CONCLUSION AND SUGGESTIONS

Violence against women is a problem around the World. It affects women of all races, ethnic groups, classes and nationalities. It is a life-threatening problem for individual women and a serious problem for societies. In many countries, women fall victim to traditional practices that violate their human rights. Violence affects the lives of millions of women worldwide in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society. Violence against women takes a dismaying variety of forms, from domestic abuse to rape, to child marriages and to female circumcision. All are violations of the most fundamental human rights.

In a statement to the Fourth World Conference on Women in Beijing, in September 1995, the United Nations Secretary General, Boutros Boutros-Ghali, said that violence against women is a universal problem that must be universally condemned. However, he said that the problem continues to grow. The Secretary General noted that domestic violence is on the increase. Studies in 10 countries, he said, have found that between 17 percent to 38 percent of women have suffered physical assaults by a partner. In the Platform for Action, the core document of the Beijing Conference, Governments declared, “violence against women constitutes a violation of basic human rights and is an obstacle to the achievement of the objectives of equality, development and peace”.

Some women fall prey to violence before they are born, when expectant parents abort their unborn daughters, hoping for sons instead. In other societies, girls are subjected to such traditional practices as circumcision, which leave them maimed and traumatized. In others, they are compelled to marry at an early age before they are physically, mentally or emotionally mature. Women are victims of incest, rape and domestic violence that often lead to trauma, physical handicap or death. Moreover, rape is still being used as a weapon of war, a strategy used to subjugate and terrify entire communities. Soldiers
deliberately impregnate women of different ethnic groups and abandon them when it is too late to get an abortion. The Platform for Action adopted at the Fourth World Conference on Women declared that rape in armed conflict is a war crime and could under certain circumstances, be considered genocide.

The problem of crime against women is not new in India. Women in Indian society have been victims of ill-treatment, humiliation, torture, and exploitation for as long as written records of social organization and family life are available. These records are repeated with incidents of abduction, rape, murder and torture of women. Nevertheless, regretfully, female victims of violence have not been given much attention in the literature on social problems or in the literature on criminal violence. Nor has any attempt been made to explain why both the public and the academicians alike have ignored for so long the hard fact that women have continuously been ruthlessly exploited in our society.

The attitude of indifference and negligence can be attributed to factors like lack of awareness of seriousness of the problem, general acceptance of man's superiority over woman because of which violent acts against women were not viewed as violent or deviant, and the denial of violence by women themselves owing to their religious values and socio-cultural attitudes. As the cases of wife-battering, rapes, kidnappings and abductions, intra-familial murders, dowry-deaths, eve-teasing and molestation, etc., have been more frequently reported since the late 1960s and early 1970s, the issue of violence against women has been transformed from a private issue into a public problem.

It is said that one way to judge the state of a nation is to study the status of its women. In reality, the status of women represents the standard of culture of any age. The social status of the women of a country symbolizes the social spirit of the age. However to draw a conclusion about the position of women is a difficult and complicated problem. It is therefore, necessary to trace this position in the historical perspective. In the course of Indian history from pre-historic to modern times there were distinct stages of the rise and fall in the
status and role of women. It appears that the Ancient Hindu society had a flexible social structure. There was equality between men and women. Women were given freedom to move about in society and to take part in public life. This gives us an idea as to how they had realized the truth that women too have their own contribution in making the development and progress of the society.

Later on, many barbarous practices developed and women were confined to a subordinate status. The Shastras directed women to be in the state of dependence and submission. The deterioration of the status of women started with Manu, who equated women with slave and said, ‘a woman should never be independent,’ He led society to consider a woman to be a perpetual minor and as such should always be looked after by others. Education was denied to her and she was confined to the shadows of ignorance. She used to be behind purdah and living in the seclusion. A woman was known as ‘Abala’, a weak, helpless and powerless person, incapable of managing and preserving the family property. A wife was treated as a property of her husband. She was made to immolate herself on her husband’s funeral pure. The subordinate position of women was deep rooted in the Indian society of that period.

Women’s role began to change towards greater emancipation from the domination of man with the advent of the British rule, democracy and liberalism all over the world in the eighteenth century. This new freedom brought about new changes in the role of women. In addition to this the processes of industrialization and urbanization also brought forth a lot of changes in the life of the people. With the efforts of a number of social reformers of the 19th century and the legislations passed after independence, women were brought out of their homes and helped in achieving equality with men. These changes have caused profound influence on different dimensions of the family system and women’s status in the society.

In India, specific activities to enhance the status of women were initiated in the 19th century under the ‘reform movement’. It demanded more humane treatment for women. Liberal male crusaders, their wives and some British
administrators worked for abolition of Sati, child-marriage and other oppressive
and cruel customs affecting women's lives. They actively advocated women's
education, widow-remarriage and social reforms. Raja Ram Mohan Roy, Iswarchandra Vidya Sagar, Mahatma Phule, Ranade, Karsandas Mulji and Maharishi
Karve were some of the leading personalities of the reform movement. Their
contemporary, Pandit Ramabai, was even more radical reformer of her times
and as such faced plenty of hardships.

For the first time, thousands of Indian women actively participated in the
Nationalist Movement which occurred during 1940’s, under the leadership of
Mahatma Gandhi. In the movement, women were mere vehicles who helped to
achieve National Independence. There was no specific attention given to change
the status of women. Once national independence was achieved, women
stopped taking interest in the larger social issues. However, with the blossoming
of autonomous women's groups, things started changing. This forced the
established women's organizations to take up their 'welfare activities' or
women's front of political parties busy with election propaganda at the time of
elections to review their past and revitalize themselves.

The Western women's liberation movement, its literature and the issues
raised by the feminist movement, influenced many highly educated Indian
women. Its main aspect was revolt because women were being treated as
objects and not as individual human beings. The women's Liberation
Movement generated great stir because it called for perception of equality and
'liberation' in a new context - from women's point of view. Initially women's
liberation was not taken seriously. Anyone who talked of women's liberation
was labelled as anti-man. Feminists were an 'ambitious', 'egocentric',
'individualistic' or 'careerist' lot. It was also said that all women who were
frustrated, humiliated and rejected by males because of their 'ugly' looks and
were unsuccessful in their lives joined the band-wagon of women's liberation.
Many such preconceived notions prevailed.
But in spite of all these, during 1975 many small groups of 'women liberationists' started appearing. Many young women-activists who were involved in various progressive, radical and leftist organizations also started raising their voice against sexual discrimination within these organizations. All these organizations were sensitive to the problems of the poor, openly denounced casteism and communalism, talked of fighting against oppression and exploitation of the toilers and were utterly insensitive to oppression of 'Women. Not only that, they were just perpetuating patriarchal norms and forms, directly or indirectly, in political as well as personal spheres. This annoyed women activists who found it necessary to form an independent and autonomous organisation of women.

Around mid-seventies, India witnessed the emergence of a new type of women’s groups and organizations which took up women’s issues from a totally different perspective. Their activities were not restricted to merely passing resolutions or dispatching delegations to various authorities. These groups indulged not only in militant activism to assert women's rights, but also made serious attempts to articulate their thoughts on the roots of oppression of women. Moreover, they were not guided by some big political leaders or parties. Young educated women took initiative to form autonomous women’s groups.

The autonomous women’s groups occupy a very significant and important position in the Indian women’s movement. New women’s groups are now found in almost all urban areas of the country. They are addressing themselves to pressing women’s issues. These groups have been involved in mobilizing women, organizing campaigns ‘morchas’, ‘dharnas’, meetings as well as working for the betterment of the life of women. Many of the groups have developed self-help in health and legal issues. Attempts are being made to provide support and shelter to women who have been harassed or are victims of social oppression. Besides other means of raising consciousness, they use techniques like street play, skits on burning issues, feminist songs, posters,
exhibitions and Jathas. They have their journals in the regional languages and also publish newsletters.

The latter half of the International Women's Decade has witnessed the formation and growth of women's organizations like the Platform Against Rape, Stree Atyachar Virodhi Parishad and the 'All India anti-Dowry Movement'. These organizations have voiced their anger at the injustice perpetrated to women and sought to redress it through socio-legal justice. These groups have now gained prominence because of their constant fight for justice, equality and freedom for women.

Today, there are many educated women in India who, in the name of modernity, are ready to sacrifice even the best of their culture and tradition and become westernized butterflies. At the same time, there are numerous women still living under medieval notions and superstitions. They worship pret (evil forces), love jewellery more than their life and nourish blind faith.

The women's organizations, which exist today, are mostly narrow in scope and nature. Either they are serving helpless women in earning their livelihood or they are clubs for entertainment for the upper class women. There is no well-defined programme before these organizations. Most of them have become inactive and obsolete as the women members complain of lack of time and avoid meeting even once a month. Most of the ladies' club restrict their activities to chess and card-playing or organizing tambolas. The middle class women who are serving in various professions actually do not get time to join the organizations. The lower class women who are busy with their household drudgeries have to face the hard realities of life and have neither the time nor the inclination and ability to be useful for any organizational work.

Another problem is that women's groups have so far given major importance to preventive measures – evolving support structures to help the victims of violence, filing legal cases, helping women rebuild their lives. But women activists are increasingly realizing that this is not enough and they must
strike at the root cause of violence. What need to be changed are the value system and the existing structures that engender violence against women. So far, women's groups have shunned discussion on the subject with men. But it is increasingly felt that men should be involved in the process of combating violence against women. Women's sexuality is socially constructed and given the patriarchal control over their existence, it becomes imperative that men are drawn into the process of rethinking. The power equation that exists between men and women needs to be reconstructed through an honest exchange of ideas. Deep-rooted notions of the 'the good woman vs. the bad woman, 'she deserves it', 'today's women expect too much', 'need to be discussed in an atmosphere where men need not be defensive.

In an era of globalization, the campaign against gender violence has acquired a global dimension. The efforts of women's organizations all over the globe have culminated in a campaign to get the clause “violence against women is violation of human rights” included in the UN charter on human rights. Women's groups in India have taken this campaign initiated by the Centre for Global Issues and Women's Leadership quite seriously. In the UN tribunal on Violence against Women – Rape as a War Crime, many feminists made presentations on the Indian situation. Any minor campaign built up locally has its limitations. Unless it is connected globally, it does not make much impact on terms of legal provisions, response of the state enforcement machinery, code of conduct of the military and paramilitary forces, media and political parties. The women's movement in India has gained a lot in terms of successful campaign building from resource material from the International Women's Tribunal Centre, New York, literature from Rape crisis Centres and Battered Women's Homes in the U.S.A., Canada and Asian Countries such as Pakistan, Sri Lanka and the Philippines. In the multi-cultural context of today's existence, with the electronic media penetrating the remotest corner of the global village, international campaign building, with the perspective of "think globally, act locally", is the only answer to newer forms of violence against women that are marketed from different parts of the world.

Because women are easy victims, they experience a great deal of direct behavioral violence in every society. The use of violence against woman as a
form of control is not only pervasive, but varied in its expression. Such variations reflect social and cultural differences which have resulted in battering, rape, incest, foot-binding, infibulations, clitoridectomy, dowry death, selective malnourishment, bride burning, female infanticide, gang rape, forced prostitution, homicide, sexual harassment, international sexual trafficking and slavery, sexual degradation, child prostitution, violent pornography, child sexual abuse, abuse of widows and elderly women etc.

Among the above mentioned crimes, rape is the most reprehensible crime that women are subjected to, because once committed the effect on the individual woman is not only as irreversible as in the crime of murder but also the suffering caused to the victim and to her family is much the same. Each such incident is also a permanent living scar on the face of the society because it not only reminds it of the injustice that has been done to one of its members by another but it is also indicative of its inherent weakness to protect those who for various reasons are not able to protect themselves. It is also a slur on the noble virtues and institutions which the society so loudly extols.

In terms of sufferings, which it brings upon the victims and their families, it is, perhaps, the most severe punishment, which can be inflicted upon them. The victim woman is haunted for life by one single monstrosity committed against her and it puts her to embarrassment at almost every step; be it among friends, be it in marriage, if, at all that is possible, or be it the rest of her life in any shape. For all purposes, she becomes an outcaste. It marks a drastic change in her future existence and there is no wonder that most of the victims of this crime commit suicide.

The worst aspect of this crime is that the woman concerned is to suffer for what is forced upon her without her being in anyway responsible. It is not only the physical violation of the body of the victim but an intrusion upon her mental, psychological and emotional sensitivities. It is the destruction of her sense of pride, sense of security, sense of purity, and quake-like shock to the future hopes, aspirations and dreams of a happy married life. The sense of loss
suffered by the victim by this single thoughtless act of the man is so colossal and so complete that nothing can restore her self-confidence, self-respect and self-assurance. This loss is further aggravated in the woman by rising sense of extreme depression and self-pity, which are the main causes why most of the victims think of and actually commit suicide. The entire fabric of life suddenly falls before the victim’s very eyes and she may completely lose her mental equilibrium and become unbalanced and even insane. Nothing can be more shocking and more repulsive to her and the whole meaning of life is lost to her after such an occurrence. It is worse than actual death for her as the miseries are not only physical and all engrossing but also continuous and permanent.

Rape is sometimes known as the ‘silent crime’ because it is the least reported of all crimes. In fact, fewer than twenty percent of rapes and attempted rapes are ever reported. Some victims are silent because they are ashamed. Others are afraid of their attacker. Some are simply too hurt or too angry to speak out.

The year 2008 reported more than 20,000 rapes (and estimates say only about one in 69 cases is reported in India). In a staggering 92 per cent of the cases, the perpetrators were known to the victim. One of the worst places for a woman to live in, in terms of personal safety and security, India records 57 rape cases per day, up by 800 per cent if one considers the seven per day recorded in 1971. This is excluding the several others that are muffled or pushed under the carpet for reasons of ‘honour’ and ‘family name’. Rape is present as at least one of every four crimes recorded in India. Every hour, there are at least 20 crimes committed against women across the country. And out of all rape cases, only about 20 per cent actually see conviction for the offenders.

Are we ashamed? We ought to be. According to 2008 statistics, out of 35 cities checked for women’s security, nation’s Capital Delhi stood first, with an incredible one-third of total rapes happening here. If the capital of the country and one of its biggest cities does not guarantee safety, what is going to be the fate? Moreover, these estimates don’t reveal the whole truth. If one were to
have the 'real' figures, one would realize that there is indeed truth in the claim that rape is India’s biggest crime now.

A stupendous 92 per cent of all rape victims already knew the ones who violated them. These figures are clearly indicative of the Indian social fabric being so designed that it leaves little scope for a woman to express her resentment of anything, even intrusion in her own space. The knowledge that she will keep quiet for fear of being ill-treated and taunted is exactly what drives most rapists to commit this heinous crime. Not only that, the rate of conviction of rapists is also insignificant. Put together, these two factors create a lethal combination that encourages rape, for the fear of being caught and punished is insignificant while the chances of getting away with the crime are very high.

Psychologists say it is a result of a dangerously lopsided equation between the sexes. On one hand, you have men who still possess more or less the same set of values they did in the 16th century and on the other, women are getting increasingly empowered. So now, the new breed we have is one of women who are not hesitant in taking the decisions on their own, and on the other hand, we have men who are very evidently squirming in their seats about these new developments, for the Indian style of bringing up children contains no chapter on gender equality or harmony. With the women increasingly being perceived in extremes, either as a sex object or as a threateningly confident force, violence against them has steadily been on the rise. This, according to estimates, is a major reason why rape has become so commonplace.

Whatever the reasons, one thing is painfully clear that rape is very evidently India’s biggest crime threat. Even as we move ahead on the path to equal participation of women in the economy, it makes sense to wonder whether we are indeed creating a climate that is good enough for them to step out of their homes in the first place.
One question, which is asked by sociologists, criminologists, law-maintenance officers and the public alike is what causes men to be violent, abusive and cruel towards women?

So far as Indian scene is concerned, in the past few decades, with increasing evidence regarding the phenomenon, crime against women has drawn the attention of several concerned feminists, human rights groups, social scientists and social work practitioners. Many scientists have also attempted to study the phenomenon and have proposed several theories to explain the same. We have already identified several theories, which we believe have some relevance for understanding violence committed by an individual. These theories range from intrapsychic theories to macro-sociological theories. We may classify these theories on the basis of four (theoretical) levels of analysis: (1) Feminist theory, (2) psychiatric or psychopathological analysis, (3) socio-psychological analysis and (4) the social problem approach.

An analysis of causes of violence against women in the light of theoretical explanation reflects that crime against women is a complex and multifaceted problem in Indian society. Its root cause is as diverse and varied as there are researchers who study it. Much of researches into this area also indicate that there are several factors to be reviewed.

The psycho-pathological model focuses on the personality characteristics of offenders and victims as chief determinants of criminal violence. This model includes analysis that links mental illness (i.e., a small number of mentally ill persons are violent), alcohol (i.e., what one does under the influence of alcohol and other drugs) and other intra-individual phenomena to acts of violence.

The socio-psychological model assumes that criminal violence can best be understood by careful examination of external environmental factors that exercise impact on an individual offender. This model also examines the types of everyday interactions (say, stressful situations or family interactional patterns) which are precursors of violence. Theories such as the Frustration-
Aggression Theory, the Perversion Theory, the Self-Attitude Theory and the Motive Attribution Theory approach criminal violence from a socio-psychological level of analysis.

The sociological or socio-cultural model provides a macro-level analysis of criminal violence. This model examines criminal violence in terms of socially structured inequality, and social and cultural attitudes and norms regarding anti-social behaviour and inter-personal relations. Besides the two well-known theories, viz., the Structural-Functional Theory and the Theory of the Sub-culture of Violence, the Learning Theory, the Exchange Theory, the Anomie Theory, and the Resource Theory also come under socio-cultural analysis.

Over the last two decades, the trend has been to move towards a more integrated “multidimensional” model in order to better understand and address the complexity of crime against women, which has psychological, inter-personal, social, cultural and legal aspects.

An analysis of various forms of crimes against women also reflects that this phenomenon is so complex that a single theory does not and cannot explain all sorts of violence against women. There are numerous factors such as socio-cultural, structural, economic, pathological and psychological, responsible for it. Changing social norms and values shape the evolution and typology of violence. Therefore, multifactor theory provides a comprehensive framework to understand the nature and causes of crime against women in India.

In a large and complex country like India, the dimensions and problems of violence against women do not yield easy solutions. Setting standards is a first step, and while it is an important and necessary one, it is not enough. There must be effective implementation at the national, regional and international levels. The rule of law and recourse to legal remedies for violation of rights and entitlements must be observed.
The Indian constitution which is the fundamental law of the land contains numbers of provisions for the benefit and protection of the women. The concept of equality and non-discrimination finds its due place in Indian constitution. Besides, it also enables the state to adopt measures of affirmative discrimination in favour of women. Apart from fundamental rights, some specific provisions to ensure the rights of women have also been incorporated in Directive Principles of State Policy. However, in spite of constitutional protection and a number of legislations, gender discrimination and injustices continue to occur. This is mainly because those who enforce the laws or interpret them do not always fully share the philosophy of gender justice concept.

There are several areas of concern for women in law and judicial administration. However, it is in criminal law and criminal justice administration that the problems are more acute and unbearable. These problems are partly embedded in substantive law and partly in procedural aspects, i.e., Criminal Procedure Code, 1973 and the Indian Evidence Act, 1872 and the way they are administered. In cases of offences against women like sexual abuse, harassment, dowry deaths and the like, the victims in most cases do not get justice at all. With regard to women, basic right (to get justice) is not easily available because of a variety of factors on which they have little control.

Indian women are, by and large, handicapped in respect to all the pre-requisites essential for access to justice. The widespread illiteracy, the cultural barriers and subordination they suffer from, and unfriendly process of law have kept most women, who have problems, away from the law and courts.

Victimized women have various experiences with the national criminal justice systems. They can not always depend on the criminal justice system for protection. In terms of combating violence against women, there often exist gaps and ambiguities in the laws criminalizing violence. Laws tend to be piecemeal, focusing on specific forms of violence rather than dealing comprehensively with all forms of violence against women. When the law is in place, there is often weak law enforcement. This leads to victim’s apathy and
distrust and avoidance of the system. In certain situations such as the cruelty and dowry deaths, corruption among police and other enforcement officials works as a major obstacle.

With regard to the women, the Constitution contains many negative and positive provisions which go a long way in securing gender justice. While incorporating these provisions, the framers of the Constitution were well conscious of the unequal treatment meted out to the fairer sex, from the time immemorial. The history of suppression of women in India is very long and the same has been responsible for including certain general as well as specific provisions for upliftment of the status of women. The rights guaranteed to the women are at par with the rights of men and in some cases the women have been allowed to enjoy the benefit of certain special provisions.

The preamble to the Constitution of India promises “to secure to all its citizens Justice-social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality -of ‘status and of opportunity’; and to promote among them all; Fraternity - assuring the dignity of the individual and the unity of the Nation”. To realize these goals, the Constitution guarantees certain fundamental rights and freedoms, e.g. freedom of speech, protection of life and personal liberty, etc. which may be termed positive rights. Along with these certain negative rights, prohibiting discrimination or denial of equal protection of law, are also guaranteed. As equal citizens of India, women benefit from these rights equally with men. However, since the Constitution recognized the unequal social position of women, a special clause empowers the State to make special provisions for women and children even in spite of the obligation not to discriminate among citizens. This power has been used to enact special laws for the protection of women, women workers in factories, mines and plantations, and to provide maternity relief to women workers in the organized sector.

Equality of opportunities in public employment and office under the State is guaranteed by Article 16. This clause has helped to ensure a significant
position and status to Indian women demonstrated in the increasing number of women in the public services and in positions of political power and dignity, even to such offices as Governors, Chief Ministers and the Prime Minister. The principle of adult franchise, irrespective of sex, seeks to ensure women's full participation in the shaping and sharing of power.

The Directive Principles of State Policy, embodying the major goals of a welfare State, also contain certain specific items affecting women. While the provision of Article 38 directs the State to bring about a transformation of socio-economic conditions for the common good, another Article directs movement towards the achievement of an egalitarian and just social order which would affect men and women equally. Article 39 holds out the promise of an equal right to "adequate means of livelihood", "equal pay for equal work", "protection of health and strength of workers – men, women and children – from abuse and entry into avocations unsuited to their age and strength". Just and humane conditions of work and the provision of maternity relief are directed by Article 42. The special attention given to the needs and problems of women as one of the "weaker sections" of Indian society, and the recognition of political equality was undoubtedly a radical departure from the norms prevailing in traditional India. It has led many scholars to describe the Indian Constitution as a manifesto of a social revolution.

Apart from various Articles of Indian Constitution and provisions in criminal law i.e. Indian Penal Code 1860, Indian Evidence Act 1872, Criminal Procedure Code 1973, many legislative enactments pertaining to the crimes committed against women have been passed by Indian Parliament from time to time to prevent such crime in the Indian society. Followings are some of those important enactments.

1. The Immoral Traffic Act, 1956
2. The Dowry Prohibition Act, 1961
3. The Medical Termination of Pregnancy Act, 1971
4. The Indecent Representation of Women (Prohibition) Act, 1986
5. The Commission of Sati (Prevention) Act, 1987
7. The Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
8. The Protection of Women from Domestic Violence Act, 2005

Although Women may be victims of any of the general crimes such as ‘murder’, ‘robbery’, ‘cheating’, etc. only the crimes, which are directed specifically against Women, are characterized as ‘Crimes against Women’. For example: Rape (Sec. 376 IPC), Kidnapping & Abduction for different purposes (Sec. 363 - 373 IPC), Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC), Torture - both mental and physical (Sec. 498-A IPC), Molestation (Sec. 354 IPC), Sexual harassment (Sec. 509 IPC), Importation of girls (up to 21 years of age) (Sec. 366-B IPC) etc.

Among all the crimes committed against women, rape is the most reprehensible crime that women are subjected to, because once a girl is raped, a social stigma is attached to her. In such case besides other measures, there should be social rehabilitation of victim. Due to many reasons the rape victims hesitate to bring the case to the notice of police and resultantly most of such cases go unreported leaving the offenders to roam free to commit more crimes in the society.

The Law Commission of India, through its recommendations, has made various changes in IPC, Cr.P.C. and Evidence law and has tried to solve many problems of the victims of rape, but these recommendations are not enough until now. The educated class of the society should come forward to support the victims of rape and report the matter to the police authorities immediately. The law alone cannot solve all the social problems. The Governmental authorities, social organizations, women's organizations, voluntary groups, NGO's etc. should come forward to serve the cause of rape victims. The
Human Rights Commission should play an active role to check the crime of rape in India. There is an urgent need to enforce strictly the law relating to rape. The guidelines propounded by the Supreme Court from time to time should be followed in letter and spirit (*Delhi Domestic Working women's Forum v. UOI*, (1995) 1 SCC 14). There is an urgent need to bring a change in the attitude of the police authorities in the matters of rape cases. They should have a sympathetic attitude towards the victims of rape and the necessary support should be provided to the victims.

The law-enforcement agencies i.e., the police and the judiciary can play an important role in the control of crime against women and particularly rape. The law-enforcement is a continuous process from the time a crime is reported till the criminal is prosecuted and punished. This is a long process involving various stages such as, investigation, prosecution, trial and judicial decision. The victim needs to be facilitated at all these stages.

The questions are generally raised whether the increase in crime against women in general and rape incidents in particular is due to the failure on part of law or due to the fallacy of judiciary or police authorities. Time and again, various eminent jurists, psychiatrists, law enforcement officers and social activists have expressed their valuable connotations on the nightmarish subject, but the green eyed monster is still surviving.

It is heartening to note that the Indian Judiciary has been sensitive to the status and dignity of women, which may be observed by various ruling of Supreme Court and High Courts. As observed by Krishna Iyer, J. in *Rafiq's case* (*Rafique v. State of U.P.* (1980) 4 S.C.C. 262) “The escalation of such crimes has reached proportions to a degree that exposes the pretensions of the nation’s spiritual leadership and celluloid censorship, puts to shame our ancient cultural heritage and humane claims and betrays vulgar masculine outrage on human rights of which woman’s personal dignity is a sacred component’.
The legislature also, with intent to curb such offences, has through different amendments in the Indian Penal Code, 1860, Indian Evidence Act, 1872, Criminal Procedure Code, 1973 and by various legislations has tried to curb such menace. However, despite such efforts, the statistics reveal that the incidents of rape are on the increase.

Death penalty has also been suggested from certain concerns to check the increase in rape cases but the suggestion has been criticised on many accounts. For example, as held in Bachan Singh's case (Bachan Singh v. State of Panjab AIR 1980 267), death penalty must be imposed only in 'rarest of rare case'. In order to impose death penalty judges would demand higher standard or degree of proof, which would only result in lower conviction rate, as it is found in most rape cases that the only evidence or witness available before the court is that of prosecutrix herself. Various police officials have expressed that it is the conviction rate which should go high in rape cases. Moreover, there should be speedy trials. Culprits no longer fear punishment since most rape case trials take years and years before they are finally decided and most often than not they end up in acquittal. Never-ending trials have also led to a scenario where the complainant is forced to compromise with the victim outside the court secretly due to the social pressure, thereby frustrating the whole purpose of law. What is the use of increasing the punishment when the chance of conviction itself is a rarity? Therefore, it is the surety of conviction in a case where accused is guilty which would make a difference and not the increase in punishment. Rape accused should not go scot free.

Hence, the sentencing system should be used as an instrument to curb the crime and death penalty being irreversible by nature, should only be imposed in rarest of rare case. As observed by Arijit Pasayat J. in Santosh Kumar case (State of Madhya Pradesh v. Santosh Kumar, V (1996) SLT 506) that in operating the sentencing system, law should adopt the corrective machinery or the deterrence on factual matrix. The criminal law adheres in general to the
principle of proportionality in prescribing liability according to the culpability of each kind of criminal conduct.

Another reason for increase in rape cases is the problem caused in investigation due to the delay in filing of F.I.R. Delay in filing of F.I.R. may be due to various reasons. Since it is a sexual offence, there might be an initial hesitation in the mind of the victim to report the matter to the police as she might fear that the same might affect her and her family’s reputation. The hesitation may also be that by disclosing it a stigma may be marked on her for rest of her life. The problem faced by investigation authorities in cases of delay is that it becomes difficult for them to procure expert evidence against the accused. Since it is an offence against body, medical evidence plays an important role. With the passing time, physical injuries get healed up, destroying evidence and resulting in acquittal.

Various social organisations have often suggested that a woman should avoid going out after eight O’clock in the night and should also not go alone at secluded or dark places. This suggestion sounds somewhat hypocritical. Why can’t woman move free from all tensions and fear of her being deprived of her dignity? Avoiding problem is not a solution to a problem. It is the avoidance of the problem for many years now that has resulted in the increase of rape incidents beyond proportion. Now even public places have become unsafe for women. Many cases have been reported where a woman has been picked up and raped in the public places, such as parking lots, market areas, University Complex, etc.

Violence against women remains a serious, prevalent and largely invisible threat to human development. Human rights violations such as physical violence, human trafficking, rape and other sexual abuses, still affect women and girls in nearly every society worldwide. In order to design and implement an adequate response to this problem, it is necessary first to understand it, for which we need reliable and consistent data and other information about the prevalence, the causes, the nature and the consequences
of violence against women. Second, institutional, national and global information and knowledge on violence against women must be translated into effective and integrated action. Third, responses to violence against women should be broadened to include the participation of multiple sectors and social groups: the police, judicial officials, the health sector, community groups, men's groups, and above all women themselves. Finally, in order to effect a change in both consciousness and behaviour, responses to violence against women must be implemented at the community, municipal, national and international levels, so that a "community-based response" involves not just local, but regional and international communities as well.

Changing people's attitude and mentality towards women will take a long time, at least a generation, many believe, and perhaps longer. Nevertheless, raising awareness of the issue of violence against women, and educating boys and men to view women as valuable partners in life, in the development of a society and in the attainment of peace are just as important as taking legal steps to protect women's human rights. It is also important in order to prevent violence that non-violent means be used to resolve conflict between all members of society. Breaking the cycle of abuse will require concerted collaboration and action between governmental and non-governmental actors, including educators, health-care authorities, legislators, the judiciary and the mass media.

The meaning of gender and sexuality and the balance of power between women and men at all levels of society must be reviewed. Combating violence against women requires challenging the way that gender roles and power relations are articulated in society. In many countries women have a low status. They are considered as inferior and there is a strong belief that men are superior to them and even own them.

Society is in a continuous process of evolution. It will take several decades for these imbalances to be rectified. Education of both men and women will lead to change in attitudes and perceptions. It is not easy to eradicate deep-
seated cultural value or alter tradition that perpetuates discrimination. In the final analysis, we come to a perspective that gender violence is a violation of human rights that needs to be combated by both men and women who believe in justice for all citizens irrespective of their class, caste, racial, religious and ethnic backgrounds.

**Suggestions**

On the basis of above discussion, it is clear that crimes against women are on the rise. Hence, it becomes necessary to suggest some measures to prevent woman’s abuse and exploitation in our society, for tackling various crimes against women, and for dealing with female depersonalization trauma. For our convenience, the suggested measures may fall into five main categories:

1. *Socially redefining patriarchal norms and removing gender bias,*

2. *Change in women's values and their parents’ thinking*

3. *Strengthening women organizations,*

4. *Adopting humanistic approach to victims, and*

5. *Changing criminal justice system.*

*We shall discuss each measure separately.*

1. **Socially Redefining Patriarchal Norms and Removing Gender Bias**

   The first and most important task is to redefine the social concept of ‘violence against women’. This means seeing crimes like rape, abduction, wife-beating, dowry-death and murder as “acts of violence motivated by power and authority against the weaker sex”. This means making people realize that violent acts against women may occur in circumstances where people normally will not acknowledge them. For example, abduction can occur when the victim initially accompanies the offender willingly, rape can be committed by a person very well known to the victim, a bride can be burnt when she brings dowry worth thousands and lakhs of rupees but fails to bring a few additional thousands demanded by her greedy in-laws, a wife can be beaten when she
works all through the day but refuses to obey an irrational command of her hus-
band, and a woman can be murdered because she asks her husband not to have
illicit relations with another woman. The misuse of traditional patriarchal norm
working against women has to be brought to the notice of the people-both men
and women-by women's organizations (Sangathans and Parishads). Women
have now to say things publicly against gender discrimination and against
women's humiliation and exploitation which they did not dare earlier. The
masses have to be awakened by holding conferences, pressurizing legislatures,
demonstrating before police stations, and in many other ways to make them
realize and accept the need for changing old patriarchal norms. Only collective
acceptance of new norms can help in understanding victimization of innocent
women.

True, there are laws which define and prohibit all violent acts, and the
public also condemns these acts, yet these are the very acts which are not
considered ‘dangerous’ to victims by offenders. Victims cannot relate their
experience to others and have it confirmed by them. In fact, it will not be wrong
if we maintain that our courts punish mainly those offenders who commit
offences ‘uncautiously and uncunningly’. Convictions for rape, abduction,
dowry-death and wife-beating are very few. In rapes and abductions, it is
difficult to get conviction when the slightest intimate relationship is proved to
have existed between the victim and the assailant. Wife-beating cases are never
reported to the police because of the traditional values of Indian women.
Dowry-death or bride-burning cases are difficult to prove because they take
place in the privacy of homes in the absence of witnesses. Thus, what happens
in cases of crime against women and subsequently in the criminal justice system
reflects male and female roles in broader society. Law enforcers and magistrates
have traditional ideas of how a woman ought to act, and base their judgments on
such traditional and stereotyped considerations. In these images, women are at a
disadvantage vis-à-vis men. The cultural definitions and values pertaining to
“the way women ought to behave” place women in structurally disadvantageous
power position. Because criminal justice systems rely on these cultural stereotypes and 'accepted' definitions in 'uncovering' motives in crimes (against women), most cases of victims are lost long before they enter the legal and judicial systems. It is, therefore, important that violence against women and gender biases and discrimination be redefined and delegitimized.

Cruelty Against Women Bill was introduced in the Rajya Sabha on December 1, 1995, seeking capital punishment against those who perpetrate barbarous and beastly cruelties on women. The bill stated that such offences be declared cognizable and non-bailable and should be tried in special courts. While introducing the bill, Saroj Khaparde hoped that deterrent punishment for such crimes would reduce the number of atrocities against women. Some of the acts listed as being beastly and cruel included: killing a woman by battering, strangulating or by other means after committing rape on her, killing a woman and disposing of her body by burning or by other means, burning of a woman alive leading to her death, killing a woman by gangrape, and committing rape on a pregnant woman resulting in her death. This bill, however, could not be passed. This was unfortunate because the Bill included only those offences against women which were barbarous and heinous. It would have created a definite impact to deter perpetrators of these crimes. Still these types of efforts should continue.

2. Changing Victims' and their Parents' Thinking

There is a great need for change in the attitude of victims' parents. When we focus our attention on cases of domestic violence, an important question arises: Why should parents be not blamed for the plight of their daughters? Why do they at all seek matches for their girls where to solemnize marriage they have to borrow money or spend all their life savings? Why do they decide to marry their daughters in dowry-greedy families? Why do they not ask their daughters to leave their husbands'/in-laws' house when they come to know of their daughters' harassment? Why are they so concerned about social stigma and decide to send back their daughters to their husbands/in-laws whenever their
daughters are beaten and tortured by their husbands and parents-in-law? Why do they accept the demands of their daughters' in-laws? Why do they sacrifice their daughters at the cost of a bad marriage?

There is also the question as to why girls submit to oppression? Why do they not realize that a divorce is better than continuing with a marriage where money is the be-all and end-all of all relations? Why do they not walk out of their marriage and try to stand on their own feet? Why do they not realize that by committing suicide, they are creating problems for their children and an emotional trauma for their younger sisters and parents?

Suffering violence is so deep-rooted in our cultural milieu that not only illiterate, less educated and economically dependent women but also sophisticated, highly educated and economically independent women do not seek legal or police protection. This fact is necessary to be kept in view while pondering over measures to control women's abuse in our society and for dealing with female depersonalization trauma.

3. Strengthening Women's Organizations

The voice of an individual woman perhaps carries no weight. However, if a number of women of like-minded views join hands, form an organization and raise their voice against women's suffering, they can make their presence felt as also make an impact. It is thus through these organizations alone that women can attack outdated social norms and values which need to be discarded or overhauled. It is, therefore, necessary that more and more women's organizations be developed to create awareness among women to fight against their oppression as also men who exploit, humiliate and torture them. These organizations can undertake the following activities regarding women's oppression:

- hold protest *morchas*, demonstrations, public meetings and poster campaigns on women's oppression;
• help oppressed women like female workers in industries, female clerks in offices, domestic workers, and female students in schools, colleges and universities to organize themselves so that their collective voice could be expressed and heard;

• organize women’s meetings in different localities to discuss with them not only their specific problems and struggles but also general problems of women’s interest;

• create awakening among women for setting up ‘parishads’ on specific issues, like anti-dowry parishad, working women’s parishad and so forth;

• create public pressure, organize direct mass demonstrations, employ pressure tactics, and undertake agitational activities where law-enforcement agencies are believed to have colluded with deviants;

• hold discussions with the general public and create an environment of hostility against specific offenders;

• provide emotional support to women who are victims of male exploitation and make reconciliatory efforts with victim’s husband wherever needed;

• pressurize the police to act speedily;

• try to involve in the case the victim’s neighbours who are sympathetic and active so that dastardly and brutal crimes against women do not go unpunished;

• organize street plays with the help of theatre groups to arouse general interest in women's oppression;

• put up poster exhibitions in various parts of the city, particularly at street corners, in slums, industries and offices where a large number of women work to highlight everyday torment of women;
• organize lectures, followed by discussions, on news items, books or articles relating to women's issues;
• file writ petitions against offenders, police, magistrates, etc. and demand review of the ongoing cases;
• undertake follow-up work in specific cases;
• hold press conferences for highlighting specific cases of women's torture and cruelty.

4. Adopting a Humanistic Approach to Victims

It is necessary to develop a humanistic approach to victims of crimes committed against females by males. This approach may include two things: (a) changing of sex roles, and (b) evaluation of organizational procedures.

Changing Sex Roles

A change in sex roles is extremely necessary. A wife must liberate herself from antiquated sex role ideology (the solution implied by traditional socialization theory); stop goading her husband into beating her (provocation theory); become assertive and self-accepting (learned helplessness theory), and abandon her purported possibility of resource threat within the marriage so that her husband may no longer seize upon violence as a way to right the balance (personal resource theory). What is being called for here is a set of individual-level changes. This suggestion implies that woman is not to be blamed for the aberrant and deviant behaviour of man against her. We do not justify victim-blaming predilection because there is a sexist bias in it. We need both short-term individual level reforms as well as long-term structural changes, but short-term reforms need not be explicitly anti-sexist.

Evaluation of Organizational Procedures

For protecting the rights of victims and providing benefits to victims, an evaluation of organizational procedures of police, courts, rescue homes, etc. by university scholars and by 'outside' individuals (not belonging to the
organizations themselves) is necessary from time to time. One cannot expect people from within an organization to find fault with their own system. Review and planning must be structured into systems both by assigning this duty to a particular position within the organization and giving it specific time to do it, as well as assigning this duty to outsiders. Some changes suggested by outsiders may be considered as being difficult to implement by the organizations concerned, but these changes may be necessary for victims' benefit and welfare. For example, the police may have a rule that victims must give their statements alone, but permitting the representatives of women’s organizations to be present, as suggested by reviewers, might prove helpful to victims in ways more than one. What is thus needed is concern for the victim rather than concern for the convenience of an organization.

5. Changing Criminal Justice System

Three changes in this context may be suggested:

(a) change in the attitudes and values of judicial officials,

(b) establishment of women courts, and

(c) change in the police attitude.

(a) Change in the Attitudes of Judicial Officials

Magistrates and judges are human beings and can make mistakes. What is important is the necessity of changing the rigid and traditional approaches on which their decisions are based. Reorientation courses for magistrates should be organized by institutes and universities so as to bring to their notice the findings of empirical works undertaken by scholars on crimes, criminals, victims, police, prisons, and rescue homes, etc. Instead of raising technical points and acquitting the accused of committing cruelties against women, particularly in cases of domestic violence, sexual violence and dowry deaths, magistrates should give primary importance to circumstantial evidence. Before the public loses faith in the judiciary, as it has lost faith in the police, before the judicial judgments have
a dampening and demoralizing effect on the people, magistrates have to learn to depend on sociological interpretation of law rather than continue to rigidly stick to legal precedents.

(b) Establishing Mahila (Women's) Courts

The Family Courts Act was passed on September 14, 1984. These courts are to decide (i) suits relating to nullity, restitution of conjugal rights, judicial separation or divorce, (ii) suits for declaration of the validity of a marriage, (iii) suits relating to the property of both parties or either, (iv) suits for an order and injunctions in circumstances arising out of the marriage relationship, and (v) suits for legitimacy, maintenance, guardianship and custody. Thus, the Act aims at protecting and preserving the institution of marriage, and promoting the welfare of women by settling marriage disputes and family affairs, if necessary through counseling and conciliation too.

The question is what is more important, protecting the institution of marriage or securing justice for women? Will these courts help those women who get a raw deal in marriage, ‘who are battered by their husbands, who are harassed to bring more dowry, who are tortured and ultimately even murdered? If a court urges reconciliation and hesitates in awarding divorce decrees, it may preserve the marriage and contribute to the welfare of the children but it would compel the humiliated and unwilling wife to continue to live with her husband under pressure. This is preserving the sanctity of marriage at the cost of physical and mental torture of women. What is really needed is a legal measure to restrain husbands from resorting to domestic violence. This would require extending the scope of the proposed Family Courts.

Mahila Courts have been established in Delhi to try cases of crimes against women. Four such courts were set up in 1994. The atmosphere in Mahila Courts is not aggressive or charged as in other courts where women victims have to face a volley of questions from the defence counsel. Normally,
it takes years to impart justice to a victim in an ordinary court, but in a Mahila Court it takes only a few months.

The rationale behind the setting up of these courts is: (i) to lend a sympathetic ear (of female judges) to women victims who are unable to depose truthfully and fearlessly before male judges; and (ii) to deliver speedy trials to women as Mahila Courts are to deal with cases pertaining to women only.

The important characteristics of Mahila Courts are: (1) these courts take up cases of women only; (2) the judges are women; (3) these courts try cases of Indian Penal Code (IPC) only of (a) outraging the modesty of a woman (Section 359), (b) kidnapping (Section 363), (c) criminal breach of trust pertaining to not returning streedhan (Section 406), and (d) cruelty of any sort inflicted by the husband or his relatives (Section 498); and (4) these courts have predominantly all women teams, including women prosecutors. Only the accused and the lawyers are likely to be men.

However, Mahila Courts have been criticized on the following grounds: (1) These courts are unconstitutional and unwarranted. Even the President of the All India Lawyers Forum for Civil Liberties (AILFCL) has described the very nomenclature of these courts as misleading and violative of the constitution. (2) The courts would be biased in favour of women and the accused would inevitably be treated severely by the female judges and the prosecutors. (3) The courts are not Mahila Courts in the real sense of the term. Public prosecutors, stenographers, and readers are still male employees. (4) The number of Mahila Courts is not adequate enough. Three fourth of cases involving women victims are still tried by male judges. (5) Keeping in view the large number of cases, the strength of judges is quite insufficient.

The counter-arguments against the above criticisms are: (q) allegation of gender bias against women judges is baseless. Mahila Courts are not partial. There is no question of taking sides. A judge is a judge. It hardly matters whether the judge is a man or a woman. (2) Women judges in fact create a sense
of confidence in the victim to come out openly against the accused and his/her counterparts. (3) The disposal of cases is more speedy. In many cases, women judges have given less severe punishments to the old accused on the ground that there is no point in giving a 10-year sentence to someone who is between 70 and 80 years of age as he might not survive the entire sentence.

What is needed along with Mahila Courts is: (1) curbing loopholes in the trial process; (2) curbing corruption; (3) providing for speedy disposal of cases; and (4) interrogation of a female victim by a woman police officer, preferably in the presence of her relatives and under camera surveillance.

(c) Change in the Police Attitude

The role of the police is to uncover law violations and bring to book those people who threaten the social order. To the average person, the police officer is the law. It is the police who in their capacity as ‘first-line enforcers’ make the important decision whether a specific situation requires official action or not. If they choose not to identify an act as a crime, or if they choose not to label a person a suspect, or if they choose not to take official action even when they have sufficient evidence against the suspect/accused, the members of society lose faith both in the law and its enforcement agencies. It is indeed unfortunate that the image of the police has steadily deteriorated in our society in the last few decades on the ground that either they escape their responsibility through indifference or callousness or they do their jobs through a variety of corrupt and unlawful practices. What alternatives do the victims’ parents have who lose their beloved daughters and suffer humiliation at the hands of law-enforcers when they approach for legal action? They only sit quietly and weep and blame their destiny. In a few cases, we hear of demonstrations outside the police stations and riots, but ultimately it is the poor demonstrators who come to be branded by the police as ‘dangerous individuals’ and are further humiliated and lathi-charged by the police. It is true that most police work is ‘reactive’ rather than ‘proactive’, that is, police enforcement action is usually taken when a member of the public acts as a complainant. It is possible for the police to
become proactive. However, even if it remains reactive, it should give proper treatment to the complainant and seek her/his cooperation and confidence rather than ill-treat her/him. It is the high time that the relationship between the complainants and the police should improve and the use of discretion should be fair and unbiased.

A separate cell for women may be created in the police department headed by a Superintendent of Police with a staff of inspectors, sub-inspectors, head constables and constables. This cell may be called "Offences Against Women Cell". It should cover all crimes—rape, kidnapping, dowry-death, murder, wife beating, eve-teasing or sexual harassment etc. Such cells have been created by Bihar, Rajasthan and Delhi governments and other states should follow the same.

Besides the above measures, the following preventive and rehabilitative strategies may also be adopted to help women victims of violence.

*Preventive Strategies*

- Introducing self-defense training to girls in schools/colleges/universities.
- Imparting legal education to girls in schools/colleges and on the radio and TV.
- Protecting the living environment by asking for the identity of the visitor before opening the door.
- Arranging a signaling system with reliable neighbours, if living alone.
- Keeping a watch on the youth by teachers in colleges/universities and wardens in hostels.
- Giving more rights to women in services, in business dealings, in insurance schemes, in taxation laws, in social affairs, and in household chores to improve their status.
- Keeping a more strict watch on daughters by parents.
• Increasing patrolling duties of policemen in public places.

• Showing programmes on TV suggesting measures for the psychological protection of women so that they act and think of themselves less as weak and helpless creatures, and learn to escape being hurt by means of active resistance such as screaming, fighting and running away.

• Restraining mass media from practicing indecent exhibition of women in all types of advertisements and humiliation of women in serials and movies.

• Introducing legal reforms which may reduce difficulties in prosecution.

**Rehabilitative Measures**

The rehabilitative schemes may include:

• Providing some financial help to victims. For example, the National Commission for Women (NCW) has suggested the creation of a 'victim compensation fund' in view of the growing number of crimes against women in the country. Statutory funds may be created at the national and state levels to give assistance to female victims who suffer physical injuries and/or mental torture. The NCW has already submitted the draft of the Victims’ Assistance Bill to the central government.

• Investigating machinery for the NCW may also be created to probe increasing atrocities against women. More funds and proper infrastructure are essential for the proper functioning of the NCW. It may be given prosecution powers too. At present, only the Kerala Women Commission has these powers.

• Establishing centres for rendering help to victims of rape, torture, kidnapping, and harassment. These centres initially may be started in 23 big cities with population of more than ten lakhs and then in small cities with population of five to ten lakhs and lastly in cities with population of one to five lakhs. Each centre should have permanent staff for attending
telephone, contacting families, apart from having women volunteers for reporting cases to the police. These centres should be funded by government, charitable trusts and donations. Gradually, the centres may also arrange short-term residential accommodation for needy victims. Small coordination committees of four to five members (a female volunteer, a male social worker, a police official, an advocate, a judicial official, and a doctor) may be created in the cities which may help the centres whenever needed. Periodic advertisements may be given by the centres in the local press about the location of the centre, telephone number, etc. Initially, only a few victims may seek help from the centre but the number will certainly increase with rise in the reputation of functional assistance.

- Providing free legal aid to exploited women both by the government and voluntary women’s organizations.

- Special investigation units comprising predominantly women police officers may be created. Investigating officers need to be trained and sensitized about the needs and sensibilities of victims. Police officers and doctors need to be trained in interview techniques which should be conducted as far as possible, in the victim’s home. Doctors simply go by the rule book. They look for tangible physical evidences that have been listed out. If there is no physical injury, they simply pronounce the girl as not having been assaulted. This narrow legalistic interpretation needs to be substituted by a new humane perspective.

So far as the attitude of the lawyers is concerned, it is difficult to expect the defense lawyer to be gentle. He will naturally try to make it a case of ‘consent’, otherwise his client remains in jail. The magistrates, therefore, have to intervene quite often. Moreover, there is now a provision in the IPC which allows ‘in-camera proceedings’ if asked for. But only a few women know of this provision. Even under this provision there would be a good number of
people present in the room. The best way to tackle this problem is to try and make the woman understand that this is not the last thing in her life. It is not her fault and it is nothing to feel guilty about.

The Government Social Welfare Departments run Rescue Homes which serve both as detention centres during the trial period as well as shelter homes where the victims are lodged until they return to their parents or get married. Unfortunately, these Rescue Homes are nothing but centres of maladministration and corruption. This has been established many a time; even Court remarks underline this fact. Though the superintendents and deputy superintendents of these Rescue Homes have the responsibility of protecting the rights of the inmates, the officers actually are not much concerned about what happens to the inmates. Further, no one seems to be conscious of the need for short-term or long-term change. We, therefore, feel that there exists a great need for creating special programmes for female victims of crimes by males. Happily, a trend in this direction is already discernible. Women organizations have started some programmes but these programmes are confined only to large cities. The extension of these programmes to small towns and villages can include several things, for example:

(i) Immediately providing shelter to victims who have no place to go to,
(ii) Maintaining contacts with victims as they wend their way through the present tedious criminal justice system,
(iii) Providing emotional and psychological support to victims and try to make them feel somewhat less dehumanized,
(iv) Acting as watchdog groups, ensuring professional accountability and trying to ensure that victim’ rights are indeed honoured.

Other Measures

To achieve the targets of equality and empowerment of women, it is also necessary that the law should be accompanied by sensitisation of the police, the
judiciary and the society as a whole. The law, by itself, will not stop the violence, but it would provide the women with protection mechanism and would signify the official response of the State that violent behaviour even within the confines of the ‘home’ will not be excused or tolerated.

Gender justice can not be ensured merely by passing laws. Bare legislative enactment is like band-aid on a festering wound unless certain structural changes are brought about at the district and state level.

Suggestions for changes at the structural level

Changes at the District level Mechanism

A clear cut administrative machinery should be made available at the district level for monitoring and reviewing the cases of violence against women. This district level machinery headed by District Magistrate should consist of representatives of police, prosecution machinery, judiciary and the representatives of the prominent individuals of women's organizations in the District. This committee should also review progress of investigation and prosecution. At least one special cell should be created at the district level for ensuring better registration and progress of investigation and monitoring of crimes against women. This special cell should do networking with community groups and women's organizations and help to create an atmosphere in which women would feel encouraged to freely report the cases of violence. At present, non-reporting of the cases is largely due to lack of confidence in the enforcement machinery. Specific formats should be created and implemented for reporting on gender-related crimes at the district level.

Changes at the State Level Mechanism

A coordinated view should be taken regarding violence against women at the state level. For this, specific responsibilities should be fixed at the state level about the roles to be played by the state Home Department, enforcement machineries, the prosecution agency, the department dealing with women and child development, voluntary organizations and the elected representatives.
For better visibility of data relating to violence against women, an information collection and analysis system is required which can give an overall picture of the trends of such crimes in the state. The creation of such a data base using computerized systems should be an essential part of an integrated information system extending from the Thana level to the state level.

The State Government should create an appropriate receptive environment for better registration and investigation of crimes by giving awards and recognition to dedicated officers. A special entry should be made in their evaluations and those cases should be highlighted in which prompt action was taken. This can be through media interventions, regular review and appraisal of statistics relating to gender-related violence. This should also involve the cooperation of voluntary organizations, public figures, activists and elected representatives. State Governments should also promote and encourage voluntary organizations.

State Commission for Women should be constituted in most of the states to play the role of a watchdog to ensure the registration of offences, their investigations, prosecutions, protection against violation and deprivation of the rights of the women and to ensure implementation of the special laws. State commissions should network effectively with the National Commission for Women.

*Coordination between Police and NGOs*

In view of the growing violence against women, the police leadership at the state and district levels should take adequate steps to sensitize and motivate their subordinates at the cutting edge level and utilize the services of the women groups at the optimum level. State government should encourage at least one women group in each district for taking up various programmes for the care and protection of victims of violence. The government should not interfere in the autonomy and functioning of the NGOs in lieu of their patronage, support and cooperation excepting periodical evaluation of the performance of these
organizations by non-official experts who may be appointed by the competent authority.

Our policy makers may consider giving legal status to the NGOs not only for running homes and corrective institutions for the purpose of Juvenile Justice Act, 1986 and Immoral Traffic (Prevention) Act, 1956, but also for playing an effective role in the criminal justice system.

*Sensitization of Criminal Justice System*

The police officers, prosecutors and judges at all levels of hierarchy need to be exposed to the gender equality education which would enlighten them on existing assumptions, myths and stereotypes about women and how these can interfere with fair and equitable administration of justice. Judicial system should comprise of both men and women which is sensitized to myths, prejudices, and the complexities of domestic violence. There is an urgent need of training of the personnel involved in the criminal justice system on the nature of violence against women in general and domestic violence, sexual violence and dowry offences in particular. The participation of the victims, NGOs, lawyers and social activists in such training programmes may help in internalizing the gender-based violence by the law enforcement agency and the judiciary and this process may in the long-run help our criminal justice system to be more responsive and sensitive to the women victims of crimes.

*Social Defense*

A widespread network of social defense services should be established in a large number of states. Under this family counseling centres, protective and corrective homes and shelter homes should be set-up in various states, and in every district which should be accessible to women in distress at any time of the day or night.

In these institutions, there should be a panel of experts consisting of a medical man, a psychiatric and a social worker who should not only assess the mental and physical well-being of a battered woman but also investigate her
story and background. These institutions should provide all kinds of assistance; legal, financial or psychological. Effective rehabilitative programmes should be chalked out both for corrective institution and shelter homes. Counseling should be provided before the actual commission of the crime so that the family may be saved from breaking up.

The social, structural and prevalent patriarchal ideology is anti-women and it needs to be changed at every level. The status quo within the family needs to be questioned and changed. Further, the status of women in society and equality of sexes in every sphere of life is essential to bring about changes in the status of women within the family. The position of women in public at the general societal level needs to be improved so that some women do not become victims of violence in private at an individual level. Moreover, we need to question anti-women concept of patriarchy which only serves to keep woman bound within the home and close all options for her.

The focus should not be on relief measures only, but structural changes are also required to empower women and make them independent and hence less vulnerable to violence. The emphasis should not be on ‘relief and rescue’ but on ‘independence and empowerment’. For this purpose, the following suggestions may be offered:

1. There should be a change in the socialization process. Family is the cradle of violence. It is the ‘gender label’ which is attached to a child at birth which brings a whole range of social apparatus with it viz. names, clothes, toys, belief, behaviour and values. The male and female should be brought up in a similar manner only then the attitude of men will change towards women in future.

2. Woman is responsible for her own victimization. ‘Learned helplessness’ is deep rooted in a woman. She should change her thinking that ‘women need guardians’ or the concept of “pativrataadharam” because such thinking becomes a safety measure for the men. Illiterate and educated women are more or less the same as illiteracy prevails in the rural areas and orthodoxy in the urban. Even if
she is beaten on Sunday, she keeps fast on Monday for the longevity of her husband.

3. The status of economically independent women has not changed drastically. They face the crisis of 'role conflict'. There are only a few exceptions where the couple has worked it out between themselves as to how they will share the chores at home. In most of the cases the woman still manages the household single handedly and the man relaxes once he returns home. Household work is accorded very little prestige. A house wife should never perceive herself as a subordinate person as she performs the important role of bringing up the children and providing a well ordered home.

4. Man is not the only one who is violent against women. Women are also violent against women. It is the woman (mother-in-law) who starts violence against daughter-in-law. There are different ways of seeing a daughter and daughter-in-law. Attitude of women towards women needs to be changed.

The parents of the girl should also be blamed for taking heavy debts or for selling their property to meet the demands of the bridegroom's parents. There should be awareness among the girls and they should also realize that a divorce is better than marriage which is based on monetary considerations alone because often it is seen that the girls suffer in silence for dowry violence against her.

5. Media can also play a crucial role to bring about a social change. The government media, T.V. and radio should take up this issue seriously and educate women regarding their legal rights as well as the alternatives that are open to them. Programmes on the changing status of women will make a positive contribution in changing general societal level attitude towards women. They can be powerful organs to disseminate information regarding women's rights, developmental programmes and shelter for women in distress.

The media propagates a discriminate and oppressing attitude towards women, which should be discouraged. Displaying women as 'sexual objects',
should be banned in the advertisements. The mass media conveys that women’s position is only in the home and for the home, while men are portrayed as successful professionals. All this legitimize masculine dominance, meanwhile pornography presents a package deal on women as sex objects and the natural possessions of men, which further promotes violence against women.

The media which is controlled mostly by men has been responsible for a widespread misrepresentation of feminists as ‘men-hating’ and ‘family destroying’ women. This false propaganda is reinforced by other forces and groups, which see the emancipation and liberation of women as a threat. The women organizations have come up but those who try to do something in the field are labeled as ‘homeless’ in the urban areas and they are looked with ‘suspicion’ in rural areas. Therefore, the whole problem of status of woman and violence against her has to be viewed and considered both by the woman and by man together. More and more ‘Men Organizations’ should come up for the cause of women. Women should forget their helplessness and men should shed their inhibitions. This is the need of the day.

With a view to convert the equality of women from de jure to de facto, educating the female would play an important role. So long as there is disparity between the male and female in education levels, the difference between the position of men and women would continue to exist. It is sad but true that a woman even in her own home has been given a rather subordinate role to play. Her major concern is expected to be catering to the comforts of the family as a dutiful daughter, loving mother, obedient daughter-in-law and faithful submissive wife. She has same feelings, aspirations, emotions, sense of satisfaction and frustration as her counterpart, but the society has made her dependant on father, husband or son. The attitude of the society must change. A wider social movement of educating women of their rights, to conquer the menace, is what is needed, more particularly in rural areas where women are still largely uneducated and less aware of their rights and fall an easy prey to their exploitation. The role of courts under the circumstances assumes greater
importance and it is expected that the courts would deal with such cases in a more realistic manner.

For the emancipation of women in every field, economic independence is of paramount Importance. Along with economic independence, equal emphasis must also be laid on the total development of women-creating awareness among them about their rights and responsibilities - the recognition of their vital role and the work they do at home. If necessary, a new social system must be evolved. The society must respond and change its attitude. Major surgery is required and not merely cosmetic changes. Once there is emphasis on total development of women in all respects, empowerment would automatically follow. Awakening of the collective consciousness is the need of the day. Change of heart and attitude is what is required.

Let us hope that with the incorporation of above stated suggestions, the high degree of violence against women in our society would become a thing of past in this new millennium because –

“The stark reality is that the future of development of society lies in the future of women equally with men. Never has it been more apparent that women’s issue can not be compartmentalized and isolated as secondary issues in development”.