

**THE ROOTS OF SEXUAL BRUTALITY****Context:**

- ▶▶ The recent sexual assault cases of Unnao and Kathua has brought the ever-menacing rape issue into limelight again.

**Introduction:**

- ▶▶ "While a murderer destroys the physical frame of the victim, a rapist degrades and defiles the soul of a helpless female," so goes a famous quote.
- ▶▶ Sexual assault on women is a common phenomenon in our country. Under sexual assault comes; molestation, eve-teasing, child sex abuse, rape, marital rape, domestic violence.
- ▶▶ Of all these crimes, Rape is the most violent crime which is committed against women. Rape outrages a woman's modesty.
- ▶▶ According to Section 375 of the Indian Penal Code, Rape means an unlawful intercourse done by a man with a woman without her valid consent.

**Recent Issue:**

- ▶▶ As a young woman from Unnao, victim of multiple outrages, battles for her life, we are asusual reduced to being hapless chroniclers.
- ▶▶ This have once again made us to wonder at the everyday workings of India's criminal justice system.
- ▶▶ Though several rounds of police and judicial reforms have sought to improve its workings, and humanise its approach, the fact on ground remains varied.
- ▶▶ Many a time, a protest or a campaign, or the continued presence of women's groups, Dalit groups and progressive political and civil rights interventions alone have made it possible for even a FIR to be registered.

**An In-depth analysis and the Insights:**

- ▶▶ In order to understand the surge in rapes - their number more than doubled between 2001 and 2015 -we have to analyse what has happened in a few states.
- ▶▶ The focus is on some key variables that explain the differences in the incidence of rapes not just across the states but also over time.

- ▶▶ The incidence of rapes is determined by interplay of several factors: Economic, demographic, social, efficiency of the police and judicial systems, and exposure to mass media.
- ▶▶ The analysis shows the following facts:
  1. The more affluent a state is, the lower is the incidence of rapes but the effect is small;
  2. The greater the sex imbalance (or the lower the number of women to men), the higher is the incidence of rapes;
  3. The higher the ratio of female workers to male workers, the lower is the occurrence of rapes;
  4. somewhat surprisingly, the higher the media exposure (measured as readership/literate population), the higher is the incidence of rapes;
  5. The effect of alcoholism is contributory and significant;
  6. open defecation is associated with higher occurrence of rapes - especially in rural areas
  7. Finally, the higher the conviction rate (number of persons convicted/number of persons registered for committing a rape), the lower is the incidence of rape.
- ▶▶ But many believe patriarchy and a skewed sex ratio may be making matters worse. There is public apathy as well: the rights and security of women never become election issues.
- ▶▶ In India, in 2016, of the 3.38 lakh crime cases against women, rape cases made up 11.5% of them. But with only 1 in 4 rape cases ending up in conviction, it's a painfully slow road to justice for rape victims in the country.

### **Civic Indifference:**

- ▶▶ With respect to the Unnao incident, notwithstanding the fact that the families of the alleged perpetrators and victim are known to each other, and from the same caste, the sequence of events has not been essentially different.
- ▶▶ For fear of the alleged perpetrator, an MLA, the police did the bare minimum that was required of them. It was only after the victim, who had been persistent in her quest for justice, threatened self-immolation in front of Chief Minister's house, did the wheels of justice begin to move somewhat decisively. What stands out even in this familiar landscape of crime is civic indifference to sexual violence. It is as if such violence is expected in situations where a supplicant approaches a man in power, and is made to wait upon or transact his ostensible largesse. We were witness to a similar and equally outrageous act in Uttar Pradesh when a minor girl accused a sitting MLA of rape. Unlike in the Unnao instance, the Chief Minister, called for the prosecution of the MLA. It is noteworthy that the victim had the support of the rural women's news network, which has been long active in the region.

## Constitution - An ornamental document

- ▶▶ The violently transactional nature of sexual assault in these circumstance's bears looking at in some detail.
- ▶▶ A woman approaches an elected representative of the people for assistance, exercising her right to state redressal and assistance.
- ▶▶ She realises very soon that her claims are not transactable in a civic sense, but only in a violently sexual sense.
- ▶▶ In the event, not only is her bodily integrity violated, but also a series of constitutionally guaranteed rights, including the right to life and livelihood.
- ▶▶ And by those who have taken an oath in the name of the Constitution!
- ▶▶ However, the Constitution is seldom viewed as enunciating shared civic values and morality.
- ▶▶ Rather, it exists as a formal and ornamental document that affirms not so much our sovereign democratic selves, but the privileges we have gained as elected representatives.

## Issue of Under-Reporting:

- ▶▶ Women are unwilling to report even those incidents that fit the legal definition of rape or attempted rape.
- ▶▶ Sometimes this is due to their successful resistance and the ambiguous feelings that they have about whether the harm that was inflicted reached the level of a criminal act, and their doubts about the integrity of the system to which they have to report.
- ▶▶ Local political power; economic, social and sexual tensions between individuals; caste and community equations might shape not only police responses but those of the civilian government as well.
- ▶▶ As those of us who have worked on issues of sexual assault since the late 1970s know, a complainant is most likely to be disbelieved, blamed for what happened to her, and denigrated and rubbished if she is a Dalit or Adivasi, or from a community perceived as marginal.
- ▶▶ If she persists in keeping with the justice system, its menacing indifference is calculated to demoralise her.
- ▶▶ If her family supports her, there might be some relief and care, but if they don't or cannot because they are themselves under pressure to keep quiet, she is left feeling abandoned and friendless and, worse, tainted.

## Other Challenges:

- ▶▶ There is advancement of law but it appears that it has no impact because the number of cases is multiplying.

- ▶▶ Problem with implementation of the law.
- ▶▶ Politicization of rape cases on communal grounds.
- ▶▶ As mentioned, the rate of conviction is only 32% as that of past 5 years and pendency is 90%. In a 2017 report, “Everyone Blames Me,” Human Rights Watch found that survivors (of the crime), particularly among marginalized communities, still find it difficult to register police complaints.
- ▶▶ Every case desires media attention equally and not only Unnao and Kathua rape cases.

### **Role of Caste in Rape:**

- ▶▶ Birth-based superiority, illegitimate as it is, cannot be sustained, unless it is renewed day in and day out through a combination of patent lies and brute force.
- ▶▶ Verbal and physical acts of sexualised humiliation and violence directed at the lower castes and Dalits are necessary for the survival of caste society and increasingly so, in the face of challenges and resistance.
- ▶▶ In the Unnao instance, and in other such instances, sexual brutality is thus not an afterthought: it is the quintessential form of political privilege and social authority in our social context. Our criminal justice system is yet to reckon with such routinised and habitual criminality, for it is never quite registered as such.

### **Way Ahead:**

- ▶▶ The dire need of today is to curb this violent crime. The most important step to be taken in this direction is the strengthening of laws dealing with sexual assaults.
- ▶▶ Death penalty should be imposed on a rape accused.
- ▶▶ Many Indians – men and women – refuse to believe that sexual violence is a serious problem eating away at India’s vitals.
- ▶▶ So, it is essential to recognise that the crisis lies in the precise manner in which the existing criminal justice system unfolds.
- ▶▶ Proper police training and a dedicated children cell at stations as that of a women cell.
- ▶▶ Need of accountability at each and every level.
- ▶▶ A woman's squad should be formed in every district which would exclusively deal with problems of women. Strict action must be taken against the police officer found guilty of obstructing the probe or colluding with perpetrators of such cases.
- ▶▶ Fast track courts must be established so that justice is given as early as possible.
- ▶▶ Rape Crisis Centre should be started with the help of NGO, where victim can approach by calling a toll-free number or physically visiting the local centres.
- ▶▶ Such centre should play a vital role in supporting rape victims to cope up with the psychological trauma and also guide them to obtain legal remedy.

## Conclusion:

- ▶▶ Women are wonderful daughters, sisters, wives, and mothers. They should be loved, cared, respected and should be protected.
- ▶▶ But a man's right to a woman's body appears to be a natural extension of his maleness: marital rape is not an issue, for one, and male sexual entitlement is something that women are expected to reckon with.
- ▶▶ Therefore, society itself will have to take the responsibility of giving it the right direction. Without this, we cannot achieve all the promise that we had as a nation at the time of Independence.
- ▶▶ We must collectively rise to the occasion and create a safe India for our women.

**Source: The Hindu**

