CHAPTER - 4

FACTORS RESPONSIBLE FOR CRIMES AGAINST

WOMEN

“Women will work out their destinies – much better too than men can ever do for them. All the mischief to women has come because men undertook to shape the destiny of women.”

Swami Vivekanand

“Unfortunately, it is true that a woman has even in her own home 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 is perhaps everything except a human being on par with her counterpart - the man.”

Justice A.S. Anand

1. Introduction

8th March, is worldwide celebrated as International Women's Day. In order to uplift the honour and respect for women all over the world, gender equality is proclaimed as a fundamental right by the United Nations' Charter of 1945.

According to Manu, a woman is never self-dependant, because during all the phases of her life she is looked after by the three important men in her life i.e. her father who look after her in childhood, her husband who looks after her in her formative years, and her sons who hold and look after her in her old age. Male domination is the key factor impacting the life of a woman all over the world. Such domination has its own merits and demerits. Hindu religion was more focused towards male domination and therefore considered,

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1 Dr. A.S. Anand on Woman’s day 1999, New Delhi
sons as essential to the family, since sons alone could offer oblations to their departed ancestors and save them from suffering a spell in hell. The daughter as per the Hindu religion could not perform these rites and was therefore treated as inferior to the son.\(^2\) The Ancient Roman, Greek and Egyptian civilization were no exception where the status of woman was inferior to that of the man. England, which boasts of an ancient democratic tradition, gave its woman a right to vote only in the year 1928. Like the Hindu religion, other religions such as Islam and Christianity also place woman on a much lower pedestal than that of man. Disappointingly, women, in this world, belong to a class or group of society, who is in a disadvantaged situation on account of several social barriers and impediment which exist even today. Women also have the right to life and liberty; they also have the right to be appreciated and treated as equal citizens. Their respect and dignity must not be touched or dishonoured. They also have the right to lead an honourable and peaceful life. A Woman plays vital roles in her life such as a Mother, Daughter, Sister and Wife. Every women must have the right of expression, the freedom and, of course, independence to live the roles assigned to them by Nature so that the civilization may flourish as they only have the ability and capability to shape the future and personality of men anywhere and in every part of the world. It is astonishing to learn that a 30 year old law graduate from Orissa, died due to head injuries because he was so shocked after he heard that his wife had given birth to a girl child that he fell to the ground, hit his head against a wall and succumbed to his injuries. Akshaya, father of a two year old daughter was expecting a male child.\(^3\) Male domination has been an age old practice. One of the biggest reasons behind the inferiority in woman is the biological superiority of men over women which have made her a feeling less person. Woman was reduced to be just an appendage to man. She was condemned to lead the life of a slave within the four wall of the house. Man turned her to just

\(^2\) Law of Manu. Chapter 10
\(^3\) News Items: Times Of India, 30 August, 2006
an object of gratifying his physical desires. Challenging practices such as child marriage ban on widow marriage, sati-tradition, parda-system, and many other atrocities on women dominated the social scenario of the middle ages. Gender injustice is not a recent phenomenon. Crimes against women have been committed since antiquity. Any traditional custom that places women in subordinate positions within the society or in the family has the potential to turn violent and unacceptable. Such customs are not appreciated by the judicial system and even fail to get legal recognition.

Crime against women, are not only physical, but also sociological. There are records of women raped, beaten, abducted and given humiliating treatment. Women have been subjected to socioeconomic and cultural deprivations for such a long time that there is a general indifference and lack of awareness of crimes against them. A lack of awareness of the seriousness of the problem, the general acceptance of men’s superiority over women and denial of violence by the women themselves due to social and cultural attitudes.

It is difficult to assess the nuances to women’s issues in India, where diversity exists from place to place in customs, traditions and lifestyle. Problem of safety and security of women persists globally. Gender violence is continuously on rise and political apathy persists more than a century. Unfortunately in most of the cases involving crime against woman, her own family members or known people are responsible.

Gender based discrimination is the biggest curse to the Indian society. This issue is global with varying degrees and very old. As human development has gained importance in the global development debate, gender equality is emerging as a major challenge which needs to be addressed sternly. Gender discrimination, though amongst the most subtle, is one of the most all-pervading forms of the institutionalised deprivation.⁴

⁴ Bhatt JN Justice, in “Gender Equality: Turmoil or triumph”
Gender injustice is an extremely disturbing and alarming problem of the world. To inspire a movement that helped to reduce gender inequality worldwide, in 1975, in Mexico, the First World Conference on Women Equality was held and Honourable (then) P.M. of India, Smt. Indira Gandhi also participated in that. Although the kind of atrocities faced by a woman have remained the same, but the degree of such atrocities has diminished to a certain extent. Deep-rooted problems such as illiteracy among women is declining, mortality and total fertility rates are beginning to fall, and more women are participating in the labour force than ever before. Persistent inequality between women and men constrains a society's productivity and ultimately slows its rate of economic growth. Although this problem has been generally recognised, the evidence available of the need for corrective action is more compelling today than ever.

2. Injustices with Women - Indian Scenario

It is often considered that in India from the ancient times women have been ill treated by man, but, it is not correct. Before independence, the condition of men also was not healthy and case of injustice on the basis of gender was less than at the present time. In the Northern part of India, especially Uttar Pradesh, which is called the most criminal and immoral area now-a-days, even now while travelling in a public transport, youngsters will stand-up and leave the seat for women. But, if we are making the reserved seats in the buses for women, in that case, the mentality of the youngster is changed and the same refrains them from being courteous towards woman. In not leaving the seat for a woman, he has not done injustice towards women, but, he feels that he has not violated any rule. So clarity of the law, sometimes make the society to do that immorality, which he was not doing when there was no rule. It is not essential that any act or omission is wrong only when it is specifically declared by the Law as illegal. There are certain traits and social practices which govern the social behavior, and the aforesaid expectation arises out of the same practice.
In India women are equal to men, under the Constitution and under the sky. The vast majority of Indian women share equally with the vast majority of Indian men the terrible burden of poverty, the darkness of illiteracy and the nakedness of the skies. Unfortunately there is a tendency to isolate the problem of the Indian woman from the problem of all the oppressed and exploited and to treat it as a distinct and separate problem. The toiling woman is forgotten with the emergence of the working woman. There is no difference when we talk about woman wellbeing and as a result the problems of the women of the affluent and the middle classes are treated as the problems of Indian women in general. Current moment suggest that these are not real problems and that they do not require urgent resolution.

Social science affirms that a woman’s place in society marks the level of civilization. Every civilized society accepting the importance of gender equality has, therefore, made affirmative provisions against gender discrimination. But in spite of enactment of these provisions, equality between men and women continues to be a farfetched desire. The reason for such a wide gap between the ideal and the practical is not only historical but mainly because of attitude of inferiority and bondage towards women. Women are thus deprived of basic freedom and thereby exposed to easy exploitation by the male dominated society.

Women have always been treated as an object of gross and severe violence at the hands of men. The biological weakness is the key factor behind making a woman weak and to become an easy prey particularly to physical domination. She is often a victim of physical violence be it outside or in her home, added to that the constant neglect of the female children, which apart from having: adverse effect on their health also creates mental conditions for them in which they cannot resist any physical violence or several forms of injustices. They continue to be the weaker and the suppressed of the human species. What is, therefore, fundamentally necessary is to see that in grave matters of health and education they are treated at par with male children.
Unless a beginning is thus made in every home in the early childhood of women, there are very few chances of their resisting the violence or not falling a prey to violence in society.

Social workers, road sweepers, college students, field labourers, matrons and quite brides, professionals, artists, industrialists, politicians and bureaucrats these are all well designated assignments that an Indian woman undertakes. Those who have genuinely attempted to know the women of India have never been successful in finding a stereotype, because there is no single Indian woman. In fact, the diversity of women in India defies imagination. Woman have excelled in the file of tackling Geo-graphic, occupational, economic, religious and caste differences are vast. But an important threat that winds through the lives of these diverse women is that of violence. Even today, in the penultimate decade of the 21st century, women are not being allowed to live successfully the life of a human being. Oppression, as a dramatic issue, has made headlines everywhere, and has received a certain degree of redress; but the endemic and frightening violence, has remained like women themselves, largely ignored. If Sati has found a new incarnation in bride-burning, female infanticide did not die out with the Act of 1870. The media one of the most crucial and severely impacting body may have subdued the reprehensible racket in aborting female foetuses after sex determination tests under the guise of (a) detecting congenital abnormality but neglect, (b) starvation, (c) lack of immunization, the reluctance to 'waste' medical services on a girl, all continue to result in a slow death. This violence, whether overt or covert that begins even before birth remains in lifelong companion whether one likes it or not. In fact, life for a girl becomes increasingly sinister, as she enters womanhood, for she could be battered or burnt within her prison like home or molested, assaulted or raped outside it. Not surprisingly, she undergoes her metamorphosis into a woman in shame and fear.

On the other hand, many kinds of masculine behaviour spring from a root of possible violence. As stated earlier, the lack of physical power leads to
a general nervousness in women. She lacks preparedness and has no faith in a force she has not experienced in her body; she does not dare to be enterprising, to revolt, to invent, deemed to docility, to resignation, she can take in society only a place already made for her. Atrocious behaviour inflicted upon them includes beating, clubbing, pouring acid, forced sex, forced pregnancy and kicking women etc. Unfortunately, women's place in history has often been at the receiving end of a blow. This unpleasant history is age old and sad because of the sufferance of the country's women who have been browbeaten, bruised, and bloodied and broken, and sad because on one hand ideologies and institutional practices made such treatment both possible and justifiable have survived although somewhat altered, and on the other hand it is the backward and ineffective crime prevention mechanism and a lacking robust implementation of penal provisions pertaining to crime against woman.

It is not possible to understand violence against women without understanding its past and the part the past plays in contemporary beliefs and behaviours. One cannot, however, distill the essence of this violence, merely from a description of ancient practices or from the laws specifying chastisement. It requires an examination of the individual and institutional factors that reveal why women have systematically been subjected to violence.

Legal, historical, literary and religious writings all contribute to understanding the unique status of women, a status that composes the kernel of the explanation of why it is they who have become the “appropriate” victims of violence. In reality, women have minimum options to showcase their individuality and apart from that given to them as wives, mothers and daughters and departure from that identity was discouraged and punished. The level of woman biasness is reflected in the historical and religious writings where rarely it can be seen a woman’s achievements and sorrows have been named and discussed as an individual except in terms of an exceptional ability or inability to fulfill family obligations. Women were seldom remembered as individuals, even when they did something which deserved appreciation. They
were non-existent in some of the key roles that they have excelled in today and were nameless, undifferentiated, undistinguished and indistinguishable. They were considered to be all alike; they were merely the members of some man’s family. As such, there was little or nothing the historian thought he could write about any particular one of them. Since the historian was not interested in a group of people who were seen as merely family members, they ignored women. The literature and history still portray a clean and sensitive picture of a woman but reality was reflected in laws and religion which showed the actual treatment woman was subjected to. The seeds of violence in the subordination of females lie in their subjection to male authority and control. This relationship between women and men has been institutionalized in the structure of the patriarchal family and is supported by the economic and the political institutions and by a belief system, including a religious one, which makes such relationship seem natural, morally just and sacred. Obedience is an obligation which every human being is expected to show, however, it was something that a woman was bound to show failing which they were supposed to suffer serious consequences. As far as the legal jurisprudence is concerned, it was the legal right of a man to demand obedience from a woman in the form of father, husband, brother, son, etc. The laws specified the types of behaviour that were to be controlled, the legitimate means by which such control could be effected, and who had the right to control. In fact, the law has always seemed directed at protecting the rights and authority of men and controlling and oppressing women.

The structure and ideology of the patriarchal family formed much of the basic structure and ideology of both the modern state and the smaller less powerful nuclear family, which was encouraged by the state in order to obtain its own support and security. Thus the state and the nuclear family were inextricably intertwined and mutually supportive. The family, in fact, was considered as the cornerstone of the patriarchal society. It was the model upon
which other social institutions were based, and its order became a moral order, its hierarchy sacred.

Religious leaders placed faith in the idea that the subjection of women could be achieved by imparting lessons to women that it was their sacred duty to obey the authority of men to control woman, claiming men to have more calibre and experience to govern the conduct of a woman. As long as the woman is not perceived as an equal human being she will continue to be relegated to the realms of violence, to be deprived and downtrodden, starved and finally defeated by the filthy mind sets. We have now recently discovered women all over again this time in a slightly more glamorous role than usual as the “pivot of social change”. But yet another role to be included in the wide repertory of order she has played through the ages. Once again an instrument, changing the face of the country-side while keeping her own hidden behind the veil of darkness. If women are to be the instrument of social change, change must be complimented by a supportive and secure environment which gives the woman sufficient freedom and opportunities to showcase their potential. But the fact remains that India cannot accelerate into the 21st century, if our social conditioning continues to be in dark and dehumanised by male domination. It is heartening to note that rape, battering, sexual harassment and other expressions of violence against women have begun to be confronted and responded to by women in our country, like elsewhere in the world. In order to empower themselves, women are organising in their communities, and on a national and international level to safeguard, fight back and bring an end to the years of silence and abuse. The women's groups that have come forth in active protest, to organise and provide services that cross national boundaries and are meant to spread the message of woman empowerment. Fortunately the anti-rape movement, which began in India, in 1980, has gathered tremendous momentum over the past few years. Dowry deaths; police brutality and rape by Government and military representatives both against individual woman and as a tool to repress peasant movement;
Sati; and rape of Dalit and Tribal women are some of the key offences that the anti rape movement has begun to address. Role of media in the Nirbhaya Rape case and the Bombay mill rape case was vital as they were both well publicised which helped to bring national attention to the prevalence and seriousness of crimes against women. Sexual harassment at workplace, child abuse and incest has received much public attention and specialized workshops for working men and woman are being conducted in all organisations to create a safe and secure environment for working woman.

These issues are increasingly getting exposure in the media and are being dealt by women’s organisations. Finally, the Indian Penal Code of 1860 underwent significant changes for the second time in over 30 years with the passage of the Criminal Amendment Act 2013.

Key issues of the Act are:

- To bring into existence, punishable offence for those police officers who fail to register First Information Report (FIR).
- To address penalties for other abhorrent forms of crime (stalking, touching, sexually coloured remarks, voyeurism, human trafficking and acid attacks, awarding a minimum 10-year jail term to the perpetrators and rational fine to meet the medical costs of the sufferer).
- Seek clarity as to how the perpetrators of the offences like touching, stalking, and sexually coloured remarks would be accused and subsequently prove the assailant as guilty.

It is important to set aside immediate problems and think of conditions under which violence against women would be an impossibility.

Since male supremacy is the main cause of sexism and gender deviance, and class domination perpetuates male privilege a long-range plan to end abuse includes a total restructuring of society that is feminist, anti-racist and socialist. Ending capitalism and building socialism can’t stop male
domination. Under capitalism private ownership creates an economy based on exploitation and a privatized family, both of which rest on female subordination. Whereas, social ownership of economic life, collective participation in the decisions that affect one’s life and ending the separation between family and community are the hopes that a yet unrealized version of socialism offers. Balancing by-laws must exist to end violence against women. Such by-laws, basic necessities such as shelter, adequate jobs, incomes, free health care, affordable housing, and child care, are essential to allow women to cherish her long awaited independence from violent men and to enable them to live decently. Whether this is possible under capitalism, is questionable big question. The biggest irony lies with the fact that in a privatized capitalist economy, the social purposes and value of women's work disappears; women are easily degraded, subject to the whims of men and isolated from the support of other women. Need based resources must be available in the form of goods, services, and jobs so that power relations between men and women in the family are equalized. A society based on a privatized, nuclear family life, separate from the community, creates unresolvable contradictions in any efforts to end violence against women in the family. If women were neither economically dependent on men and if they had the opportunity and freedom to sustain and earn their livelihood they would have been in a stronger position and could have been capable enough to supersede the positions where the dominating male society played a monopoly. If families start living in a transparent manner, then family life would be open for community scrutiny because the family would be part of and accountable to the community. However to the contrary, if a false separation exists between the family and the community, women might lose the opportunity to get rid of the sense of isolation and gain a sense of entitlement to violence free life. In the long run, men and women together need to create a work life balance in order to end the everlasting struggle to end exploitation and oppression.\(^5\)

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5 Susan Schechter, “The future of the bettered woman’s movement,” keynotes address,
The Beijing Conference in September 1995 identified the following critical areas of concern pertaining to ongoing hardships of women:6

1. The persistent and growing burden of poverty on women.
2. Inequalities and inadequacies in and unequal access to education and training.
3. Inequalities and inadequacies in and unequal access to health care and related services.
4. Violence against women.
5. The effects of armed or other kinds of conflict on women, including those living under foreign occupation.
6. Inequality in economic structures and policies, in all forms of productive activities and in access to resources.
7. Inequality between men and women in the sharing of power and decision-making at all levels.
8. Insufficient mechanisms at all levels to promote the advancement of women.
9. Lack of respect for and inadequate promotion and protection of the human rights of women.
10. Stereotyping of women and inequality in women’s access to and participation in all communication systems, especially in the media.
11. Gender inequalities in the management of natural resources and in the safeguarding of the environment.
12. Persistent discrimination against and violation of the rights of the girl child.

The Declaration on Violence Against Women, 1993 elaborates further the structural dynamics underlying violence against women: “Violence against Woman is a manifestation of historically unequal power relations between

men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”

In depth research has been conducted to ascertain the causes of violence against women since the Declaration, teasing out greater and greater detail on the factors contributing to violence against women in different environments. The ‘ecological model’ of public health-based analyses has gained traction in recent years to aid understandings of these complex and intersecting ‘contributing factors,’ as embedded in the social practices and values of broader society.

2.1 The Social level –

At this level, laws, policies and practices emanating from the State – as well as from traditional or customary practices at the broad social level – can directly contribute to aggravate or curb violence against women. If such laws, policies and traditional or customary practices fail to curb such violence, such an environment would create high level of tolerance in favour of violence against women. Societies that value women’s participation and representation, and where there are fewer economic, social or political differences in power between men and women, have lower levels of violence against women. Other contributing factors at the societal level include limited economic opportunities for women, and women’s insecure access to and control over property and land rights. Strategies to promote women’s economic autonomy and access to skills training, credit and employment; encourage girls’ completion of secondary school; delay age of marriage to 18; and ensure women have their rights respected as to when and whether to marry and have children – are all ‘protective factors’ against violence against women at the societal level.

2.2 The Neighborhood level -

7 United Nations, 1993, DVAW, Article 1
At the neighborhood level, other contributing factors begin to emerge, compounding those at the social level. Isolation of women from support mechanisms, and the lack of safe spaces for women and girls to freely communicate and develop friendships and social networks have been found to contribute to violence and compound its impacts. Local miser practices and norms such as those granting men dominance and control over female behaviour, acceptance of violence as a way to resolve conflict, notions of masculinity tied to dominance, honour or aggression, and rigid gender roles all contribute to higher risk of violence against women. Attitudes or practices that invisibles, minimize, condone or justify such violence are similarly contributory, ‘such as the belief that neighbors should not intervene when a wife is being beaten because that is a “private” matter, or the belief that reporting that a daughter was raped would bring shame to the family.’ Broader discriminatory or gender-stereotyping norms – for example supporting male dominance or entitlement – are also associated with attitudes tolerant of violence against women and girls, including attitudes and practices that reinforce female subordination (e.g. dowry, bride price, child marriage); and the normalized use of violence and aggression within the family or society to address conflict. As a result of continuous state of misery, women themselves become conditioned by these social norms to accept violence, with surveys conducted in various countries showing that in many contexts women will report that violence is justified in a number of cases.

2.3 The Association Level –

At the level of an association or family, one of the most contributing risk factors for violence is male control over social and economic decision-making. Other factors include justification of male use of violence against women and girls in the family, such as the incorrect belief that husbands have the right to physically ‘discipline’ their wives under certain conditions; and placement of individual and family privacy and honour above the safety and wellbeing of girls and women who experience violence. Many of the above
(Neighborhood and Association level) factors can also be reflected in peer groups and organizational cultures, which also have further contributing factors such as ‘male dominance and gender segregation, higher levels of hostility towards women, peer support for violence, norms of sexual conquest and the denigration of women.’

**2.4 The Person level** -

Finally, at the person level, ‘the most consistent predictor of the use of violence among men is their accord with chauvinist, patriarchal and/or sexually intimidating attitudes.’ Other contributing factors have been identified relating to age, level of education, and anti-social behaviour. Studies on partner violence in particular shows the harmful effects of consuming alcohol over disputes between partners as presenting a more complex contributing relationship to violence against women and girls, potentially exacerbating and increasing the severity of violence, as well as the first time perpetration of sexual assault. Personal childhood exposure to, or experience of, violence is a strong ‘risk’ factor for later perpetration, but this is by no means inevitable and is affected by a number of other social, educational and psychological factors – most notably the existence or otherwise of alternative non-violent social norms and models for healthy relationships.

There is often a tendency to focus on individual life histories, attitudes and behaviors in discourses on prevention of violence against women, but it is of paramount importance to remember these are only one part of the ecological model – and continually influenced by factors at all other levels. At the outset, it can understood, that there is actually no single cause which adequately accounts for violence against women – though inequality in distribution of power between men and women remains the common thread. As the Special Reporter on violence against women, its causes and consequences has noted: ‘no form of interpersonal violence against women is devoid of structural violence – as in all places, such abuse is underpinned by
beliefs about the perpetrator’s right to harm another, based on societal notions of gender and rights.’

Crimes against women are as old as civilization and equally ancient are the efforts to combat and arrest them. These efforts have not succeeded and crimes are still maintaining their upward trend. When the whole world awakening to call of enlightened feminism, India Still wallows in the crime of primordial misogyny. In many parts of our country, women are still considered to be a burdensome appendage. She is an economic drain. She must be exploited or dispensed with as a non-person because she crushes her family with marriage and dowry expenses. Her birth in many parts of the country is greeted with silence, even sorrow; in contrast, a boy arrives to the sound of joyous conch shells. Discrimination begins at birth or even before it and continues till she is dead. Comprehensive studies conducted by UNICEF as well as Indian Social Scientists reveal an organised pattern of discrimination against women.

Religion, customs, age-old prejudices, etc. have put Indian women in a subservient and exploitable position in many domains of life. Low rates of participation in education, lack of economic independence, value biases operating against them, etc., have resulted in the women being dependent on men folk and other institutions of authority like the family, neighborhood and the society. They are usually ignorant of their rights and even if they are not, they do not have easy access to justice. The issues related to women are being raised and discussed in various flora, in the recent times. Of these, ‘Crime against Women’ is gaining more and more support and recognition, the world over. But despite the enactment of laws, formulation of reformative legal processes, provision of legal aid to the needy, extensive use of the provision of Public Interest Litigation, conduct of Family Courts, Women/Family


9 Shobha Saxena: Crime against women (deep and deep pub.) p 22-30
counseling centers, etc., women in India has a long way to go in concretizing their Constitutional Goals into reality.

The problem has to be analyzed in a wider context and cannot be viewed in isolation from the status of women in the society. Legislations alone cannot by themselves solve deep-rooted social problems their execution is of paramount importance; one has to approach them in other ways too. Therefore, what is required is not only a strong legal support system but also favorable opportunities for the woman to experience and enjoy economic independence, essential education and awareness, alternative accommodation and a simultaneous change is required in the attitude and mindset of the society, judiciary, legislature, executive, men and the most important, woman herself. Restructuring society in terms of power and role relationship while emphasizing the egalitarian values is the need of the day.

During the national Struggle for Independence, Gandhi gave a call for emancipation of women. He wrote, “To call woman the weaker sex is a libel; it is a man's injustice to woman. If by strength it is meant moral power then woman is immeasurably man's superior. Has she not more self-sacrificing, has she not great powers of endurance, has she not greater courage? Without her man could not be. If non-violence is the law of our being, the future is with women.” Thus, the first task in post independent India was to provide a constitution promises to secure to all its citizens, “Justice-social, economic and political” 10

Women have been subjected to socio-economic and cultural deprivations for such a long time that there is high level of tolerance and absorption which undermines the gravity for crimes against them. Crimes like murder, dacoity, robbery etc are condemned, but crimes against women are justified and condoned even by the women themselves. Women as stated earlier are reared in an atmosphere which slowly and positively helps in the

10 http://www.mkgandhi.org/articles/womenempowerment.htm (Visited on 14th February, 2016)
development of a feeling of inferiority; they become used to the institutional legitimating of their low status and find nothing wrong in some of the crimes that are committed against them. Also, the increased level of tolerance towards the day to day atrocities inflicted upon them by men adds more fuel to the fire that weakens the spirit of independence and the hope of living with dignity in woman.

This attitude can be attributed to three factors: (i) a lack of awareness of the seriousness of the problem, (ii) the general acceptance of men's superiority over women, and the (iii) denial of violence by the women themselves due to their cultural conditioning and social attitudes.

A combination of certain factors work which stimulate and supplement each other in commission of crime e.g. hyper sexuality of a person by itself may not lead him to crime, unless there is something more, biz. The presence of a submissive and lonely lady who seems to be seducing him, then it would be like a match applied to gun powder. Likewise an environment of an undesirable type would not in itself be responsible for the causation of crime but the crime may be caused if there is a person, who by some weakness of mind or lack of organization of personality traits is susceptible to such environment social, economic, cultural, biological and legal factors are the root cause for the rising crimes against women.

The causes of Crimes against woman can be studied under following points –

3. Societal Causes

The social causes of crime against women include causes like Inferior status of women due to social conditioning, Patriarchal structure of society, unpleasant family atmosphere, Broken homes, Living environment, Too much intrusion in the life of children by the parents, Addiction to Alcoholism and Drugs, Immorality, Cruelty, Sickness and modern permissive atmosphere etc., Excessive punishment to a child that lead him to anti - social activity.
In the eyes of the Indian society, man occupies a superior status and the woman is merely his accessory. A woman is never considered as an individual in her own right, she is, first the daughter, next the wife and last the mother of a man. Without man, her existence is treated as a myth. To maintain their dominance, Men are consciously taught to be aggressive and tough while women are conditioned to be obedient and quiet. The constitution and the protective laws assert justice and equality to be the goals but the given concepts and shared understanding assign different kinds of resources, opportunities and expectations to the two genders, each of which is sought to be governed by own distinct code of fairness and justice. This concept of equality and justice results in gross injustice to the women and is the cause of their exploitation and their low social status.

Famous case of Indu Jain is an apt example. Her paramour had murdered her two innocent children in the most ghastly manner. She was arrested on mere suspicion of her complicity in the crime but when people heard about her arrest they forgot all about the main culprit and commented knowingly, even without having ever heard of indu Jain that she was a woman of loose moral character because she had a boy friend, she must have been a party to the crime. She must be hanged by the feet. She must have planned the murder, she must be punished etc. No one said such things about the paramour; all ire was focused on Indu because she was a woman.

A similar case had taken place about a decade back when Dr. Jain a renowned eye surgeon had got his wife murdered through hired assassins in order to marry his private secretary. The case went to the court but when the Judge announced the sentence against the doctor, the people were stunned, they did not expect it. They expressed their sorrow —by sentencing Dr. Jain; the court has deprived us the services of a renowned doctor. His heinous crime was conveniently forgotten.

In 1987 when an 18 years old girl was publicly burnt alive in Deorala thousands of people rejoiced. They were proud ‘it was said that made her
commit sati, she has brought honour to community.’ This was the attitude and expression not only of illiterate villagers but educated people like advocates, doctors and members of the elected bodies those who denounced the act were characterized as a bunch of westernized Indians alienated and out of touch with Indian reality. The heinous crime of murder was condoned in the name of tradition by the ostensibly liberal and progressive elites.

In Haryana, in 1991 two women sillo and kori were scythed to death by their own brothers. The locals watched in silent approval, there was no sign of repentance. If anything they were only glorifying the heinous crime and the killers for having accepted the murder. In their view the brothers had upheld the honour of the village. Sillo was a widow while kori had deserted her husband because he had tried to kill her but fortunately she was able to save herself. What really irked the villagers was the fact that the two women did not bother about their adverse comments. They remained composed and continued to work independently.

The killers have been sent to jail but the collective conscience of the village remains unmoved. People still blame the widowed mother for giving birth to such shameless daughters and permitting them to live with her in the village. Laws or no laws the helpless widow had no option but to leave the village if she wanted to live in peace. The above examples shows dominating character of male in Indian Society.

Discrimination against girls starts the moment a child is born and continues to be maintained and reinforced through the process of differential socialization throughout her life. Sex role distinctions are evident in terms of occupation and education. It makes every woman convinced about her subordinate status.

Discrimination against girls is also apparent in other sphere also. Dowry is demanded in marriage because it is considered to be the traditional right of the boys family. It is sanctioned by custom so it should not be resisted.

India Today, August 31, 1991 p. 52
If the boy goes to prostitutes then the wife must be at fault is not being able to satisfy him. If he had become alcoholic even before marriage then also it was the duty of the wife to have weaned him away from drinks with her love and care. Thus women can always be proved to be at fault by a convoluted logic and crimes can be committed against them with impunity. These crimes are committed against by there owns and not by criminals. So, it becomes difficult to combat them. Moreover, they are mostly one sided i.e. without any provocation from the victims. They do not depend on any quality of the victim or lack of it, but other factors which are beyond her control e.g. avarice is the reason for dowry deaths. It is immaterial how much dowry was given or how rich is the husband's family. Suspicion is the main reason of cruelty against the wife though it may be totally baseless.

There is a huge gap between the mindset of the legislature and the society. Ideally the acts and decisions of the Legislature must be a reflection of the atrocities and wellbeing of the society, however achieving such a state seems next to impossible. The thinking of the society towards the crime against women is different with that of law, law have declared these crimes as deviant act. Whenever a crime against a woman is committed the judgment is predetermined ‘The woman must be at fault’. The society will always have an excuse to blame the woman and set free the man. The argument put forward show social tolerance of crimes against women. We have accustomed of seeing the committing of these crime by man that we are not alarmed. Eve teasing and sexual harassment are considered manly acts. Society has become so used to these crimes; hence no importance is given to it.

Due to the, social pressure of Globalization, urbanization, demonstration of money power, changing ethics of success and geographical mobility, we are witnessing the radical changes in the traditional Indian values. These factors have so much affected that resulted in such moral and psychological environment which is highly criminogenic.
Joint family which provides an emotional safety and gave physical support to all its members are disintegrating. Joint family exercise informal control over its members and played an important role in teaching children basic values like truth, honesty, tolerance and concern for others, etc. There was a time when families were harmonious towards each other’s feelings and wellbeing. The family members offered warmth and intimacy towards each other and provided them with an identity. There was no sense of alienation and insecurity.

In this period of Globalization, Scenario of the life has changed. Economic necessities have made work for both men and women, a compelling necessity people have forget the principle of simple living and high thinking. They want more out of life, a flat, a coloured TV and a Maruti, and other luxurious items.

This situation results in many problems. Nuclear families are characterized by working parents who are treading a light rope between home and work. The domestic household is isolated. There is no saas, nanad or other family member to manage the children when the wife goes out to work. The family looks inward upon itself; there is an intensification of emotional stress between the husband and the wife and parents and children. The strain is more than most of us can bear. Thrown back almost entirely on its own resources the nuclear family becomes like an overloaded electrical circuit. The demand made upon it is too great and the fuses blow. The result is tension, indiscipline, conflict and frustration which show itself in the behavioural pattern of the members and results in increasing rate of crimes, especially against women.\(^{12}\)

Now the time has changed. Families have become nuclear yet unmanageable. Family planning is not a charm any more, and is rather an obligation which is achieved and handled as a task. The children are left alone to care for themselves or are left with the servants as the working parents do

\(^{12}\) Haralambros M, Sociology: Themes and perspectives. P. 335
not have time to devote with them parents spend lavishly on their children but they have no time to spend with their children which they need. Parents are unable to understand their child’s mental development and hardships. Rather than teaching their children the lessons that may help them all their life, they are busy pampering them to prevent them from acting in a child like manner. For example, when a child cries in the public, the father is ready to buy anything for the child in order to stop him/her from crying, rather than patiently treating the child in a manner like parents use to handle their children in the past with greater care, patience, foresightedness and experience.

Children want quantity time and psychological and emotional security, they want physical proximity with their parents, and these entire requirements remain unfulfilled. Children feel emotionally abandoned and look elsewhere for company and companionship. Working parents do not have time. They come home tired and often have service obligations. This results in the children being neglected. There is no control of parents over children nor is any effective monitoring over their behavior or habits done by the parents which results indiscipline amongst the children.

When the children are left with the servants, the fact that it is the most formative period of their lives is forgotten. These children learn servant’s habits by imitation and unconsciously learn their moral values also. Grown-up children get into wrong company and indulge in crimes like eve-teasing and sexual molestation of girls just to pass time and get a kick. Such crimes often become the stepping stone for other crimes in later life.

Educational institutions were the place where the children learn the moral and social values but they have ineffective but no discipline is left. Most of the time the teachers are busy in their own domestic problems and politics of the school. They do not have time to pay individual attention to the students or to work with a sense of involvement for their welfare. The co-ed school offer plenty of opportunity for the boys to meet the girls freely but there is no
effective guidance, either from the parents or the teachers consequently this freedom is often misused.

All the parents crave good academic performance from their children and as a result of competition in all walks of life, parents have more expectation from their children without equipping them with enough attention, resources, care and time towards their mental as well as physical growth and development. They do not try to fulfil their emotional and psychological needs. They remain busy with their work. The result is that the children become lonely and bored; they turn aggressive, instead of going into an empty home after the school a large number of children spend their time with their colleagues or watch the TV and video. The lack of proper extra-curricular activities, easy availability of films, full of aggression and romance, explosive programmers on the TV coupled with their peer group pressure have steadily eroded the traditional values right from habits, life styles to aspirations. The kids are forced to prove themselves in there group, many of them turn to mischief. A large number of kids are given all that they want and hence have lost all sense of values. Most of the parents are ignorant of the changed behavior of their children and as the generation gap widens the children revolt they don’t listen to parents.

With excessive and un-censored exposure to life through TV, Video, Cinema, the five star hotels, floor show etc, and with little direction from the teachers or the parents the chances of youth getting wrong ideas are very high. Perhaps the programmer of the TV. Cinematography is the greatest culprits in inculcating wrong values among at misguided youths and vulnerable old people. Even the censor board has been found guilty for misusing its powers to allow and certify films and advertisements, containing obscene content at the cost of spoiling mindsets of tender aged children. There is a virtual boom of aggressive and suggestive cinema showing soft porn with uncensored interpolated scenes. It has become a big racket with the obvious complicity of the police.
Mirroring India’s cultural degeneration, Hindi feature film world has not lagged behind. Heroines who were skittish about even dropping their pallus are now willing to bare breasts and body for sex-hungry viewers. The new trend among Hindi film makers is sexual violence, depiction of crime and brutality, fighting scenes, foul language and romance. Films becomes hit because of noholds-barred rape and gang rape scenes in all the details. In such films a number of visuals and dialogues depict women in ignoble servility to man and such servility is shown as a praiseworthy quality. The other woman concept that Hindi films specialized in, has become real life.

It is not only the visual media that reflect the new permissiveness smut magazines rub covers with new magazines in bookstalls and even conservative feature magazines have begun carrying regular columns on sex and crime. There is no dearth of such cheap literature.

In an avalanching trend the reader is succumbing to the lurid appeal of pulp as never before. The average reader has switched up to lapping up steamy pastiches of crime and sex the harbingers of this change in the reading tastes were the cheap paperback issues of novels in the form of periodicals. Flooding bookstall and pavements are the sixty to hundred page novels on an unchanged sex crime recipe. In the best tradition of the worst pulp world-wide, the narrative a loosely woven around a murder or a rape, and is interlocked with explicit passages of porn to see the reader happily through. To make the formulate foolproof, gore and blood added in a generous measure. The growing popularity of these novels can be regarded as an index of mounting culture degeneration. 13

A large number of males are committing the crime especially crimes related to women just as a part time. Cases of rape, eve teasing and are increasing specially with minors. These minors are children of poor and socially deprived parents who live in jhuggis or share small houses with each other. The prospective offenders know very well that these minors are

13 Sethna, JMJ, Society and the criminal, Tripathi Pvt. Ltd Bom. 1980. P. 75
unguarded. They are aware that the parents have gone out to earn their livelihood and the child is incapable of offering much resistance. They commit crimes against them without any violent pains. They know that the chances of getting caught are remote and getting convicted even remoter, this makes the wrongdoer indulge in crimes with impunity.

Due to economic necessities and other social factors men are going to foreign countries to earn money leaving the women alone to manage for themselves. Such women, most of whom are not used to live independently find it very difficult to manage the family and look after the children. They generally come closer to friends or relatives and become the victim of crimes like rape, molestation and other offences. Unfortunately the western culture has seeped into Indian culture inadequately, wherein the attire has been well adapted however the mindset has not.

A man does not treat the women on equal footing. After severe resistance woman are now allowed to go outside unescorted or mix freely with their male friends. The life style in this era has changed drastically but we could not still change the attitude and thinking with regard to women. Our society is still of the view that women’s traditional role is as of housewife and mother. From the very childhood the girls are trained for these roles. Though the women are coming out of the home and working with the men but this role of the women creates confusion. The women of the today are in tight spot, wherein she is indecisive about what role she has to play. The husband expects her to play the role of a traditional wife at home, but outside he expects her to act like modern women. Due to this conflict demands women has to face problem, whether to prove herself a good house wife or an efficient employee.

The mindset of men is itself unpredictable. It works in multiple directions at the same time and wishes to mollycoddle situations and conduct of woman as per his desires and fanaticise. Men wants that wife should be working lady so that give financial support to the family but do not allow her to work successfully or to prove herself at the work place as more and more
women join the work place the more opportunity available to men to take out their frustration. They tears, harass and molest women.

Women have come to release their potential and want self-expression. Women do their best to prove themselves, which they are equally capable and can complete with men. When men fail to prove their superiority at work place, the result is that they do not hesitate to use force to keep the women down just to prove their superiority.

The influence of satellite T.V. advertisement and cinema has changed the value system, especially of middle class. When people leave their native place in search to earn money then their desire to climb the social ladder in new atmosphere makes the males ignore their basic inhibitions and cultural constraint. They do not realize what the parents will think. Morality and fidelity has different connotation in the changed atmosphere.

Crime has an everlasting impact over every human being. Crime has a stronger impact when it is practiced upon a woman as a woman is less capable to physical resistance and naturally embraced with sense of pride in maintaining physical and mental self respect. Once a crime has been committed against a woman the vicious circle starts. If it is a crime by the husband or in-laws the matrimonial home is broken. The children are the worst sufferers. According to Mr. Mohan Isaac Asstt. Professor of psychiatry at NINHANS - Squabbling parents are poor role models invariably teen age criminals reflects the sorry situation at home - Most of the girls, who are lured on false promises of jobs or marriage, come from broken homes. These women lack self –confidence, love and emotional security, pimps are able to exploit it and lure them to brothels on the false hopes of a decent job and good living. There are instances of step fathers committing rape on their daughters or parents and relations selling girls to brothels.

4. Personal and Psychological Causes:

Role of the women in traditional families is to look after the welfare and comforts of the husband and children. Husband was like a demigod. All
the family revolved round the husband. What the husband will wear, what he will take in lunch and dinner. If he is happy whole world is happy. The woman was brought up to be submissive and never to question his authority. Manu, the supreme law giver had ordained - whether a drunkard viperous or devoid of virtues, a husband ought to be worshipped and obeyed. But now, with a working questioning woman the man finds his position sabotaged. The psychological satisfaction derived by the realization that he is the sole protector of his wife and children is gone. Exigencies of services often force the husband and the wife to live separately, this has decreased the emotional and physical dependence of the wife on her husband. She can live alone and fend for herself.

Fear of outgrowing, inferiority complex, and failure and insecurity of self-dependence triggers psychological repercussions in men which are traumatic. Man’s basic instinct revolts. He does not like his wife to be too independent, there are feelings of jealousy and suspicion. He uses physical force to keep his wife subdued or creates hurdles in her work to prove his superiority. This is the major cause of tension at home and contributes in a big way towards the rising graph of cruelty and wife beating.  

In our male dominated society, the narrow minded class of men is of the opinion that wife should not have equal authority in the family. According to them, their most important duty is to take care of the husband and family. She should do the job, when the circumstances are such that needs financial support but if her job inconvenient to the family, she should leave the job. Women’s first priority is to give importance to the family needs. She should assume the domestic role even she is educated and working. If his is working, she should not mix freely with men but come back home and take care of the children and family.

Though hypocrite, men are often found praising the concept of equality and showing concern towards women safety, security and empowerment. They

14 *Ibid*, p. 33
also sympathise woman to have not been able to avail of their constitutional and legal rights, but in reality they are the most conservative and deterrent towards woman. They do not like to see women becoming independent and doing better than men. They express their anger and frustration by being unreasonable and atrocious in their behavior towards them. At home the law of the jungle rather than the rule of law operate. Men are still not convinced to the idea of seeing women as their equals. The legal equality which women enjoy under, the constitution and special privileges that are granted to them under the protective laws have made most of the menfolk anti-women.

5. Unemployment and poverty

This is the key that the men possess, which if taken over from them, can open the door of success and independence for each and every woman. Some men just cannot see women doing well while they themselves are unemployed or under-employed. They find such women to be the cause of their failures, they nurture a grudge against them and commits crimes against them to take out their frustration. There are cases where husbands have not even left their wives to vent out their frustration, ignoring the fact that she is supporting the whole family by her earnings. Sitting at home without a job, they imagine the wife insulting them or looking down upon them because they are dependent upon her. They imagine her enjoying with other men at place of work. Unemployed men have been found beating their wives on very trivial domestic issues.\footnote{Ibid, p.35}

When the husband labours to earn more but fails and his wife keeps on making demands for money or the children insists on buying things the man become irritable. In such an emotional distress he beats her even if she asks for money to run the house. In a reported case in 1992, a business man, who was depressed because a fire had gutted his shop and rendered him bankrupt, picked up the kitchen knife and stabbed his wife and children then he stabbed himself. The financial losses that he had suffered after the destruction of his
shop in fire had resulted in frequent arguments. This stabbing incident was the aftermath of an argument for buying blue-berries for the children.\(^\text{16}\)

6. Women are neglected

In recent years, there has been an alarming rise in atrocities against women in India, in terms of rapes, assaults and dowry-related murders. Fear of violence suppresses the aspirations of all women. Female infanticide and sex-selective abortions are additional forms of violence that reflect the devaluing of females in Indian society. Violence against women and girls is the most pervasive human rights violation in the world today. Opening the door on the subject of violence against the world's females is like standing at the threshold of an immense dark chamber vibrating with collective anguish, but with the sounds of protest throttled back to a murmur. Where there should be outrage aimed at an intolerable status quo there is instead denial, and the largely passive acceptance of `the way things are.' Violence against women is a worldwide phenomenon. Although not every woman has experienced it, and many expect not to, fear of violence is an important factor in the lives of most women. It determines what they do, when they do it, where they do it, and with whom. Fear of violence is a cause of women's lack of participation in activities beyond the home, as well as inside it. Within the home, women and girls may be subjected to physical and sexual abuse as punishment or as culturally justified assaults. These acts shape their attitude towards life, and their expectations of themselves. The insecurity outside the household is today the greatest obstacle in the path of women. Conscious of the fact that as compared to the atrocities outside the house, atrocities within the house are endurable, women not only continue to accept their inferiority in the house and society, but even call it sweet. In recent years, there has been an alarming rise in crimes against women in India.

7. Women are powerless:

\(^{16}\) Indian express, May 16, 1992, Metro News, p.5
While women are guaranteed equality under the Constitution, legal protection of women’s rights has little effect in the face of prevailing patriarchal traditions. Women lack autonomy when it comes to making decision such as who they will marry, and are still at some places often marred during their childhood. Legal loopholes are used to deny women inheritance rights. India has a long history of activism for women's welfare and rights, which has increasingly focused on women's economic rights. A range of Government programmes have been launched to increase economic opportunity for women, although there appear to be no existing programmes to address the cultural and traditional discrimination against women that leads to her abject conditions.

The lifestyles of the haves are daily broadcast to the have - note by the electronic media. It is apparent that diligence and hard work do not raise the living standard fast enough to meet the new aspirations. Many men resort to dowry demands to become rich overnight to fulfill these desires.

8. Alcoholism and Inebriation

This has become one of the main causes of crimes against women. This evil is increasing in the society rapidly. The evil effects of alcohol result in heavy damage of the mind and the body and results in susceptibility to crimes. Excessive drinking becomes the cause of in starvation for the family member’s assault and quarrels between husband and wife, between father and child, desertion, beating, cruelty, etc. Habitual drunkards have even molested their own daughters in the state of emotional excitement; when the normal restraints of a person disappear under the influence of drugs or drinks and their hostile and aggressive fantasies, intimately intermingled with sexual lust, are converted into irresponsible action. Alcohol - related crimes illustrate a reckless disregard of time, space and circumstances.

9. Renouncement of Religious belief

Lack of religion and substitution of religious beliefs and spirituality by enlightened rationalism can also be regarded as a factor for responsible the
causation of crimes against women. Where nudling intellect has become the supreme arbiter of man’s fate, where man has lost faith in the supreme being, where man believes only in material existence, where man is lure by the desire for power and money at any cost, where man has forgotten the inner being there is no wonder that there will be social disorganization and maladjustment, leading to conflict of interests and crimes. Though religion has been one of the strongest forces to uphold the institution of patriarchal family yet religion has offered its believers a code of ethics, a sense of being answerable to others and to the fate of others. Behind this seeming contradiction there is an exhortation to cull the humanist elements from all religion to carve out a more just and humanic society.\footnote{Dr. Jung, C.G., Modern man in search of soil pp- 235-36}

10. Marital Maladjustment

Divorces have drastically increased as a result of ego clash between the husband and wife which emanates Marital Maladjustment as the prime cause for divorce. A large number of crimes against women are due to this reason. The adjustment of the girl which comes to the family of their in-laws, their working and the enlightened one is very difficult. Mothers-in-law who have the total control over the family members, they became jealous and frustrated at the independence of their daughter-in-law. Unfortunately Indian husbands give more importance to their mothers briefing them to the wife’s protests. They are unable to treat woman alike and balance their rights with that of the woman. Temperamental maladjustment and incompatibility in ways of thinking, working, dressing up and behaving go a long very in making. The husband reacts by neglecting the wife or picks up quarrels or trivial issues. Sometimes he even deserts the wife or starts going to prostitutes for satisfying his desires.

11. Legal Challenges

Law is the instrument of the society. Law is not static. To make it effective and robust, it must keep pace with the society. Laws are essentially
enacted to fulfill the needs of the society, to prevent crime and punish criminals. Various protective laws were enacted to curb the crimes against women. The laws enacted for the protection of women suffer from various shortcomings at the outset one of which is the lack of effective execution. The attitude of the courts in interpreting these laws is conservative, rigid and traditional. The enforcement of these laws is so poor that the offenders have lost all fear of authority; they grow bolder because they are not caught so they think that they can indulge in crime with impunity.

There is no dearth of crime, even very brutal ones against women which made to the front pages of the newspapers and stirred the conscience of the nation, but the entire public outcry that followed did not help the long arm of law to dispense justice to the victims. The study of the cases of custodial rapes in Delhi by the people’s union for Democratic Rights make it abundantly clear that culprits invariably manage to escape the punishment.

Legal machinery which includes police, advocates and the courts are responsible for the inefficient implementation of protective laws. The police is the first agency for the administration of criminal justice and is considered to be the first line of defence against crimes. A lot of inefficiency and callousness noticed at each level of police hierarchy. They are the entry point of the criminal justice system for the first offenders and re entry for the failures of other sub systems. They occupy a strategic position in respect of social defence, probably next only to the family and other groups in importance. No society can exist or function without the support of an organized police force yet in every part of the world the police has failed to check completely the onward march of crime and delinquency.\(^\text{18}\)

Unfortunately, the policing in India is the key reason behind such a grave imbalance in implementation and execution of legal recourse. Lacking awareness of legal provisions, stereotyping cases, taking bribes, ill treating woman etc. are factors which have made woman shelled in to the extent that

\(^{18}\) Pal. N.C., Crime, Causes and Cure (1963) p. 47
they fear disclosing their atrocities to the police itself, apprehending them to behave more criminal than the person whose crime they ideally they wished to report. The job of the police is to uncover law violations and to bring to book those people who threaten the social order. It is the police who in their capacity as - the first line enforces take the important decision whether the specific situation requires official action even when a man has committed a crime, the members of the society lose faith both in law and its enforcement agencies. This encourages the prospective offenders to indulge in crimes. In India police inefficiency, corruption, connivance with the guilty and the police, Politician nexus has been the major cause of crimes against women.

The Police insisted of fulfilling their responsibility, they indulge in unlawful and corrupt practices. The record of the police in preventing crimes has been very poor. They indulge in crimes making terrorism part of the system. The judicial system is slow, it gives them example time to wipe out all evidence of the crime cases without even framing the charge – sheet.

On Jan12, 1986 a complaint of rape, which the police initially refused to record, was received by the police. Gunta Behn was asked to give a statement to the deputy Superintendent of police. She said, she was made to sign an affidavit, denying the earlier allegation of rape, under further threat of rape and that she was not even allowed to read her statement.

A voluntarily organization that learnt about her case, submitted a petition to the Apex Court. The Hon’ble Court ordered an enquiry by the CID. The state CID found a prima facie case against the accused and arrested six policemen, but they were released on bail as the CBI had failed to charge them within the time limit.

On Feb. 13, 1986 the Supreme Court constituted its own commission of inquiry into the allegation. It includes a senior police officer from outside the state and a social worker. The commission found evidence against eight persons. Police officers, other officials and two Doctors whom it named and recommended action against them for participating in the rape or its cover up.
It found enough evidence to substantiate the allegations that four policemen had twice participated in raping Gunta Behn.

The government failed to take any action on the report of the Supreme Court commission for a year. On Dec 15, 1987 the Supreme Court issued a statement on the - pathetic state of affairs in not taking an action against those responsible for a heinous crime and subsequent efforts to cover up the case.

The Supreme Court ordered the govt. to bring all the records to the court and copies of the charge sheets issued to the policeman held responsible. It was due to the indulgence of the court that the guilty could be punished.

Police show no interest in registering the cases of crimes against women. Their behavior with the women when they go to lodge a complaint is not good. They taunted, jeered insulted even criminally assaulted when they come to the Police station for making complaint. On July 1, 1992 an incident of rape by CRPF men which was reported in Times of India came to light. The police in their effort to cover up the case forcibly took the victim to the police station where she was forced to affix her thumb impression to an statement that she was familiar with the CRPF jawans. She was kept at the police station for six days but no medical was done. On seventh day she was released with instructions to disappear to her village and not to talk about the incident to anyone.

The police neither collect the primary evidence nor do they conduct any serious investigation, or take photographs. Padding of evidence is very common. The police normally avoid registration of cognizable offences or convert such cases into non- cognizable offences by making an alteration in the FIR. Many a time there are irregularities in the search and seizure lists. Bribes and other corrupt practices are quite common.

It has been seen that many times police protection the offender and discourages the victims to report against the criminals. They are compelled to suffer in silence because no justice can be expected from any enforcement authority who is in league with the criminals. In the heart of the capital, under
the very nose of the Central Government, a young married woman was raped, her husband on coming back, found her lying unconscious. He moved her to Safdarjang Hospital. She gained consciousness and screamed; “please save me he will rape me again” this was the second time that the woman had been raped by that man in five days. On the advice of the doctor the husband registered a case of rape. A few people in the neighbourhood were willing to testify that they had seen the culprit entering his house on that afternoon but the police took no action and the man threatened the woman that if she continued to blabber he would kill her husband. It was then that the husband sought help from a woman’s organization. The village panchayat also demanded action against the man. A pressure for the arrest of the man mounted He disappeared. It was alleged that the police abetted the man’s escape. He was not seen for two months, the neighbours also lost interest in the case. But the woman continues to live in terror who knows when the rapist will strike again?

12. Compulsions:

The advantaged position which is accorded to the offenders in our criminal justice system is the only negative factor that is preventing the woman to suffer in silence. The culprits grow bolder, and indulge in crimes with impunity. Maxims like “the guilt of the accused should be proved beyond reasonable doubt” and “innocent unless proved guilty” play havoc with the fate of women and leaves them virtually without any legal remedy.

As far as the law of evidence is concerned the same set of laws applies to both civil as well as criminal cases. Witnesses are threatened or their testimonies are purchased, evidences are destroyed and fabricated. This maxim is not available in codified form but our courts have followed the English Common law Principle consistently. In the contemporary context of the escalating crimes the judicial system has a public accountability; the golden threat of proof beyond doubt should not be allowed to run through every
hunch hesitancy and doubt. Too frequent acquittals eventually erode the judicial protection of the victims.

The safeguarding laws are generally weak and full of loopholes, they cannot protect women in distress e.g. the Immoral Traffic (Prevention) Act starts with the persecution that prostitution is inevitable and cannot be eliminated. It considers prostitutes to be the offenders but has nothing to say against the clients. The legal process is long tardy and expensive. A woman without resources cannot even dream of setting it in motion, getting justice is a far of cry.

The lawyers are not profession - oriented, their attitude is highly commercial. They have no sense of humanity for the victims of atrocities. They are obsessed about learning trick of trades which can provide them financial benefits and un-credible fame. They exploit women in distress. The most of the lawyers have not very sound professional knowledge, they spoil the cases of their clients It is not easy task to combat these negative factors. Most women feel compelled to suffer in silence at their husband’s home rather than move out of the house and be the laughing stock even of the outsiders and suffer indignities and insults.

The Judiciary is not sympathetic to the women’s cause. The undue concern expressed for the offenders is not fair. Hearing is post-phoned and adjournments are given in matrimonial cases when the husband fails to appear at the court on frivolous excuses.

The maintenance laws are so ineffective that rarely does a man part with some money when he throws out his wife. The family property is almost never jointly held nor is any significant portion of it in the wife's name she can claim nothing when she is thrown out.

A woman is forced to undergo sex determination test to know the gender of the child and compelled to get it aborted if it is girl. Woman is teased on the streets, harassed in buses and molested in public places but she keeps quit because the offender can retaliate or blackmail her into silence. No
one offer any help, they are either sacred or they do not want to interfere in private affairs.

Thus compulsions which make women buckle down and suffer are too overbearing. The patriarchal system of the society creates its own constraints. There are no support structures outside the family to take care of women even if she is educated and economically independent.

In cases where the offender is her own husband and she decides to leave him or to complain about her atrocities or demands for dowry, the family member’s friends and relations all discourage her, they all try to tell her, to try and patch up. They convince her that after marriage husband’s home is the most respectable abode for her. A man’s ego is too sensitive, he cannot bear humiliation and will never pardon her if she lodges a complaint with the police.

He will turn her out of the house or harass her even more for taking the family matters out of the holy boundaries of the home. The Stigma of being separated from the husband or the husband having deserted her is enough to make a women’s life miserable and deprive her of whatever little sympathy that she may otherwise expect. It is very difficult task to fight legal battles. The vast paraphernalia of legal aid is eyewash. The advocates who are on the panel of the legal Aid cell are generally those who have failed in their jobs. There is no sincerity in their efforts. There are examples when the harassed woman has gone from one advocate to another only to be disappointed with his way of working.

The attitude of husbands is typical. They are mostly not at all repentant and would convincingly throw the whole blame on the woman. Whenever a husband agrees to take back the wife it is on his own terms and he ensures that the girls- parents realize that he is agreeing to keep the wife as a favour.

The woman is compelled to return to her husband’s home and endure humiliation. There is no other place available to her. She has no power to enforce her wishes the way the husband has. It she too great a nuisance she
can be throughout again or beaten so brutally that she herself decided to quit, still the woman is told to try harder and adjust. This is nothing but a euphemism for tolerate. Every one urges the woman to make the marriage work.

Basically women are more sentimental and traditional. They are socially emotionally and physically so much attached to their husband that is very difficult for them to break those ties. The woman may not be at fault but the society and judicial system make her feel that she is guilty. To prove her innocence are too onerous. It is better to suffer in silence because one is not any better off even after being declared innocent.

People who have the power will not change to give up that power without a struggle, and within family. It is the men who enjoy this power unless it is challenged not only by the victims but by other social institution, the family structure cannot change to one where women enjoy greater power and can make it impossible for the man to oppress her.

Institutions like crime (women) cell, Family courts, legal aid cells etc have not been able to convince the male that it is most obnoxious and inhuman to ill- treat a woman, they have not been able to change the outlook of the society towards a raped, deserted or divorced woman. She is still looked down upon by the society. Society has failed to protect, rehabilitate, or to reassure these helpless women.

It is the inability of the woman to bargain for her in the present social and legal set up. The compulsions are over bearing. A man can get away after maltreating, beating and throwing out his wife because he knows that he can subject her to unbearable humiliation. No one is there to help her; all are there to exploit her helplessness. She is treated as a bitch on heat; all the dogs of the street are there to lay their claim on her. The woman controls nothing, not even her own thinking. Sometime or the other the cup of woe will be full and the justice will come on its own.