CHAPTER – 10: SUMMARY AND FINDINGS

Introduction: This is a study to map and understand the existing response systems of police, specially focusing on their sensitivity, to girl child victims of rape. As per the Indian law, a child is a person under 18 years of age. Rape has been defined under s.375 IPC. Sexual intercourse of a man with a girl child under 16 years of age is rape even if it is with her consent. As regards a girl in the age group 16 to 18 years is concerned, it becomes rape if the consent was obtained against one’s will, i.e. by coercion, lure, duress etc. Various judgments of the Supreme Court of India have established beyond doubt that rape is not merely a physical assault but destroys the personality of the victim and degrades the soul and, therefore, is one of the gravest violations of the human rights. The number of rape cases reported against children in India in an year, on an average, is more than 3000. Among them a large percentage is children below 16 years where the consent, even if it existed, has no relevance. The method of final disposal of these crimes brings to fore several problems and challenges in the response systems. There is a lot of adverse criticism about the actions by the various wings of the law enforcement machinery. The insensitivity, lack of response, delayed action, lack of priority, victimization of the victim and non-redressal of the grievances are some of the common criticisms. On the one side the social activists complain against the response systems and on the other side, the law enforcement officials speak about their achievements. Thus there is an inherent dichotomy in the response systems and the very perception about the responses. It is in this context that this study of child victims of rape was undertaken to understand from them about their perception of the response scenario. The research was carried out in the socio-cultural context, with a victimological perspective and within a larger paradigm of human rights. The objectives of the study were identified as follows:

- To understand the socio-economic profile of the victims.
- To develop a victimological profile of the victim.
- To study the rights of the girl child victim of rape in the criminal justice system.
- To map the issues of sensitivity, involved in the crime per se and the response systems.
- To understand the ideal role of police vis-à-vis victim in the given socio-cultural milieu.
To develop a critical assessment of the response scenario in the context of the above mentioned variables.

The review of the available literature showed that, more often, it is only criticism of the existing response systems. In-depth research studies in this field are very rare. Reports and returns of workshops are available in plenty, but are mostly compilation of subjective views, comments, etc. and are, therefore, not much authentic. However, all efforts were made to scan the available materials. The hypothesis which emerged from a study of the existing literature was as follows.-

i) That the police personnel at the police stations are insensitive and callous to the problems of rape victims.

ii) That the police personnel at the police stations disregard the sensibilities and sensitivities of girl child victims of rape.

iii) That the police personnel at the police stations even violate the human rights and the dignity of the girl child victims of rape, who approach police for justice.

iv) That the victim of rape does not meet with, in police, adequate redressal of the atrocities meted out to her.

v) That the girl child victim of rape loses faith in the criminal justice system and does not find any hope anywhere.

In order to understand the issues in all its dimensions and ramifications, the scope of the study, as it progressed, was extended to certain related fields like prosecution, rehabilitation and prevention of crimes against children. However, the basic framework in the study was kept intact and these additions have only embellished the basic structure and provided objectivity to analysis, interpretation and conclusions.

10.1 Area of Study and Methodology

Taking into consideration the various challenges and constraints involved in this research, it was not possible to carry out field study throughout India. Therefore, three specific regions viz., South, West and North-East were earmarked. The number of crimes of child rape reported in the various states was studied for a five-year period up to 2000. The data published by the NCRB was used for this purpose. This showed that the number of rape crimes against children continued to remain high in several states in these regions. Among them, these states were selected, one representing each region. These states are Tamil Nadu, Maharashtra and Bihar. 82 child victims of rape from these three states were interviewed based on schedules. These schedules were prepared based on the inputs and variables
developed from the reviewed literature and thereafter fine tuned by pre-testing. The respondents were identified in each state with the help of police station records. Their interview was carried out along with certain lady social workers working with NGOs in the concerned states. Though random sampling was done to identify the cases to be selected from each police station in the three states, attention was given to ensure that there is adequate representation of various variables in the study like age of victim, time of rape, place of rape, etc. The data collected through schedules were compiled, collated and analyzed using known tools of social science research. Uni-variate, bi-variate, and multi-variate tables were prepared. Comparative analysis was carried out wherever possible. All efforts were made to ensure objectivity during interview and also to ensure that the victim’s rights were not violated.

In addition to the structured interview, Focus Group Discussions were held with the victims, NGOs, psychiatrists, counselors, activists and police officers. Several discussions were held with judicial officers who handle such crimes. Effort was made to capture the contents of the deliberations in letter and spirit and assimilate them into the various chapters.

During research, detailed interviews and discussions with certain victims helped in the preparation of case studies. Though each interviewed victim had a different story, short-listing was done and ten case studies were prepared. Each of these case studies brings out a theme which strengthens and substantiates the findings from the analysis of the quantitative data. The chapters in this volume have been prepared and presented based on an integration of quantitative and qualitative data. The field work extended to more than six months. The data analysis also took almost the same time. The report writing took no less time.

10.2 Findings of Research

Rape of young children is a subject of utmost importance and concern across the globe as it is one of the ultimate violations of human rights. There are several international covenants, conventions and protocols which address the rights of young children. United Nations have taken several initiatives. The Convention on the Rights of the Child, which has been ratified by India, makes it mandatory that all efforts are made to protect the rights of the children. The provisions of the Indian Constitution especially fundamental rights and directive principles, lay special emphasis on child rights and calls for steps to ensure that
children are not discriminated against and that their rights are not violated anyway by anybody any time. The substantive, procedural and special laws of the country address various issues relating to children. There is no doubt we have a plethora of laws. Further to this, the rulings by the Supreme Court and various High Courts have pronounced child-friendly and victim-friendly judgments, which have the strength of law. A detailed discussion on this is available in chapter-2.

In the context of the legal regime with innumerable provisions and protocols to protect child rights, the study focused on the structural and functional systems vis-à-vis various stakeholders. Rights of women victims vis-à-vis police, prosecutors, judiciary, rehabilitative institutions and all concerned have been identified and specifically listed out in chapter-3. The processes of response by various agencies have been mapped. The data collected from the field has been analysed and presented in chapter-3, where there are five sections, each addressing an important theme, represented by a cluster of variables. The findings, in brief, are given below:

10.2.1 Socio-Economic Profile of the Victims: Socio-economic profile of the 82 child victims of rape who have been interviewed shows that more than half of them were either illiterate or just literate. 76 per cent of the respondents were Hindus and 19 per cent Muslims and 39 per cent among them were from the SC/ST community. While 17 per cent were from rural areas, 44 per cent were from urban slums and rest of them from cities. A vast majority of the victims were daughters of poor people, especially from the labour class. Similarly a vast majority were from very poor economic background. 46 per cent of the victims were less than 16 years of age at the time of interview, whereas 76 per cent were raped when they were under 16. It is to be noted here that as per the Indian law sexual intercourse with a child under 16 years of age, with or without her consent, amounts to rape. The socio-economic profile of the victims bring out the fact that girl children from poor socio-economic background and backward sections of the society are more exploited and, therefore, are more vulnerable.

10.2.2 Victimological Profile: Among the 82 victims interviewed, 34 per cent had been victims of rape earlier and among them 86 per cent had been raped more than three times. This shows that the children who are vulnerable continued to remain vulnerable and subjected to continued exploitation. This means shows that the redressal mechanisms are
either non-existent or poor, which puts the existing criminal justice system and justice delivery in poor light. 75 per cent rapists were persons known to the victim. Among them 39 per cent were relatives and 61 per cent were acquaintances. In 27 per cent of cases there was somebody else, besides the rapist, facilitating the crime. Out of these facilitators, 20 per cent were persons known to the victim. This shows that girl children are at high risk from known persons including relatives and acquaintances. The high level of vulnerability of the girl children within the family ambiance has emerged as a major finding.

Only two per cent of the rapists were teenagers and 59 per cent were in their early 20s. Though the data on the educational level of the rapists does not seem to have much significance, the fact that the threat perception for girl children are more from youngsters is a very significant point. This provides appropriate inputs for the law enforcement agencies in addressing the problem. There is a need to address the youth on issues of sexuality and rights of girl children.

10.2.3: Awareness of the victim about her rights: The study has mapped the types and extend of the harm that rape causes to a victim. They have been discussed in para-3.3.1. In this context the knowledge and awareness of the victim to her rights were looked into in detail. It shows that there is almost total ignorance of the victims to their basic and fundamental rights, besides legal and constitutional rights. Among the respondents, 66 per cent believed that it was the police who would punish the rapists, as they could see only police as the visible symbol of power and authority of the state. Another significant observation is that 90 per cent of the respondents thought that newspapers and magazines are free to publish their photographs and publicize what even the media wanted. The principle of anonymity enshrined in the legal statutes was unknown to them. Similarly, 90 per cent of the victims were not even aware that the FIR should be registered on the unabated version of the victim. They thought that police could record whatever the police wanted. The data collected from the victims about their awareness, (or lack of it) of the various legal, constitutional and political rights brings out significant indicators for the NGOs and civil society regarding the need for public awareness campaigns. These are equally relevant for the agencies concerned with the law enforcement and justice delivery also, as they are responsible for prevention of crimes and prevention is not possible unless the victims are made aware of their rights.
10.2.4: Expectations of the Victim from the Police: In the background of the critical issues of sensitivity and the abysmal level of awareness of the rights, the study was extended further to understand the expectations of the victim from the police. The expectations that emerged from the interview of the respondents have been collated and presented in para 3.4. The detailed analysis of these expectations has brought home the point that the expectations of the victims from the police could be arranged in a hierarchy. The top of the hierarchy shows the expectation which maximum number of victims have and the one which majority of them would place on top of the list as of highest priority. The last item in the hierarchy is the one preferred by few persons and at the same time kept at the bottom of the priority list by the majority of the respondents. The hierarchy which emerges is presented below.

- Validation.
- Ensuring dignity and self-respect.
- Restoring self-esteem and confidence.
- Ensuring non-repetition of violation/exploitation.
- Empathetic understanding.
- Immediate medical care and attention.
- Speedy action against the accused.
- Stringent action against the accused.
- Compensation for medical expenses.
- Compensation for legal expenses.
- Compensation for the loss of dignity and self-esteem.

The hierarchy presented above brings home the point that the most important expectation of the victim from the police is to appreciate and validate the harm done to her. In fact rest of the expectations follow from this validation. Validating the violation is fundamental to redressal and prevention of future violations. It is privy to any action plan. It provides the key to justice delivery. As a corollary, non-validation of the exploitation and rights violation causes further shock and trauma in the victim. Once validated, the victim is set at rest. A substratum is created where she is willing to respond and the police official could proceed further. The bottom of the pyramid of hierarchy shows that the interviewed victims were not expecting monetary compensation for the very offence of rape committed on them. In fact the issue of monetary compensation was the last in their list of priorities. Even medical care was not considered as important as respecting the dignity and self-esteem of the
individual. More than severity of punishment to the offender, it was speedy delivery of punishment that they looked for. Non-repetition of the violation assumed an important role in the victim's scheme of things. This included not only protection against further rape but also assurance against any further victimization of the victim, which is very common in the existing system of justice delivery. The pattern of the hierarchy was found to be the same in all the three states of study and, therefore, can be considered as the general trend.

The hierarchy of expectations presents an appropriate paradigm for formulating, planning and executing grievance redressal mechanisms by the law enforcement and justice delivery agencies. This can also be a pointer for policy planners and administrators in formulating programmes for victim protection and protocols to ensure victim's rights.

10.2.5: Victims Experience and Her Perception of Police Conduct, Behaviour and Action: In the light of the study on the rights awareness and the expectations of the victims, research was extended to understand the victims' experience and perception, which are indicative of the reality faced by each victim and her own assessment of her experience. 60 per cent of the victims were reached or escorted to the police station, after the incident of rape, by unknown persons. This compares with the earlier discussions that large number of victims has their parents staying away from home working for their earnings. 76 per cent of the victims stated that they were not comfortable in approaching the police. Among them two-thirds were shy of speaking before male police officials, 16 per cent were scared of police, and 23 per cent avoided police as they perceived police to be insensitive. Only 86 per cent of the victims could get their FIR registered in their first visit to the police station. The fact that the rest of the victims had to make more visits to the police station or run from pillar to post to get the FIR registered speaks volumes about the serious lapses in the existing police systems. Only 51 per cent of the victims thought that police had willingly responded to the crime. Therefore only half of the law enforcement officials have been perceived to have done their duty. In 17 per cent of cases, repeated requests, cajoling and additional efforts had to be put in by the victims to make the police act. Seven per cent of the victim had to bribe the police to get their case registered. This amounts to not only a grave violation of rights, but also a crime, committed by those police officials. Even one case of such nature is too many as it speaks about the depravity of such corrupt elements preying the very victim whose soul is already destroyed by the rapist. Ten per cent of the victims had
to take the help of NGO and/or a public personality to get the case registered. In 15 per cent of the cases, the victim had to approach senior police officials. Herein is an important point. If the case was registered only after the intervention of senior officials, it was incumbent on these officials to take to task the concerned officials in the police Station for their failure in registering FIR. No doubt, ‘hire and fire’ systems are indicative of not only the responsibility and responsiveness of the police, but also bespeak their discipline. It is relevant to note that the study on the need hierarchy of victims, discussed in the previous paragraph, shows that ‘validation’ is on top of the expectation of the victim. Registering a crime in the FIR is a visible symbol of validation. Hence there cannot be any compromise on this issue. This shows that police managers have to ensure that there is no delay or dithering in registering crimes.

Only 63 per cent of the respondents could have their medical examination and medical relief conducted in a single visit to the medical centre, as others had to visit twice or more. Among the latter, the highest percentage was from Bihar. Redressal mechanisms, especially medical help, not being extended to the victim is another instance of violation of child rights. In fact delayed medical assistance exacerbates the exploitative scenario.

Based on the data and literature, 36 pointers were identified, as variables, which either speak about the points of action by the police or about the conduct of the police officials concerned. The response has been tabulated in the form of positive/negative response. As regards reception at the police station, 51 per cent felt that the police was welcoming. While less than 50 per cent of the respondents thought that the police were clear about the procedure, only one-third of them thought that the police were clear about laws and, therefore, complied with the laws. Therefore a vast majority of the victims were of the view that the police were neither clear about the laws nor did they comply with the laws. Ignorance of laws and procedures by the law enforcement officials makes their functioning self-defeating. This is a serious challenge to the existing police systems. It calls for immediate damage control and improvement. No doubt professional training is the crying need of the hour. The NHRC study on Trafficking in Women and Children in India (2004) shows that only 6 per cent of police officials in India have received any training after their basic training which they had through when they joined service.
Another important dimension of police response in the redressal of grievances of the victim is empowering the victim about her rights. Information is strength. Awareness empowers the victim as to her entitlements. Once aware, she would demand or, at least, expect. Therefore empowering the victim by making her aware of her rights is the touchstone of relief and redressal. It is a pre-requisite and a precursor. In this context, the data collected from the interview of 82 respondents shows that only 22 per cent of the victims were informed by the police about their rights. The very fact that almost 80 percent of victims were kept in the dark about their rights is one of the major factors affecting the public image of the police.

The conduct of the police during the investigative procedure was also scrutinized through the lens of the victims. Only half of the victim respondents felt that the police officials recorded events carefully, truthfully and willingly. Similarly only 20 per cent of victims felt that police helped them in recalling events. A traumatized victim, no doubt, needs help to recall the events. Her mental state suppresses the facts in issue and, therefore, needs counseling to steer clear of the facts and events. If such help is not extended, she may not be able to recall the events properly and in entirety. No doubt, this would affect evidence collection which, in turn, will adversely impact the case. In this context, a specific question was addressed as to whether the victims received psychological counseling at the police station. The response was positive only with reference to 20 per cent of victims. Counseling is an essential requirement from the point of view of de-traumatization. The first step in the redressal of grievance of any victim is counseling the victim to help her come out of trauma. The validation of the offence committed against her, followed by trauma counseling would put the victim to a lot of comfort.

Only 34 per cent of the victims stated to have received a copy of the FIR and amongst them only 66 per cent had received it free, the rest had to pay for the copy of FIR. This is despite the fact that the law specifically prescribes that the victim should be given a copy of the FIR free of cost. Only 15 per cent of the respondents felt that proper advice was given by the police regarding preservation of scientific evidence. Thirty seven per cent of the victims stated that the police responded promptly by visiting the scene of crime. Therefore, two-thirds of the respondents were positively aggrieved by the delayed response of police. Only 10 per cent of the victims had received legal counseling at the police station. According to
the directions of the Supreme Court, in Delhi Domestic Workers’ Forum Vs Union of India, the victims of rape are to be extended given legal assistance at the police station itself. It appears that this judgment has not been put to practice. The situation is the same in all the three states.

Right to awareness of the progress of work done by police is a basic right of the victim. She has a right to know the nature and progress of the steps initiated by the State in redressing her grievances. In this context, when interviewed, only 29 per cent of the respondents stated that the police had kept them informed of the progress of the investigation/trial. Justice cannot be delivered if the victim is in the dark about the proceedings and the progress in the path of delivery. More than 80 per cent of the victims stated that they were neither prepared to face the court scenes nor oriented to face the volley of questions from the defense. This came out as a significant factor in explaining the failure of cases in the courts.

According to 61 per cent of the victims, police officials did avoid embarrassing questions. However, 37 per cent felt that police had indulged in discomfitting gestures/actions, which speak about the violation of the victim’s rights by these law enforcement officials. In 93 per cent of the cases, the physical examination of the injury on the victim was carried out by the police official and the doctor in the presence of men. In the case of rest, there was no woman present. Even though it is a small fraction, the fact that males are attending to medical examination puts the victim in a highly embarrassing situation. At least a female attendant should have been provided. No doubt, this exacerbated the violation of the rights of the victim. There can be no compromise on human rights. Therefore when it comes to violation of rights, even if it is a small percentage, one is too many. Data also shows that only in seven per cent of the cases, police could provide a child-minder to take care of the victim. An equal number of victims felt that the police was in collusion with the accused and tried not only to protect the culprits but also made efforts to destroy evidence. This excess, perceived by the victims, raises serious challenges in the process of law enforcement and justice delivery.

In this context an effort was made to understand how comfortable the victims were with the investigating police officers and their supervisory officials. The response shows that the comfort level was good with respect to 61 per cent of investigating officers. The corresponding figure with respect to senior police officials was 85 per cent. This indicates
that the comfort level of the victims is enhanced when senior police officials are involved in law enforcement and justice delivery. However, only 49 percent of the victims were happy with the prosecutor. The fact that many of the victims were not oriented to face the court scenes is a retardant and an irritant in dictating the victim’s comfort level with the prosecutors.

When the respondents were asked about the overall public impressions/perceptions about the police sensitivity towards the victims, 29 percent stated it to be good whereas 71 percent rated it to be bad. When the reasons were probed, in 31 percent of the cases, it was the lack of care or rude behavior by the police official that created antipathy towards them. Another major reason for the animus was that the police do not inform the progress of the investigation to the victim or do not follow up the cases after investigation. These respondents felt that there was no initiative or enthusiasm after a certain point. Obviously the victims expected that the police take their case to its logical conclusion. It is essential to keep the victim or care-givers posted about the progress of investigation and prosecution. In the existing scenario, such feedback and updating were totally wanting. There was no victim care system, though this is an essential requirement from the point of view of victimology. This, in turn, contributes to the adverse public image of police.

The victim’s perception about the violations of the rights by the police officers themselves is a significant parameter. 71 percent stated that the police did violate the victim’s rights. The reasons were called for. The absence of women police stands out to be one of the major reasons as to why the women victims are unhappy with the police systems. Men police officials attending to women victims were not appreciated by them. Similarly 17 percent were unhappy due to the absence of female doctor. Ten percent had grievance against police for asking embarrassing questions and an equal number were distressed that the police was rude and abusive. It shows that not more than one-fourth of the respondents were positively aggrieved and distraught against the police officials concerned for their acts of omission, whereas the rest were hurt, upset and bewildered by several acts of omission by police.

Despite all these problems, 66 percent of the victims stated that they had overall satisfaction with the police action and 70 percent stated that they would recommend another rape victim to police for help. When further probed, majority of them answered that police is the only
government agency, available to them, on call. They also stated that police is the only agency which can handle such problems. Therefore these victims did consider police as an essential service. What they desired was improvement in the individual policemen, sometimes radical in nature, and yet they did not shun the police systems. They were for police. This is a significant finding in the study.

Whether the public extended help to police to deal with the particular rape crime was a significant indicator to assess the victims' perception about the police-public cooperation. Only 17 per cent of the victims felt that public had extended full cooperation to the police and 20 per cent of the respondents said that only some help was forthcoming. 51 per cent of the victims categorically stated that there was total non-cooperation from the public. This is also a significant point. The respondent victims themselves felt unhappy that the public at large was not forthcoming to assist the police, despite serious offences taking place in their vicinity. Non-cooperation of the public, no doubt, is a serious impediment in law enforcement. In fact, this is a cyclic phenomenon. On the one side the public is not cooperating with the police and on the other side they did not have good impression about the police. The gap develops into a schism unless adequate initiative is taken by police leaders and community leaders.

Non-cooperation by the public is common to all states, but more prominent in Maharashtra and even more prominent in Bihar. When this data is compared with the data presented earlier regarding the victims' satisfaction with the police action, a concomitant relationship emerges. Victims' satisfaction on police action is proportional to the public cooperation with the police. This finding brings out the basic theory for improving police image and police efficiency. The edifice of good police-public relations and good image of police is the police response to the victims. Once the response is prompt, sensitive and is victim-oriented, keeping her best interest in picture, the public image of police improves and public cooperation with police will be forthcoming.

Victim's satisfaction on police response is α the public co-operation with the police.

In the context of the study on police-public interface, the respondents were asked to state the reasons for non-cooperation of public with police. 19 per cent stated that the public did not want to cooperate with the police for fear of reprisal from the criminals. However there was
no such fear among the respondents of Tamil Nadu. Maximum number of victims stated that the public non-cooperation with the police was due to fear of harassment during the trial proceedings in the case. This was further probed when most of them stated that the usual delay in the trial of cases adds to the harassment. Similarly majority of the respondents stated that the difficulties encountered by them or perceived by them in the trial process made the witnesses feel as if they themselves were the criminals. Twenty four per cent of respondents stated that the non-cooperation of public was due to lack of confidence in police. It is, therefore, clear that lot needs to be done to improve the confidence level of the public in the police systems and judicial systems. Rape crime affects emotions and impacts the psyche of the victim. Any act of insensitivity on the part of those who are meant to deliver justice exacerbates the trauma and agony of the victim. The already fragile ambience gets shattered in no time and it becomes impossible to prevent further damage, let alone resuscitate the same. Therefore a high level of sensitivity and understanding is called for.

A significant outcome of this study is that it has identified the major external factors which determine the nature of police response to a victim. What emerges is that the police response is prompt and action is effective in the following situations:

- When there is undue media coverage and compulsion from the media
- When an NGO is pursuing the case.
- When there is community pressure.
- When the victim is aware of her rights and exerts her rights.
- When the accused/suspects do not exert any pressure, especially political pressure.
- When the victim is influential, well-off.
- When police officials have clarity of understanding of the laws and provisions and procedures.
- When there is undue media coverage and compulsion from the media

As a corollary, police response is wanting in so many respects when any one or more of the situations mentioned above are not in place. This explains the fact that on the one side, majority of the victims are from the socio-economically poorer sections of the society and, on the other side, these victims are subjects of continued exploitation not only by the abusers but also by the irresponsible, irresponsible behaviour and conduct of the law enforcement officials. The theory that emerges is that of structural-functionalism, wherein the structure
ensures that the functions are in support of the status quo and the functions, both manifest and latent, in turn, contribute to the continuance of the structure.

The study of victims' perceptions and observations on the police role was extended to Focus Group Discussions with selected police officers in all the states. 40 officials participated in the discussions in each state. This included officials from various ranks from Constabulary to Inspector General of Police. These police officials were of the view that the 50 per cent of the crimes were not reported to the police and therefore no action was taken. The cause of non-reporting was ascertained and the same has been explained in detail in Chapter 3.6.1. Among the police officers who participated in the FGD, only 25 per cent gave priority to crimes against women whereas 50 per cent gave priority to crimes against children. The reasons for no-priority or low-priority were also ascertained which are described in para 3.6.2. In short, these police officers felt that demands of commitments elsewhere, the busy schedule, lack of public cooperation and infrastructural impediments stand in their way. They were also critical against the unusual publicity which acts as impediment in their functioning.

The comments of the police officers were sought on the victims' perception, particularly on the point where the victims spoke about the overall insensitivity of police to child rights, especially in the context of rape crimes against children. 50 per cent of the police officers accepted that the public version is true, thereby admitting the insensitivity of police. However they gave out several explanations, including infrastructural impediments for their predicament. These issues are listed out in detail in para 3.6.3. Those police officials who disagreed with the public view argued that crimes against children were on top of their agenda. According to them the public perception of police insensitivity was not a true reflection of reality. Just like a manifestation of the general public impression generated, moulded and propagated by pressure groups and lobbies, which includes even vested interests, accused persons, etc.

This research has brought out the fact that girl children of poor socio-economic background and hailing from deprived ancient society are more exploited and are, therefore, vulnerable. The fact that more than three-fourths of the victims were subjected to rape even while they were under 16 years of age, brings to focus the vulnerability of girl child in our society. This also points to the fact that despite such violations and the scope of exploitation being so
high, less attention is paid to redress the grievances and to prevent such violations. The response systems show high level of insensitivity and even ignorance to the various provisions of law as well as proper understanding of the victims from a human rights perspective. The existing law enforcement scenario, more often, aggravates the harm and exasperates the violations and exploitation. The study has also brought to focus the fact that more than the law, it is the implementation of the law which needs to be addressed on priority. The research has exposed certain myths in law enforcement. Whereas it is usually presumed that the victim's priority lies in getting monetary compensation to the harm or on the punishment of the abusers, the research shows that these two aspects find place at the bottom of the list of expectations of the victim arranged in a hierarchy, based on priority. The most important aspect the victim looks forward to from the law enforcing agencies is validation of the harm and restoration of the dignity. There are several such findings in the research which can go a long way as a useful guide for law enforcement agencies, administrators, policy makers, other stake-holders and civil society at large. Moreover the fact that the victims have found solace in those situations where the law enforcement machinery have been empathetic, positive, objective, sensitive to the rights of the individual and well versed with the principles of human rights, has brought home the need for bringing out and implementing minimum standards of care and protection in dealing with offences of child rape. Human rights should be the touchstone for planning and assessing any response system.

10.3 Bearing on Empirical Research

The findings in this study find its resonance in the structural functional theory of Robert K Merton. No doubt, R K Merton has derived the essence of the concept of function formulated and used by A.R. Radcliff-Brown and B. Malinowski. In his essay "Manifest and Latent Functions", reprinted as a chapter in the book "Social Theory and Social Structure", Merton states that "functions are those observed consequences which make for the adaptation or adjustment of a given system". He elaborates further and states that "dysfunctions are those observed consequences which lessen the adaptation or adjustment of the system". Moreover there is also "the empirical possibility of non-functional consequences which are simply irrelevant to the system under consideration". (R K Merton, "Social Theory and Social Structure", II ed., 1957, P 151). Merton goes further to elucidate
the 'manifest' and 'latent' functions. Manifest is those which are apparent and latent are those which are hidden.

In the present study, a structural-functional approach brings to focus the point that police actions are with a view to 'maintain' the system. The function is to support the structure. In this situation the perception of the victim is from the point of view of the functions that are perceived to have been delivered to redress her grievances. There is no doubt that the police responses include both manifest and latent functions. The arrest and detention of the offender is a manifest function. The psychosocial support that the victim gets when the police action is prompt or perceived to be prompt, which is a latent function. Based on the important variables which were studied in this study, the structural functional linkage could be presented in graphical terms as depicted below:

a. Knowledge of police about laws, procedures etc. Vs victims perception about redressal of grievances.

![Graph]

Note :
- The Graph is steady. It shows positive functional relationship. The manifest functions include promptness in redressal of grievances of the victim. The latent functions include the victim's satisfaction and consequent perception of the victim that police is the appropriate agency for redressal of grievances.

b. Police sensitivity in dealing with the victim, viz words, gestures, action, etc. Vs victim's perception about redressal of grievances.

![Graph]

Note :
- The Graph is steady. It shows positive functional relationship. The manifest function includes victim's satisfaction. The latent function includes improvement in police image.
c. Promptness in police response to the victim’s grievances Vs victim’s perception about redressal of grievances.

**Note:**
The Graph is steady. It shows positive functional relationship. The manifest function includes victim’s satisfaction and the latent function includes betterment in police image.

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d. Police accountability towards the care and attention of victims vs victim’s perception

**Note:**
The Graph is steady. It shows positive functional relationship. The manifest function is the care and attention that the victim receives. The latent function is the victim’s satisfaction and consequent police-public relations.

<table>
<thead>
<tr>
<th>Police accountability</th>
<th>Victim perception</th>
</tr>
</thead>
<tbody>
<tr>
<td>↑</td>
<td>↑</td>
</tr>
</tbody>
</table>

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e. Public cooperation to the police in dealing with the crime Vs police response to the victim’s need for redressal of grievances.

**Note:**
The steady graph shows positive functional relationship. This is a manifest function of the relationship between these two variables.

<table>
<thead>
<tr>
<th>Police co-operation</th>
<th>Police response</th>
</tr>
</thead>
<tbody>
<tr>
<td>↑</td>
<td>↑</td>
</tr>
</tbody>
</table>

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f. Public cooperation to the police in dealing with the crime Vs accountability of police in their response.

**Note:**
Police accountability has a positive relationship with public co-operation. This is a latent function of police response depicted in article "e".

<table>
<thead>
<tr>
<th>Police co-operation</th>
<th>Police accountability</th>
</tr>
</thead>
<tbody>
<tr>
<td>↑</td>
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</table>
The structural-functional relationship that emerged in the study can be put in a paradigm as below:

This structural-functional analysis provides an important tool for police managers to initiate steps in improving the police image vis-a-vis the child victims of rape. Perhaps this theory should hold good for other categories of victims too. This study also brings home the point that if efforts are focused on the improvement in the 'structural' aspects identified in the research, positive response in the 'functional' systems will ensue. There is a concomitant relationship and, therefore, the changes are cyclical. There is a cascading effect which will eventually lead to public good and better police image too.

10.4 Challenges and Difficulties in the Research

This study fathoming the mind of child victims of rape was not an easy task for the researcher nor the respondents. The traumatized victims were not to be revictimized nor made to relive the trauma. Therefore the researcher had to take all efforts in this direction. To protect the human rights of the victims and at the same time to get the best out of them were conflicting demands on the researcher. It was tight-rope walking. However all efforts were made to get the best response on all the questions and at the same time to see that minimum harm is done to them. Nevertheless, the challenge was phenomenal.

Getting access to the victims was not easy at all. Many victims had changed their residence because of the social ostracism that the rape victims and their families had to face. More
Interviewing adult women victims of rape and comparing their response with that of child victims of rape. This would bring out the difference in police response in these two categories. It transpired during research that police officers are more responsive to the sensitivities of girl child than that of adult women. However this topic needs to be researched.

It came out during FGD with police officers that 60 percent of the crimes are not reported to police. There is a public impression that police do not register crimes despite reporting. Victims interviewed have also supported this version. It is a worthwhile study to understand the exact situation in the field as to what percentage of crimes are reported, how many of them are registered/investigated and why so. It calls for door-to-door survey of the crimes that have occurred during a selected period of time. They need to be listed out on a map and a chart indicating the details of reporting or non-reporting and the police action or otherwise. This data from the public should be compared with the police station records. This will bring out the discrepancies in reporting and registration. Thereafter this study could proceed to identify the reasons for the same and the analysis could throw up appropriate suggestions to address this burning problem.

A psycho-social mapping of the trauma and harm a victim had to face would be very relevant. Only the tangible and measurable loss is often calculated (reference the case study presented in chapter-5). The intangible harm and loss has never been fathomed. Therefore such a study will be worthwhile. However it can be done only by using psychological yardsticks and psycho-somatic as well as psycho-social techniques and, therefore would be a multidisciplinary study involving sociology, psychology and biology.

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