CHAPTER – 6

CONCLUSION AND SUGGESTION

1. Introduction

Gender bias exists in almost all societies. Women from generation has been provided with secondary status to man, she doesn’t have her own identity but treated as the property of the household to which she belongs and confined in the house in the name of honour. However the perpetrators of crime against women are known to or related to women. The women participated in each and every field today but majority of them confined to homes and their contribution to the society or nation building is limited to a certain extent due to this. Their male counterparts rule the world they have all the power and pleasure of the world, and women remain isolated uneducated, invisible and unrewarded of the role she played in the household, society, and nation building. Today’s women face the wreath of the man from the day she born to till she died due to the patriarchal mind set.

Women in one form or other have been given back seat in our male prejudiced culture. The women of today is changing the feudal mind set of the people and going to achieve its goal of gender equality and gained success but in course of that she is suffering violence in the hands of her family members. If we compare the past with present women have come a long way but they have to travel long way to achieve gender equality and change the patriarchal mind set of the community at large.

The modern women have participated in every field from freedom movement to going into the space; every field has been touched by the excellence of women. The women of today have faced many problems ranging from decreased sex ratio to trafficking of women for procurement of marriage from human rights violation to bonded labour etc.
Swami Vivekanand one of the pioneer’s in women empowerment has quoted that “Soul has no sex; it is neither male nor female. It is only in the body that sex exists, and the man who desires to reach the spirit cannot at the same time hold sex distinctions” he also stated that “There is no chance for the welfare of the world unless the condition of women is improved. Women have suffered for eons, and that has given her infinite patience and infinite perseverance.”

2. Conclusion

Women in modern India have faced violence in their household, place of work and in the society at larger scale. However as far as the law of land goes women has given equal right to man but the implementation of these are lacking on part of the government level. The government’s organ i.e. the legislature, the executive, the judiciary lacks intent in the past to curb the violence against women due to patriarchal mindset. Because the people who make these laws or implement these laws comes from the same society which given the women secondary status, but due to the awareness about their rights and due to their long battle for equal status now the women are getting recognition in society worldwide.

In India women are termed worse than cattle. This situation is not related to rural area but in urban area also. The problem that is faced by today's men is that he can’t change his mindset of 18th century, his is not willing to give respect, safety or security to the women due to his feudal mindset. The women in today’s world is beaten mercilessly without assigning any reason, she was burnt alive due to not able to providing dowry to the family of her husband, if women fails to comply to the rotten patriarchal norms of the society she can face severe consequences for that without any fault. However there are so many laws that shield women's rights, but the efficiency of Indian’s judicial system is not hidden.
The problem that women face is because she feels that the violence committed against her is deserved by her due to the constant suppression and oppression from ages. The women feel normal when violence has been meted out to her in family, she always feels dependent to man for everything, and irony is that she don’t even consider certain acts of man as violence. Man feels proud in punishing women for their mistakes due to patriarchal mind set and they have seen their elders do that in the house. It is the main reason why women and man have different perception regarding crime against women.

The silence of women and unreporting of the crime to the Government authorities is the main reason why the perpetrators of crime against women are roaming free. But the authorities as well as the society are the reason behind that because we have not provided them ample security or generate confidence among them; they feel vulnerable to abuse while reporting the crime that’s why they decided to stay mum.

The reason is also that after reporting the crime the women has seen in the society as she has committed certain kind of crime. Women were seen with hatred, if any crime is committed against the women, we straight away said that she must have abetted the crime or she was taking revenge that why she filed a case or we question her character. Women has faced number of hurdles or abuse while reporting the crime, the authorities doesn’t provide them adequate safety and security. The family in cases like where the crimes are committed against women by family member or relative, they force her to withdraw her statement or force her to take back her complaint. If we have to solve the problem of increasing crime against women then we have to collectively make efforts as a society to face the evil of gender inequality. We have to take all dimensions in consideration like social, political, economic, and factors responsible for crime against women to solve the problem and providing equal status to women.
The man doesn’t understand the pain or suffering the women face while completing household work. They feel that it is the duty of women to fulfil their every desire and complete day to day work at home. The pain that women suffer in reproductive roles is not acknowledged by the man. The tasks the women do while performing the different role in the society doesn’t yield them any money. So they are not termed as economically productive in the society or not in nation building.

The women in India has to come in the open, confront gender bias against her openly and there has to be a social revolution which leads to improvement in her status and health in the society and curb the prevailing patriarchal mind set. We can say that with time the condition of women must improve and women were provided with most prized human rights i.e. freedom and equality to take decisions stand in toe to toe with male counterpart and provide them good working environment.

The Judiciary in India has played a very important role in dealing with crime against women. The apex Court has come up with important guidelines and direction to protect the rights of women and put them on equal footing with man. The Apex Court has come heavily on the executive for their non implementation of guidelines and asked for complete overhaul of the system to curb the crime against women and provide maximum sentence as well as capital punishment to the criminals to deter the others from committing the crime against women.

The Legislature has come up with women oriented laws which reduce the crime against women; effective implementations by the police authorities, understanding among women on their rights are going to reduce the crime against women.

The media played a very laudable role in making sure that the society at large do know about the crime which is committed against women, how
barbaric they have committed these crime such as reports of female foetuses found in drains or dug from dry wells or floating in lakes or eaten by dogs, There have been stories of trafficking of women for marriage and emergence of polyandry in Hindu society due to skewed sex ration and preference for male child. The gang rape of women in such a way that shook the conscience of whole nation to fulfill their lust and to take the life of women to keep the so called honour of the family if they choose to marry with their own choice.

As a citizen of this nation we need to make sure that respect and safety of women comes within from our hearts. Amending laws and bringing new laws doesn’t reduce the crime against women, the only thing that is able to reduce the crime against women is when society at large provide gender neutral equality to every human being, and we have to teach our coming generation about this and provide them a environment where they don’t have to tolerate crime against women and raise their voices against these issue.

The solution to crime against women is that when both the sexes come together and fight this evil together. As Swami Vivekananda had repeatedly told that “India's downfall was largely due to her negligence to women and there is no chance of the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on one wing”

We have enough laws for the safety of women if implemented efficiently, have the power to maintain law and order in the society and punish the criminals who commit crime in the society. But to keep pace with the world or due to the changing socio-economic fabric of the country we need to improve the existing laws to keep pace with the modern time. We need to do few systematic changes in the judicial system and its infrastructure to provide speedy justice to the people and prevent its violation, and for that we have to improve the performance of the lower judiciary to provide justice to all.
To preserve rule of law, we need to make sure that our police force work in a better environment and the law enforcement agencies are free from any political pressure or influence which affect their performance. There should be transparency in the working of public office and agencies and accountability of their work is necessary in discharging public duties. Every state in India with the direction from the government has decided to open women police station in every district of the state. The women police station is going to have all women police officers and deals with crime against women. It is a good step on the part of government to provide them safer environment to file complaint against perpetrators.

If we consider the statistic of 2014-2015 provided by the National Crime Record Bureau, we have not seen much change since the Nirbhaya Case. All states in India are equally vulnerable to women crimes. In spite of amendments in the law, in spite of adopting Security measures in public transport, things have not improved. The only thing that comes out from the Nirbhaya episode is that women have come forward to report crime against them because they are more aware about their rights and eager to fight for their rights. But we still have to go long way and needs to do lot in the field of Police reforms, law reforms, strict punishments, educational reforms, rape crisis centers, counseling, public transport safety to secure safety of women.

I conclude my conclusion part with promise made by Our First Prime Minister Pandit Nehru That “Freedom and power bring responsibility. The responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom, we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now. That future is not one of ease or resting but of incessant striving so that we might fulfil the pledges we have so often taken and the One we shall take today. The service of India means the service of the
millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us but as long as there are tears and suffering, so long our works will not be over.”

3. Suggestions

Inspite of several Constitutional safeguards and enactment of women oriented laws, the crime against women is not reduced to certain extent. During the Course of study on the theme and reading about the laws and factors responsible for crime against women the researcher would suggest following measures to control the crime against women –

1. Today’s women have proved her in every sphere of life. They excelled in every field and face every difficulty in realising their dream. She has played every part in life which she is required to play to become equal with man, in the eyes of law she termed equal but the crime against her proved otherwise. The feudal mind set of the society doesn’t treat her at par with her counterpart. Women are not safe anywhere from home to work or any other place; she is subject to violence by the man. Women deserve equality in every sphere of life. Unless and until we provide equal status to women and our patriarchal thinking doesn’t become gender neutral till then we can’t have civilized world. The Indian Society can’t progress until we provide equal opportunity to women in every walk of life. All bodies of government must treat women in equal manner and respect their rights.

2. The law has already been passed that all the marriage solemnized in the country should be registered in the marriage registrar office but the implementation of the law is lacking there is no penalty prescribed under the law for couples who does not register their marriage. There should be penalty as well punishment for the couples who doesn’t register their marriage.
3. The administration of criminal judicial system should be overhaul. The police in India are not sensitive towards the victims of sexual crime because they belong to same patriarchal mind set. But as an authority they need to uphold the rule of law without influenced by any person or politician or his superior etc. For speedy curative action for the crimes committed against women, an appropriate system would have to be created. The Apex court has provided certain guidelines but the implementations of these guidelines are still pending. The police officers to be made accountable and time bound for their work so that they can restore the faith of citizens. There must be an independent oversight body to ensure that the police are fulfilling their obligations and duties in the law. This is vital to improve the relationship between public and police. There have to be police complaint authority in which the people will complained against the errant officers who doesn’t do their duties and misconduct on their part should be monitored independently in all cases or complaints. We have to work towards modernization of police force and have to make sure that the people will feel free to approach police and file their complaint. The Fundamental rights provided to the citizen of this country can only be secured if the police force of this country is effective. The police force has to be service oriented and deal with citizen efficiently and in scientific manner and resolve their grievances speedily. The police force shall work with the community to remove gender bias. There has to be more women in police force and there has to be volunteers from public or community to who are trained to perform their duty as citizen.

4. The Number of court in our country needs to be increased to deal with the burden of backlog cases. With systematic change in the infrastructure, it will reduce half the burden of arrears in courts contributing to delays in enforcing the law of the land. There is need to increase the strength of the Judge to reduce backlog and provide speedy Justice to the aggrieved. The lower court should not apply the old fashioned method to deliver justice they
should adhered to the direction issued by apex court for speedy disposal of the cases.

5. A sexual offence has always been seen as Stigma in the Indian society, which is faced by the women. We have to change the outlook of the society regarding the victims in the society. When a women raise their voice against the person who has committed crime against her, then she always think about the society because she always feels that whether she is going to be termed as accomplish to the crime. It needs courage to report crime against her in front of the authorities as well as to society rather lauding her decision, we tend to disgrace her, we make our own perception against her. We have to clearly establish that the only disgrace in these crimes belongs to the perpetrator, not to the victim of the crime. We have to assure to the victims that they have done nothing wrong in reporting these crimes; women have to hold their head high in the society. We have to make sure that they can talk about the crimes like rape and sexual abuse as any other crime like murder, theft etc. The reporting of these crimes in today’s medium has to be specific and unbiased. We have to remove shame from the victim’s mindset and the only thing that they have to concern about the physical aspect of the crime. We have to change the perspective of society towards the victim of such crime, so women feel secure and confident while reporting the crime against them and more and more perpetrators will be punished. We have to remove the stigma attached to sexual offences. We have to provide women an environment so she can speak loudly about the sexual offences committed against her rather than feudal society who think disgrace about sexual offences and its victims.

6. To improve the state of women it is compulsory that the law related to women should be uniform. We need to have uniform law except the caste, creed or religion. As far as personal law is concerned there is no uniformity there, this leads to exploitation of women by impulse of man. The Uniform Civil Code means to make change in personal laws related to property,
marriage, divorce, maintenance, adoption and inheritance. The Uniform Civil Code is the need of the hour, the present Government is trying best to have the consensus of all the parties and people affected by the Uniform civil Code. The Retd. Justice of Supreme Court Markendey Katju has stated that “Muslims especially Muslim women have suffered due to absence of Uniform Civil Code. An archaic law can't apply to present times, the existing laws which keep female devoid of all kinds of rights on her life, property, career etc. must be changed to provide women a life of free choice and dignity.”

7. To curb the evil of killing young man and women by so called justice courts (Khap Panchayat) in the name of honour when they wish to get married by their own wishes, we need specific law which deals with this kind of crime. To curb this crime the apex court has come up with harsh judgments but the people are unabated and the graph of honour killing is increasing drastically. Law commission of India in its report has already recommended of passing a law which combat honour killing.

8. To elevate the status of women in India is to make her self-sufficient and economically independent. Women are not treated equal as far as macroeconomic policy of the government is concerned. Women doesn’t have excess to the resources and the society doesn’t give them as much as they deserve, but still they are trying their level best to compete with man in every sphere. They do more work than man if we look at the daily work hours that she has to work. But we cannot include or convert that into money or accounts. We have to provide women equality but that can only be done only after they become economic independent.

9. The only thing that can raise the status of women in India is education. If the children of this country both boy and girl has equal access to education and if we are able to teach them about the gender equality and respect of women then we can remove the shackles of exclusion and narrow-mindedness. So when they become young they are able to understand about their rights and respect women and don’t discriminate between sexes. Through
the Education the women are able to secure themselves independently. We have to make sure that education reaches to every corner of India and the education policy has to be revised to make sure that the new books has content which treat man and women equal. The education system in India needs reforms to liberate women from shackles of discrimination, achieve the aim of gender equality and gain respect in the society. It will take a lot of time but if we have to achieve gender equality and improve the status of women then we have to provide education to each and every child of this country.

10. There are only two ways to curb the evil of prostitution in India. Firstly we do have enough laws but there implementation lacks. The government has failed to control the trafficking and prostitution when ample laws are there in place. The government can curb the exploitation and harassment of prostitutes to a significant extent as well as sex workers can be integrated within purview of national health programmes. Secondly to legalize the sex trade in India. It is very difficult to curb this crime because it is regarded as the oldest profession in the world since the inception of mankind. However if we legalize this trade then we can monitor the trade and rehabilitate and provide medical aid to the people involved in it. It will be good in keeping in check as far as trafficking of women is concerned. However as a country India has rich culture and moral and social values. So before legalize this trade we have to address the apprehension of people. The NGO’s are doing very good work in rehabilitating the sex workers and their children and providing them medical aid. However the Government should setup a department which specifically deals with the rehabilitation, counseling, medical aid, legal awareness and trafficking of women and forcing them into prostitution.

11. The Vishaka Guidelines and Factories Act 1948 are not fully implemented in present world. The Guidelines to provide safety to working woman in factory as well as in BPO, LPO, etc., the rules regarding sending a security guard with woman employees, CCTV Cameras and GPRS in vehicles
are not implemented in MNC’s/BPO’s etc. and other establishments makes women vulnerable to the crime at night. The authorities should make sure that every establishment in India should comply with the directions of Apex Court as well as factories act, 1948. If any establishment/factory/MNC/BPO/LPO etc. is not adhering to the direction and rules of factory act and the Apex Court then there should be harsher punishment for these establishments.

12. The concept of Live in Relation is new in India. The Apex Court has given legality to this concept stating that it is well within their right to life and it cannot be deemed to be Criminal Offence. But the point here is that as a society India has not given approval to this pre marital relation and termed it as a sin. There is no question that as a society we had our own apprehension regarding this new concept. The woman in this relation vulnerable to many violence’s but we don’t have any law which specifically deal with this concept, there is too much ambiguity whether to treat them as husband and wife or what is the status of children born from live-in-relations. There is no specific law except the apex court’s judgments. However there should be specific legislation or specific Direction and Guidelines to deal with Live-in-Relation and issues arising therefore.

13. The Government has to open Legal Aid Clinic, Legal Seminars and other programmes in urban as well as rural areas to aware them about their rights. These programmes are designed specifically for women, so they are more aware about their rights and if there is any violation of their rights then they can report them to appropriate authorities. We should have these programmes in every village of India time and again to educate woman about their rights.

14. The Section 497 of Indian Penal Code which deals with adultery should be amended to give women right to file a suit against the adulterous husbands.

15. The specific laws on adjournment should be amended to make sure that case doesn’t get linger on one pretext or another and it becomes a tool in
the hand of accused. The case has to be finished in particular time period. There should be law to prevent frivolous cases which are only with intent to harass the other party. For example cases related to section 498-A IPC. The Apex Court has also shown its apprehension over such cases. Person who files such cases should be punished severely, so the faith in justice can be restored.

16. Rape crisis center should be established in every Government Hospital. There should be counseling of rape victims on the expense of government. So the women can come out of trauma of this heinous crime and can live happily in the society.

17. The Sexual offence has to dealt by the women police officer as the women feel comfortable in front of women police officer, and the case related to these sexual has to be heard by women judge in fast track court so the justice can be provided to them by giving them favorable environment where they can record their statement and prove their case.

18. As suggested by Justice J.S Verma Committee that to provide safety to women there has to sufficient public transport in day and night and at night every transport vehicle has a security guard. There has to be identity card for each and every person working and they can only ply the vehicle. The vehicle should have its light on in the night.

19. As suggested by Justice J.S Verma Committee a special procedure for protecting persons with disabilities from rape, and requisite procedures for access to justice for such persons is also an urgent need. Amendments to the Code of Criminal Procedure, which are necessary, have been suggested. The protocols for medical examination of victims of sexual assault have also been suggested, which we have prepared on the basis of the best practices as advised by global experts in the fields of gynecology and psychology. Such protocol based, professional medical examination is imperative for uniform practice and implementation.

20. There should be no dark corner in the streets of this country. Every dark spot or street should have street light installed. There should be multiple
PCR vans which have women police officer on board to provide safety as the dark spots in nights are more prone to facilitate the crime. All the public vehicle and commercial taxis should have GPS tracker in them so they can be tracked in case of crime and the police should have details of the entire persons driving these vehicles.

21. The Nirbhaya Fund should be utilized for the rehabilitation of victims of sexual offences which includes acid attack. The victims compensation should be provided to them at the earliest, the fund should also be utilized for the upliftment of women in society their rehabilitation, medical aid and counseling is done by the government.

22. The laws in India are plenty but we are not able to implement our laws effectively, the laws promises women security but due to their poor implementation, the perpetrators use the lacunas of laws and get away with crime. However, due to the tiring long judicial procedure women can’t able to stand for long in the wait for justice and hope that this condition will improve in future. So effective implementation of all these laws is the foremost requirement of the hour.