CHAPTER - II

CRIME AGAINST WOMEN:

CAUSES AND COMPULSIONS
Crime 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.

Women have been subjected to socio-economic and cultural deprivations for such a long time that there is a general indifference and lack of awareness 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 are reared in an atmosphere which slowly and positively helps in the 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.

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.

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65 Sobha Sexna: Crime against women (deep and deep pub.) p 23
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.

We will study these crime under following heading: Social, Personal and Psychological and Legal.

(A) There are various social causes of crime against women some of them are like as under:

- Inferior status of women due to social conditioning.
- Patriarchal structure of society.
- Unwholesome family atmosphere
- Lack of proper training
- Broken homes.
- Over crowding in one room.
- Too much interference by the parents.
- Too stick a discipline.
- Lack of love of parents.
- Drunkenness
- Immorality
- Cruelty
- Addiction to drugs.
- Sickness and modern permissive atmosphere etc.
• Excessive punishment to a child that lead him to anti-social activity.

(A) (i) Man occupies a superior status and the woman is merely his appendage in the Indian society A woman is never an entity in her own right, she is “first the daughter, next the wife and last the mother of a man” Men are consciously taught to be aggressive and tough while women are conditioned to be submissive and docile. 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. “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 no 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 sat that made her 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 Harayana, 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.\textsuperscript{66} 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.

\textsuperscript{66} India Today, August 31, 1991 p. 52
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. 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.

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 trivial acts. Society has become so used to these crimes, hence no importance is given to it.

(A) (ii) 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 effected that resulted in such moral and psychological environment which is highly crimogenic.
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. It was world in itself where everyone had a place. Each member found an appreciative audience with in the family though he may have been out of place in the world without. It offered warmth and intimacy to its members and provided them with an identity. There was no sense of alienation. Kinsfolk and neighbors gave the individual continuous moral support throughout his life.

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 mother-in-law or sister-in-law 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 are too great and the fuses blow. The result is tension, indiscipline, conflict and frustration which shows itself in the behavioral pattern of the members and results in increasing rate of crimes, specially against women.67

The children are left alone to care for themselves or are left with the servants as the working parents do not have time to devote with them parents spend lavishly

67 Haralambros. M, Sociology: Themes and perspectives. P. 335
on their children but they have no time to spend with their children which they need. Children want quantity time and psychological and emotional security, they want physical proximity with their parents, all these requirement 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 amongs 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 excepts good academic performance from their children due to competition in all walks of life parents have more expectation from their children but they do not have enough time to pay attention to them. They do not try to fulfill 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 more 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. Films and video are the greatest culprits in inculcating wrong values among at misguided youths and vulnerable old people. 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 new 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 no-holds-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 reflects 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 avalancing 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 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.

A large number of males are committing the crime specially 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 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 man 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.

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68 Sethna, JMJ, Society and the criminal, Tripathi Pvt. Ltd Bom. 1980. P. 75
Men does not deal with the women on equal footing. They are now allowed to go outside unescorted or mix freely with their male friend. The life style in this era has changed drastically but we could not still change our 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. Form 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 is in dilemma, 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 a modern women. Due to this conflict demands women has to face problem, whether to prove herself a good house wife or an efficient employee.

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, that 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.

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.

(B) PERSONAL AND PSYCHOLOGICAL :- 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 will he take in lunch and dinner. It his 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. The psychological repercussions of this realization are traumatic. Man’s basic instinct revolts . He does not like his wife to be too independent, there are feelings of jeaoulsy 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.

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69 Ibid 1, p. 33
In our male dominated society, men are of the opinion that wife should not have equal authority in the family. Their most important duty is to take care of the husband, wife 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 in their public utterness men praise the concept of equality and show concern that women have not been able to avail of their constitutional and legal rights, but in reality they are the most conservative. 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 operates. 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.

2(B) (i) A major cause of crimes against women is Unemployment and poverty 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.  

70 Ibid, 1, p.35
When the husband tries all sources 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 situation 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.\textsuperscript{71}

The lifestyle of the have 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.

(B) (ii) Alcoholism has become one of the main cause 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 members 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.

(B) (iii) 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

\textsuperscript{71} Indian express, May 16, 1992, Metro News, p.5
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 force 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.72

(B) (iv) The ego clash between the husband and wife results in the Marital Maladjustment. A large number of crimes against women are the cause of this factor. The adjustment of the girl with 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. Indian husbands give more importance to their mothers briefing them to the wife’s protests. 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.

(C) Law is the instrument of the society. Law is not static, if it is to alive, it must keep pace with the society. Laws are enacted to fulfill the needs of the society. Various protective laws were enacted to curb the crimes against women. The laws enacted for the protection of women suffer from various shortcomings. 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 seem to

72 Dr. Jung, C.G., Modern man in search of soil pp- 235-36
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 all the 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.

(C) (i) 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.73

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 Jan 12, 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 Supreme Court. The 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 include 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 Safdargang 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 neighborhood 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?

**Compulsions** : The privileged position which is accorded to the offender in our criminal jurisprudence is a major compulsion facing 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 rules of evidence apply to both civil as well as criminal cases. 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 protective laws are generally weak and full of loopholes, they cannot protect a 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 milk of human kindness for the victims of atrocities. 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 fell 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 postponed and adjournment 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 members 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 can not 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 precints 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 an 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 the husband 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 through out again or beaten so brutally that she herself decided to quit, still the woman is told to try harder and adjust. Which is nothing but an 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 can not 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 herself 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 she is easily replaceable. 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.