lowest rates of sexual violence in the world (85%), the Lancet reported in 2014 that 27.5 million women in India (India's most populous state) were victims of sexual assault in 2013. In addition, just 1% of women who suffered sexual abuse within or outside of marriage went to the police in 2006, and 82% of those women never sought aid. In this article, I will compare and contrast the criminal penalties for rape and other forms of sexual violence in India and the United States; I will discuss the gaps in these countries' anti-violence laws with the aid of various case laws; and I will elaborate on the reforms that are desperately needed in these jurisdictions.

Shirin Ahmadi Dastjerdi et.al (2018) Many facets of human existence have been impacted by globalization's use of many instruments, with the internet playing the most significant role. As a tool and a process, cyberspace and globalization have improved people's lives in many ways, but they've also made it easier for criminals to commit crimes online. As a result, criminologists now often talk about crime in a worldwide society. No one should forget the benefits that humanity has gained through the processes of standardization and globalization. The author of this piece has focused on transnational crime and related cases in an effort to explain cybercrime in the modern day. Research has also been conducted on how internationalization has affected domestic legal frameworks for criminal procedure. Descriptive statistics were used in this study.

Sargam Jain (2018) The concept of judicial review is fundamental to the rule of law in India. The judicial branch has the authority to examine the work of the legislative branch, the executive branch, and the judiciary. If a legislation or order is found to be in violation of the nation's constitution, the court has the power to declare it unconstitutional and invalid. This article will discuss the numerous doctrines the Supreme Court has developed via judicial review, such as the theories of severability, eclipse, and prospective over-ruling. Judicial



review of constitutional amendments, judicial review of legislative actions, and judicial review of administrative actions are all topics that will be discussed in this article.

Shivangi Gangwar (2020) The Constitution of India has gained notoriety for its extensive use of clauses and ideas from other countries' constitutions. Due to its status as the nation's founding document, the Supreme Court has relied on novel and often even contradictory interpretations of the Constitution to adopt and build a substantive rights jurisprudence, sometimes in direct opposition to the intentions of the Constitution's authors. This article intends to investigate whether this body of law was inevitable, given that the founders actively attempted to forestall its development by rejecting the inclusion of a "due process" provision. It discusses the background and consequences of India's decision not to adopt the 'due process' provision and then uses a case study approach to determine whether or not this decision affected the development of actual 'due process' protections there.

Eqbal Ahmad et.al (2019) Due to the explosion of the media sector in India, news is now more about drawing in readers and viewers to increase ratings and profits than it is about informing the public and giving them agency. Rather than need, public interest often serves as the deciding factor in what makes the news. As a result, sensational, political, and crime reporting have been overemphasized in Indian media. The news about crimes committed has become an important part of newspapers nowadays. There is a plethora of studies examining the media's portrayal of crime because of its widespread interest among readers. The current research looks at how the major English-language newspapers report on crimes. The national dailies have been analyzed in the context of India's history, society, and culture. Examining the aims and hypotheses by way of comparison was the method of choice. This investigation revealed a lot of noteworthy data, such as the fact that Hindustan Times published more articles overall and gave criminal news its utmost attention, whereas The Times of India published the most stories on terrorism. This research attempted to conduct a comparative examination of crime reporting in several English-language newspapers.

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A poll was done with equal ease at universities in India and the United States in 2005. The university in India was a large public regional university in Southern India, with over 100,000 students enrolled in Bachelor's, Master's, and Terminal Degree programmed (that is, Andhra Pradesh State). The polls were taken amongst the 20 different university courses. A broad variety of offerings from the world's top colleges were selected. Located in the heart of the country, the University of the United States offered both bachelor's and doctoral degree programmed to its about 20,000 students. Here in the good old USA. Eighteen different types of universities sent out tests to their bachelor's degree students. Students at both academic institutions were informed of the research and given opportunities to participate via both written and spoken means. Students completed the survey throughout the semester and were cautioned from doing so in any other classes. More than 90% of the total student body was represented in the sample. Men and women each made up 50% of the overall sample size. The Indian party had more prominent figures than the American one did (57% to 44%). Respondents' ages ranged from 21 to 21.52, with a median age of 21, and a mean age of 21.52, but a typical discrepancy of 4.61.

The average age of the Indian responders was much lower than that of the American ones. Interns are more likely to be younger American students while older American students are more likely to be Indian students. Fifteen questions were also asked of the respondents, all of which related to criminality, criminals, criminal justice, and criminal attitudes. On a 5-point Likert scale, responses might be as extreme as completely disagreeing with the statement to completely backing it up. The questions were answered in full. Also included in the



inferential statistics were the individuals' sex, age, education, religion, and country of origin. The public's conception of crime in the United States is to blame for both of these. [7] The respondent's gender was used to create a binary variable: male (coded 1) or female (coded 0). (Coded 0). Age is also quantified in terms of years. 15% of those surveyed gave no indication that they would do so (code 1), 32% gave no indication that they would do so (code 2), 26% suggested a reasonable amount (code 3), and 27% suggested a large quantity (code 4). (coded 4). A larger percentage of Americans than Indians said religion played a major part in their daily lives.

The results of the 15 questions are broken down by percentage. Indian and American respondents had different perspectives on a number of the questions. More Americans than Indians believed that violent crime was prevalent in the United States (89% vs. 64%). It's worth noting that a larger percentage of Indian respondents saw crime as a serious societal issue (89% vs. 62%) and had faith in the justice system. The offenders were too lax in their punishments (66 percent vs. 43 percent). A larger percentage of Indian students, compared to their American counterparts, expressed support for providing treatment to convicted criminals. For instance, although just 54% of US students shared the view that treatment and rehabilitation should be the primary focuses in dealing with offenders, 76% of Indian students did. Even among those who do favor the death penalty, Indian respondents were more likely to express skepticism about the practice.

GENDER AND SEXUAL CRIMES AND 21ST CENTURY TREND IN INDIA

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There has been a dramatic growth in the audience for pornographic media since the emergence of the Internet and the World Wide Web. India has gone from having a mere 4 million internet users in 2003 to having over 700 million now. India is now one of the nations with the lowest data costs since a few of corporations have drastically lowered their customers' bills. The cost of using a mobile network to access the Internet in nations like the United States and Australia may be as much as five times that in India.

While it's true that too much of anything may be harmful, the National Center for Biotechnology Information (NCBI) found that over 74% of respondents blamed the easy access to pornographic material online for the country's teenage rape epidemic. When the crime rate against women rises dramatically, it is imperative that the government defend the values and broaden the limitations of regulations and statutes in order to include and capture the whole women's community.

Gender-based violence is not much behind other forms of violence against women. As a general rule, men are seen as more dominant than women in terms of both emotional and physical strength. Domestic abuse is on the rise once again in our nation, despite the fact that the idea of marriage and girls leaving their home and being part of another family thereafter is not as simple for a girl as it sounds. Noncompliance with dowry arrangements is a source of violence that affects people of all socioeconomic backgrounds. The bride's family is still expected to pay a dowry, despite the fact that this practice is illegal in India. The Royal Statistical Society found that 2,469 dowry-related fatalities occurred in India's most populous state of Uttar Pradesh in 2015. This is a direct result of dowry-related violence. In addition, the researchers speculate that many incidents may not have been reported at the time because of the corrupt nature of the police force. Without laws to protect women, a nation with a track record of doing so is just as bad as one without any protections at all. The Nirbhaya tragedy shocked the whole country, and it's disheartening to think that further tragedies, like Unnao, Kathua, and Cyberabad, had to occur. Once upon a time, acid attacks on women were



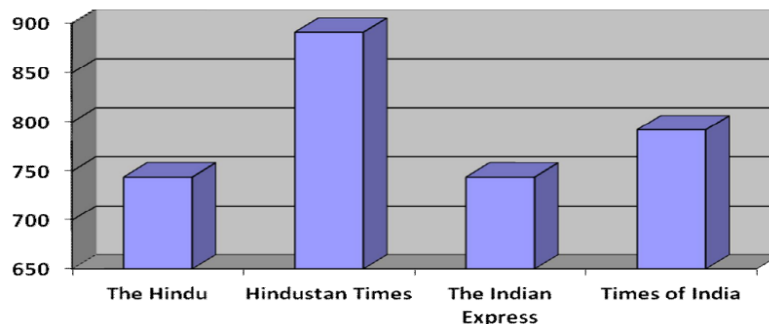
commonplace and reported on a daily basis; thankfully, this is no longer the case thanks to stricter laws and widespread initiatives. Nonetheless, rape cases are on the rise, and it does not appear that any government has any plans to completely stop this.

Sustainable Development Goals can't be attained without addressing the problems that women in our society confront (SDG). For instance, in 2013 the Supreme Court issued the "Viscacha Rules" in response to the landmark case "Viscacha vs. State of Rajasthan²," although these guidelines have not been strictly adhered to in the effort to curb sexual harassment in the workplace. It's a regular injustice that women have to face because they're afraid of being held back or demoted at work.

Despite having 7 laws and more than 20 provisions of the IPC and CrPC relevant to rape accused, the nation continues to fall short in its efforts to curb these horrific crimes. Female visitors to India may not have a positive experience because of this. According to the Global Livability Index compiled by the Economist Intelligence Unit (EIU), New Delhi ranked 118th and Mumbai ranked 119th out of a total of 140 nations surveyed. For example, a recent survey by the Thomson Reuters Foundation (TRF) found that India is among the world's most unsafe countries for female tourists to visit, alongside South Africa and Brazil. The ongoing increase in rape and assault charges has once again sparked discussion over what can be known about the security of women in India. On the one hand, senior politicians kept releasing remarks about the percentage of women who attended the Prime Minister's rally, while on the other hand, a woman or girl would have her identity and dignity shattered by a sorrow horrific enough to haunt her forever.

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Researching the types of crimes covered in Delhi's English-language newspapers The analysis found that the Hindustan Times published the most crime stories (891) out of all the newspapers in India, followed by the Times of India (792), The Hindu (744), and the Indian Express (742).



GENDER INEQUALITY AND 21ST CENTURY TREND IN INDIA

It is very regrettable and disheartening that we have dropped four places to the 112th slot on the prestigious World Economic Forum's (WEF) Global Gender Gap Index 2020. Women make up just 19.9 percent of India's labor force, demonstrating how far gender inequality has sunk. Having a female as a baby is still seen as a sin and a portent of bad fate by the patriarchal attitude of most of society. People tend to forget that their wives were once female infants.

For example, the Government of India created the National Mission for Empowerment of Women (NMEW) in India under the leadership of the then PM, Honorable Manmohan Singh. This mission's goal is to ensure that women in India have the same access to economic and



political opportunities as men. Also, in 1992, then-Prime Minister PV Narasimha Rao laid the groundwork for empowering women by establishing a special body named the National Commission of Women (NCW) on a pan-India level; however, despite these commendable attempts, a sizable gender gap still exists for various reasons, including incorrect implementation and a lack of proper funding. The gender gap has far-reaching negative effects on a nation's development, including stunted economic growth, less available resources for women, and a lost generation due to a variety of factors, including but not limited to reduced rates of birth and infant mortality. For instance, if women are expected to do primarily domestic labour, they would be discouraged from pursuing other goals and will have less say in policymaking. One of the most important factors influencing a nation's development is the proportion of its female population that is literate; yet, it is disheartening to learn that roughly 30 percent of girls from BPL families have never been sent to school. This highlights a serious flaw in policy making and governance, especially in a country where the right to education is guaranteed by the Constitution. Gender bias is still a major factor in men and women having different life chances. Do equal chances allow for gender equality in a country? Yes, to a significant degree! In order to bring the lower socioeconomic strata in our society up to speed, we have set aside certain areas for them to live in. Then why can't we set aside spaces for the equally persecuted and mistreated female population? When it comes to banking and healthcare, why don't women have access to equal opportunities? Why doesn't the government provide scholarships to females who excel academically, just as they do for boys? It would be difficult for a nation like India to remove this epidemic without providing women with equitable access to education and opportunity. There has to be greater outreach to rural areas without access to education and more funding for women-centered programmed in the federal budget. Making India fully gender-neutral would need a system of accountability based on rigorous inspections and processes.

SEXUALITY AND 21ST CENTURY TREND IN INDIA

Religions as diverse as Hinduism, Jainism, and Buddhism all have ancient writings that discuss sexuality, marriage, and prayers for a rapid pregnancy. The book also makes clear that in ancient times, Kings upheld the doctrine of polygamy by having numerous wives, whereas ordinary people practiced monogamy due to a lack of resources to support more than one partner.

While sexuality is still taboo outside of marriage, recent study out of India has sent the conversation into a tailspin. Thirty percent of adults aged 15 to 24 years old had their first sexual encounter while still in their teens, according to a paper by Reddy et al. Homosexuality continues to be a major problem for a sizable portion of American adolescents. According to the poll, 38% of the women who participated were okay with admitting that their first sexual encounter was with someone of the same sex. Thankfully gone are the bizarre sexual ideas held by ancient people, which were considered immoral even by today's standards. The phrase "Niyoga" appears in the Rigveda, and it dates back to that era. This provision states that after the death of the man's wife, she is free to marry her deceased husband's younger brother, sister's brother, to provide a hand by remarrying her and keeping his word to support the family. It is also noted in the 'Manu Dharma Sastram,' which dates back to the TretaYug and then comes back around again in the DwaparYug, that it was not deemed immoral for a lady to have sons with her brother-in-law.

All over the Indian subcontinent, the idea of prostitution is common knowledge. One more time: don't attribute prostitution to the effects of progress toward western values or technological advancement. In India, prostitution has a long history; the so-called "Devdasi



System" dates back to about 300 BCE. Either women were duped into making these choices because they really needed employment, or they were in dire straits financially. Women were still transported and given to the temples in the time before Christ so that the priests and pilgrims might have their sexytimes there. It's important to remember that the majority of these ladies came from lower socioeconomic backgrounds. A study conducted by Robert I. Friedman estimates that there are over one hundred thousand people employed in the commercial sex industry in Bombay alone, and that number might well exceed ten million when the whole country of India is taken into account.

The fact that pornography is the primary catalyst for males to act violently against women is more evidence of a culture that is unable to control its impulses. The Indian Department of Telecommunications (DoT) banned access to pornographic websites in 2015. However, this restriction has not been as effective as it might have been, since VPNs can easily circumvent the block. In other cases, such as sex education, young people are exposed to material that should not be seen by them at such an early age. One factor that hasn't helped is the widespread availability of mobile phones. Market demand for displaying, selling, and buying is higher in metropolitan centres than in rural ones. Despite the ban, such magazines and videos are still being sold freely as is; this is a source of national shame, and it's clear that we still have a long way to go as a nation before we can claim to be one in which women have full decision-making power, are free from physical and mental violence, and can enjoy their childhoods without fear of reprisal.

Crime's acceptance as a significant psychiatric issue and legal matter was as much of a shock to Indian respondents (89% vs. 62%) than to any other group. 66 percent to 43 percent of voters said the criminal lacked the essential guts. Students in India, in contrast to their American counterparts, seemed more understanding toward people who had been falsely accused of misconduct. For instance, although just 54% of American students share the idea that rehabilitating criminals should be the top priority, 76% of Indian students do. Indian opinions improved once death penalty support was included in the poll. The murderer is given his just penalty. 52% of respondents who indicated they would support criminal legislation also stated they would only do so if punishments were harsh, whereas 15% of respondents who said they would back the law overall agreed. The criminal defendant is now on trial. Indian respondents were split on whether or not they would support a criminal legislation, with 52% saying they would provide the penalty was severe enough and 15% saying they would not. The two sets of pupils were also compared. If any of them ends up in court as a result of their criminal actions, they both want to be viewed as victims. Only around one-third of the students we polled in India and the United States had this perspective. Fewer than 20% of those polled believed that a criminal woman will change her ways in the future.

DEFINITIONS AND CATEGORIES OF SEXUAL VICTIMIZATION

The definitions and uses of terms such as "rape" and "sexual assault" have evolved overtime, with significant implications for how the victimization of women and men is measured. Although the definitions and categorization of these harms have become more gender inclusive over time, bias against recognizing male victimization remains. When the Federal Bureau of Investigation (FBI) began tracking violent crime in 1930, the rape of men was excluded. Until 2012, the UCR, through which the FBI collects annual crime data, defined "forcible rape" as "the carnal knowledge of a female forcibly and against her will". Approximately 17 000 local law enforcement agencies used this female-only definition for the better part of a century when submitting standardized data to the FBI.³⁷ Meanwhile, the reform of state criminal law on rape, which began in the 1970s and eventually spread to



every jurisdiction in the country, revised definitions in numerous ways, including the increased recognition of male victimization. Reforms also broadened definitions to address nonrape sexual assault. These state revisions left a mismatch with the limited UCR definition, forcing agencies to send only a subset of reported sexual assault to the FBI. Some localities eventually refused to parse their data according to the biased federal categories. For example, in 2010 Chicago, Illinois, recorded 84 767 reports of forcible rape under UCR, but because they refused to comply with the UCR’s outdated categorization, the FBI did not include Chicago rape data in its national count

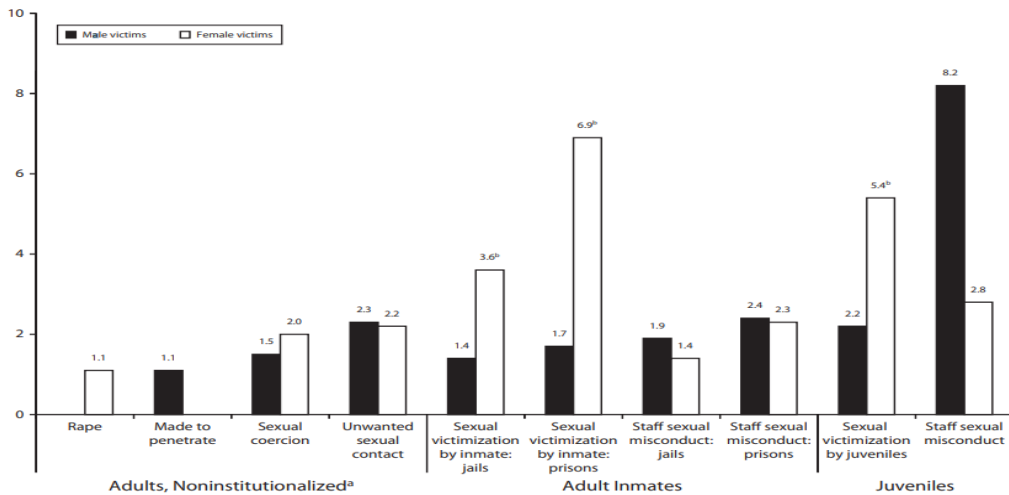


Figure 1: Twelve-month sexual victimization prevalence (percentage) among adult population (noninstitutionalized) from the National Intimate Partner and Sexual Violence Survey 2010, and among adult and juvenile detainees from the National Inmate Survey 2011–2012 and the National Survey of Youth in Custody, 2012: United States.

a) Among the 5 federal agency surveys we reviewed, only NISVS collected lifetime prevalence, limiting our ability to compare lifetime data across surveys. It found lifetime prevalence for men as follows: made to penetrate = 4.8%, rape = 1.4%, sexual coercion = 6.0%, and unwanted sexual contact = 11.7%. For women: rape = 18.3%, sexual coercion = 13.0%, and unwanted sexual contact = 27.2%.

b) Female detainees are significantly more likely to be sexually victimized by fellow detainees than are males; a presumably same-sex pattern of abuse that runs counter to the male perpetrator/female victim paradigm.

These 2 surveys demonstrate that male and female detainees both experience sexual victimization committed by staff and other inmates and that the prevalence differs by sex (Figure 1). The National Inmate Survey 2011--- 2012 shows that slightly more men than women in jails and prisons reported staff sexual misconduct, which includes all incidents of sexual contact with staff (12-month prevalence for men in jails = 1.9%, men in prisons = 2.4% vs 1.4% and 2.3%⁴⁷ for women, respectively). Women in jails and prisons reported more inmate-on-inmate abuse than did men (women in jails = 3.6%, women in prisons = 6.9% vs 1.4% and 1.7% for men, respectively). When compared to the image painted by home crime statistics alone, the picture of male sexual abuse in the United States painted by an analysis of data from prisons, jails, and juvenile detention centres is considerably different. When compared with the results of the National Crime Victimization Study (NCVS), a long-



term survey of homes that is publicly reported on annually, the divergence is striking. According to the 2012 NCVS, an estimated 131 259 guys were victims of rape or sexual assault in the home. 49 We estimate that over 900,000 male inmates were victims of sexual assault using corrected figures from inmate questionnaires

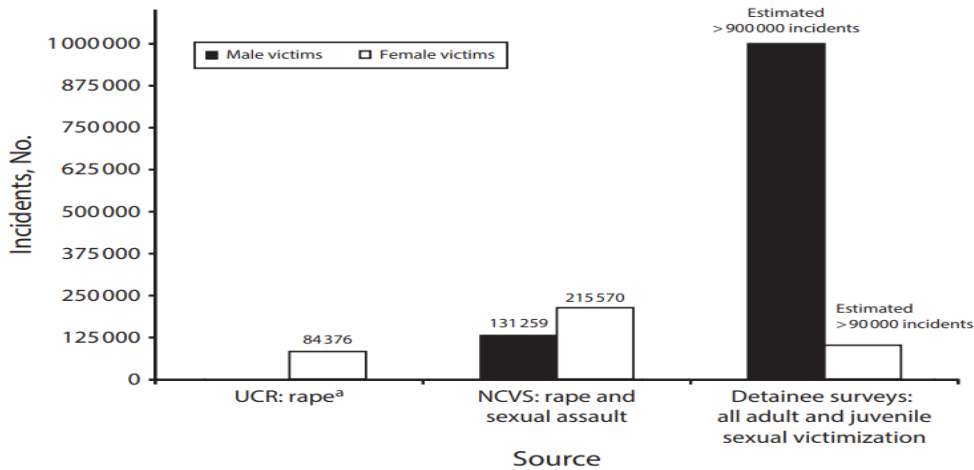


FIGURE 2—Annual incidents of sexual victimization from the Uniform Crime Report (UCR) and the National Crime Victim Survey (NCVS), 2012; the National Inmate Survey-2, 2008–2009; and the National Survey of Youth in Custody 2008–2009: United States.

Note. We calculated the sex of victims in NCVS using the publicly available Victimization. We generated a rough estimate of the number of annual incidents of sexual victimization in jails, prisons, and juvenile detention facilities by sex, using the 2008–2009 data, the most recent publicly available data on repeat incidents.^{50,54} (Repeat incidents were not reported in detail in 2011–2012.) To arrive at this, we multiplied a flow-adjusted number of detainees who reported at least one sexual victimization incident by the mean number of incidents of sexual victimization reported per victimized detainee. The flow-adjusted number of victims corrects for persons moving in and out of facilities during the 12-month sampling. The US Department of Justice Regulatory Impact Assessment of PREA⁵⁵ provides a flow-adjusted prevalence estimate of sexual victimization. The NIS-2 and NSYC report on the number of incidents of victimization as a range; we used the middle of the range. NISVS findings are not included because data on number of incidents have not been made public. Men were excluded from the definition of rape.

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CONCLUSION

The continued rise in crimes against humanity makes it all the more urgent to foster fair and peaceful societies. One might state absolutely that no one is born with a propensity for criminal behavior. Some people's criminal tendencies and actions are the result of traumatic experiences or circumstances. Specifically, around the start of the last century, while parallels may also be drawn to other, larger kinds of crime prevention on the part of individuals and communities. The concept of "due process" has its origins in English law, but it was not included in the constitutions of any of the nations whose documents were heavily inspired by the United States'. It would be interesting to observe whether any of these nations' attempts to establish a strong human rights framework were hampered by such a move. There are two significant takeaways from this research. To begin, there are major divergences in opinion between the two sets of respondents. Second, there was a great deal of ambiguity between the



two sides. While the continuing danger of sexual violence to women and girls is acknowledged and lamented, we also want to include the large population of male victims who have been ignored in previous studies, reports, and policies. First, we argue that the traditional binary of male offender and female victim has to be discarded. An excessive focus on this paradigm has negative consequences, including the stigmatization of male victims, the danger of misrepresenting women as victims, and the avoidance of discussing forms of abuse that challenge the dominant narrative, such as same-sex abuse and the perpetration of sexual victimization by women. This project has previously dealt at length with the critical problem of gender, sexuality, and crime in modern, 21st-century India, including the patterns that have emerged and the opinions held by the majority of the population today.

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