

## A STUDY ON THE SEXUAL VIOLENCE AGAINST WOMEN IN INDIA AND ITS MEASURES AND MANAGEMENT

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**Abstract:** Unfortunately, sexual violence can come in many forms. In order to better understand the wide range of personal violence that can occur, we have included definitions of different types of rape and sexual violence, as well as other kinds of violence that often arise hand-in-hand with sexual violence is sexual contact between persons. Government have taken various steps for overcoming the problems. But the people are not happy at all. The commission, headed by former Chief Justice of India, Justice JS Verma, has identified "failure of governance" as the root cause for sexual crime. It has criticized the government, the police and even the public for its apathy, and has recommended dramatic changes. But still it is pending. Regarding the sexual violence government has taken up various step and some long term action should also be added say legacy of prostitution in India, used of pornography in productive way only, putting women in same status to men, knowing between men and women each other, education is the key point of all and not using drugs and alcohol.

**Keywords:** Rape, prostitution, sexual assault, violence, stalking, drugs, victims

**Introduction:** The term sexual assault refers to a number of different crimes, ranging from unwanted sexual touching to forced penetration. The exact definition of "rape," "sexual assault," "sexual abuse" and similar terms differs by state. The wording can get confusing, since states often use different words to mean the same thing or use the same words to describe different things. Despite the violation and reality of physical and emotional trauma, victims of acquaintance assault often do not identify their experience as sexual assault. Instead of focusing on the violation of the sexual assault, victims of acquaintance rape often blame themselves for the assault.

### Types of sexual violence:

**Acquaintance rape:** Acquaintance assault involves coercive sexual activities that occur against a person's will by means of force, violence, duress, or fear of bodily injury.

These sexual activities are imposed upon them by someone they know (a friend, date, acquaintance, etc.).

**Obstacles to Coping & Recovery:** Common social myths (e.g. the attack was incited through suggestive dress or intimate acts such as kissing)

Fear of:

1. Retaliation
2. Subsequent harassment
3. Future harm
4. Harassment from family and friends of the person responsible for the assault Returning to a normal routine (this is especially the case if the assailant is a part of the victim's daily routine)

Family/friends may blame the survivor, or, worse, they may support the assailant.

**Prevention:** In order to prevent acquaintance sexual

assault we all need to be aware of the three stages of acquaintance rape so that, whenever possible, we can avoid or prevent such an event from occurring.

### Three Stages of Acquaintance Rape:

- **Intrusion-** Attempt by the offender to violate the victim's personal space and level of comfort. May draw close by revealing personal information or through "accidental" touches and stares.
- **Desensitization-** Occur when the victim feels comfortable with the offender and has come to regard intrusive actions as no longer or, at least less, threatening. The victim of the desensitization may feel uneasy but convinces himself or herself that the feeling is unfounded.
- **Isolation-** The offender uses the victim's trust to isolate him or her from others.

**Partner rape:** It is defined as sexual acts committed without a person's consent and/or against a person's will when the perpetrator is the individual's current partner (married or not), previous partner, or co-habitator.

### Types of Partner Rape:

**Battering rape:** the experience of both physical and sexual violence within a relationship. Some may experience physical abuse during the sexual assault. Others may experience sexual assault after a physical assault as an attempt to "make up."

**Force-only rape:** motivated by a perpetrator's need to demonstrate power and maintain control. Therefore, he/she asserts his/her feelings of entitlement over his/her partner in the form of forced sexual contact.

**Obsessive/Sadistic rape:** Its involves torture and perverse sexual acts. Such rape is characteristically violent and often leads to physical injury. Sexual assault of children often includes incest as a subset of

this form of sexual assault. While there is a substantial amount of overlap in the two types of assault, for the purposes of this website we have separated them in recognition of the different needs that victims of each type of assault may have.

#### **Additional Features:**

- May consist of a single incident or many acts over a long period of time.
- Abuse is more often perpetrated by someone known to the child.
- Abuse may escalate over time, particularly if the abuser is a family member.

**Adult Reactions:** Many adults tend to overlook, to minimize, to explain away, or to disbelieve allegations of abuse. This may be particularly true if the perpetrator is a family member.

#### **Warning Signs**

##### **Physical Signs**

- Difficulty walking or sitting
- Bloody, torn, or stained underclothes
- Bleeding, bruises, or swelling in genital area
- Pain, itching, or burning in genital area
- Frequent urinary or yeast infections
- Sexually Transmitted Infections, especially if under 14 years old
- Pregnancy, especially if under 14 years old

**Sexual harassment:** It is the unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in which submission to or rejection of such conduct explicitly or implicitly affects an individual's work or school performance or creates an intimidating, hostile, or offensive work or school environment.

#### **Sexual Harassment in the Workplace**

##### **Types of Sexual Harassment:**

**Quid pro quo-** When a perpetrator makes conditions of employment contingent on the victim providing sexual favors. This type of harassment is less common.

**Hostile environment-** When unwelcome, severe and persistent sexual conduct on the part of a perpetrator creates an uncomfortable and hostile environment (e.g., jokes, lewd postures, leering, inappropriate touching, rape, etc.). This type of harassment constitutes up to 95% of all sexual harassment cases.

##### **Variety of Circumstances:**

- Survivor and harasser do not have to be of different genders; both can be men, both women, or they can be different genders.
- Similarly, as with sexual assault, women can be perpetrators.
- The harasser can be a supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

- The survivor does not have to be the person that is directly harassed. It can be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the survivor.
- The harasser's conduct must be unwelcome.

#### **Options for Action:**

- **Say "No" clearly-** Express in direct language (verbal or written) that behavior must stop.
- **Document the harassment-** Keep a written log, keep track of dates, times, and behavior.
- **Get emotional support-** Friends/family can be good outlets.
- **Document your work-** Keep copies of performance evaluations and memos that attest to the quality of your work.
- **Explore company channels-** Talk to a supervisor and/or contact the personnel officer or human resources department.
- **File a complaint-** If the problem can't be solved through company policy, you may choose to pursue a legal remedy.

#### **Sexual Harassment in the Schools:**

Sexual harassment is not limited to offices and work arenas. Increasingly, sexual harassment is being displayed in our nation's schools.

#### **It Can Take Milder Forms**

- Looks
- Jokes
- Graffiti on bathroom walls
- Comments about body parts
- Physical intrusion into personal space
- Grabbing
- Brushed up against in a sexual way

#### **Common Reactions**

- Less confident
- More self-conscious
- Ashamed
- Embarrassed
- Consequently lower grades

#### **Behavioral Signs:**

- **Intimidation:** Smashing things, abusing pets, destroying victim's property, displaying weapons.
- **Threats:** Making and/or carrying out threats to harm the victim, to commit suicide, to report him or her to child welfare, to make him or her drop charges.
- **Isolation:** Controlling what the victim does, sees, and reads, limiting who the victim talks to.
- **Emotional abuse:** Putting the victim down, calling him or her names, making him or her think he or she's crazy, playing mind games.

#### **Why Does the Victim Stay?**

- **Financial dependence**
- **Lack of social support:**

- **Fear of severe physical attack:**
- **Self-blame:**
- **Belief that the violence is temporary or caused by unusual circumstances:**
- **Stalking:** The exact definition of stalking varies by state, but in general, stalking refers to “a course of conduct directed at a specific person that involves repeated visual, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear.” Examples of this behavior include:
  - Repeated undesired contact (phone calls, emails, letters, show up unexpectedly, etc.).
  - Following or laying in wait for the individual.
  - Making threats to the individual or her/his family.
  - Any other behaviour used to contact, harass, track, or threaten the individual.

#### **If You Are Being Stalked You**

##### **Should Consider:**

- Avoiding all contact with the stalker.
- Informing family, friends, supervisors, and co-workers of what is going on.
- Reporting the stalking to your local police.
- Keeping an accurate journal or log of all incidents connected to the stalking.
- Keeping all evidence received from the stalker such as letters, packages, taped telephone messages, etc.

**Impact:** The impact of stalking can be profound and life altering. Individuals who are stalked often change many of their behaviour patterns and have strong emotional responses to the stalking. Some responses to stalking include:

- Anxiety
- Fear
- Depression
- Nervousness
- Isolation

**Stalking Laws:** All 50 states and the District of Columbia have anti-stalking laws. However, the legal definitions vary.

**Stalking Resources Drug facilitated assault:** when drugs or alcohol are used to compromise an individual's ability to consent to sexual activity. In addition, drugs and alcohol are often used in order to minimize the resistance and memory of the victim of a sexual assault.

**Diminished Capacity:** Diminished capacity exists when an individual does not have the capacity to consent. Reasons for this inability to consent include, but are not limited to: sleeping, drugged, passed out, unconscious, mentally incapacitated, etc.

It is important to understand diminished capacity because oftentimes victims of sexual assault in these

situations blame themselves because they drank, did drugs, etc. It is essential to emphasize that it is not his or her fault, that the aggressor is the one who took advantage of his or her diminished capacity.

**Rohypnol:** A small white tablet that looks a lot like aspirin. It quickly dissolves in liquid and can take effect within 30 minutes of being ingested. The effects peak within 2 hours and may have lingering effects for 8 hours or more.

##### **Effects**

- Increased blood pressure
- Memory impairment
- Muscle relaxation
- Drowsiness
- Visual disturbances
- Dizziness
- Confusion
- Unconsciousness
- Nausea, aspiration on own vomit

**GHB.:** Pure GHB is commonly sold as a clear, odorless liquid or white crystalline powder. Because it is made

homelabs, the effects are often unpredictable. Once ingested, GHB takes effect in approximately 15 minutes and can last 3-4 hours.

##### **Effects**

- Sedation of the body
- Intense drowsiness
- Hampered mobility
- Verbal incoherence
- Slowed heart rate
- Nausea, aspiration on own vomit
- Headache
- Respiratory failure
- Unconsciousness

**GBL:** A GHB-like product, GBL is often sold under the guise of a dietary supplement or an industrial cleaner. When the body metabolizes GBL, it becomes twice as potent as GHB. It has a bitter taste that can easily be masked by strong-tasting drinks. GBL now comes in flavors such as lime, cinnamon, and cherry. Once ingested it takes approximately 30-45 minutes to take effect.

##### **Effects**

- Severe amnesia
- Nausea, aspiration on own vomit
- Lethargy
- Confusion
- Hypothermia
- Coma
- Respiratory arrest
- Seizures
- Agitation
- Loss of bowel control

- Death

**Benzodiazepines:** Commonly prescribed as anti-anxiety and sleeping medications in the United States, these drugs can be put into an alcoholic drink or soft drink in powder or liquid form. These are legal forms of Rohypnol.

#### **GHB, GBL, Rohypnol, & Benzodiazepines**

**NOTE:** For all of these drugs, alcohol increases the effects. All four of these drugs have some common effects that make them appealing to perpetrators. These drugs are common weapons of sexual assault due to the combined effects of the sedative effect and the memory-impairment qualities

#### **How they Work**

- They are typically odorless, colorless, and tasteless when placed in liquid (except for GBL).
- 5-30 minutes after ingestion, the victim of the drugging may struggle to talk or to move and may eventually pass out.
- At this point the drugged individual is vulnerable to assault.
- A survivor of such an assault may have virtually no memory of the events that occurred.
- Another factor that makes these drugs dangerous and difficult to detect is that they leave the body rapidly, leaving little time for detection.
- Rohypnol- leaves in 36-72 hours
- GHB- leaves in 10-12 hours
- GLB- leaves the urinary system within 6 hours and the blood stream within 24 hours.

**Ketamine:** Ketamine causes individuals to feel detached from their bodies and their surroundings so that, while they may be aware of what is happening to them, they are unable to move or fight back. In addition it may cause amnesia so that they do not remember what happened.

#### **Effects**

- Dizziness
- Confusion
- Hallucinations
- Agitation
- Disorientation
- Impaired motor skills
- High blood pressure
- Loss of consciousness
- Depression
- Potentially fatal respiratory failure

**Ecstasy:** Ecstasy is commonly sold as small pills or capsules and is also available in powder and liquid forms. It can be slipped into an individual's drink in order to facilitate sexual assault. Ecstasy causes individuals to feel extreme relaxation and positivity towards others while it increases sensitivity to touch. When under the influence of ecstasy individuals are less likely to be able to sense danger and it may leave

them unable to protect themselves from attack.

#### **Effects**

- Increased blood pressure, pulse, and body temperature
- Nausea
- Blurred vision
- Loss of consciousness
- Hallucinations
- Chills
- Sweating
- Tremors
- Strokes
- Seizures
- Hypothermia
- Heat stroke
- Heart failure

#### **RAINN's top safety tips for safe drinking:**

1. Don't leave your drink unattended while talking, dancing, using the ladie's room, or making a phone call.
2. At parties, don't drink from punch bowls or other large, common open containers.
3. If someone offers to get you a drink from the bar at the club or party, go with them to the bar to order it, watch it being poured, and carry it yourself.
4. Watch out for your friends, and vice versa. Always leave the party or bar together. If a friend seems out of it, is way too drunk for the amount of liquor she's had, or is acting out of character, get her to a safety place immediately.
5. If you think you or a friend has been drugged, call 911, and be explicit with doctors so they'll give you the right tests (you'll need a urine test and possibly others). The National Sexual Assault Hotline (800-656-HOPE) can often send an advocate to the hospital to help you through the whole process.

#### **Major Categories**

1. **Blitz sexual assault-** The perpetrator rapidly and brutally assaults the victim with no prior contact. Blitz assaults usually occur at night in a public place.
2. **Contact sexual assault-** The suspect contacts the victim and tries to gain her or his trust and confidence before assaulting her or him. Contact perpetrators pick their victims in bars, lure them into their cars, or otherwise try to coerce the victim into a situation of sexual assault.
3. **Home invasion sexual assault-** When a stranger breaks into the victim's home to commit the assault.

#### **Common Reactions**

- Shock
- Numbness

- Loss of control
- Disorientation
- Helplessness
- Sense of vulnerability
- Fear
- Self-blame for "allowing" the crime to happen
- Feeling that these reactions are a sign of weakness

**Views by some leaders regarding sexual violence against women in India:**

**Hankaracharya of Puri Swami Nischalananda Saraswati** declared western influence responsible for destroying the values and principles of the country. "There is need to change this. Before Independence we were able to maintain our culture and values but in the last 65 years we have lost a great part of it. Such horrific incidents don't happen all of a sudden. They happen when the thin line of culture and values are crossed in the name of civilization and development." (*Times of India*)

"Countries with sex education in their curriculum only have an increased number of crime against women." (*Indian Express*)

**The Anjuman Muslim Panchayat** in Salumber town in Rajasthan has decreed that girls should not use mobile phones outside their own homes or dance at weddings so that "they do not get involved with boys." Girls cannot dance on the street during wedding processions because that would mean objectifying women, Habiburrehman, secretary of the community panchayat was quoted as saying by PTI. The panchayat has also "warned young people against love marriages" and imposed a fine of 51,000 rupees (approximately \$930) on families whose members elope and marry "against traditional social arrangements." (*NDTV*)

**BJP MP Ramesh Bais** told reporters referring to the rape case involving minor inmates of a government-run residential school: "The rape of grown-up girls and women might be understandable, but if someone does this to an infant, it is a heinous crime and the offenders should be hanged." (*Firstpost*)

**Manohar Lal Sharma, a lawyer who represents three of the accused, speaking to Bloomberg in an interview:** Sharma said the male companion of the murdered 23-year-old was "wholly responsible" for the incident as the unmarried couple should not have been on the streets at night. "Until today I have not seen a single incident or example of rape with a respected lady," Sharma said in an interview at a cafe outside the Supreme Court.

"Even an underworld don would not like to touch a girl with respect." ... Sharma said the man and woman should not have been traveling back late in the evening and making their journey on public transport. He also said it was the man's responsibility

to protect the woman and that he had failed in his duty. "The man has broken the faith of the woman," Sharma said yesterday. "If a man fails to protect the woman, or she has a single doubt about his failure to protect her, the woman will never go with that man."

**Asaram Bapu, self-proclaimed "godman":** "She should have taken God's name and could have held the hand of one of the men and said 'I consider you as my brother', and should have said to the other two 'Brother I am helpless, you are my brother, my religious brother.'" In other words, if she's begged for forgiveness and cited the fraternity of man and called to God for help, all would have been well. Bapu's spokesperson later responded to criticism of his statements by saying that women who get raped bear a fraction of the responsibility. (*Hindustan Times*)

**Puducherry Education Minister T Thiagarajan**, on making girls in the tropical southern city wear overcoats so men won't be driven mad with lust: "The meeting resolved to introduce overcoats for girl students, operate special buses for them and ban mobile phones in schools. Our government is committed to ensuring safety of women, particularly girl students." (*Hindustan Times*)

**Rajasthan BJP lawmaker Banwari Lal Singhal:** A BJP MLA in Rajasthan has demanded a ban on skirts as uniform in schools to keep girls away from "men's lustful gazes". Alwar (Urban) legislator Banwari Lal Singhal has written a letter to the state chief secretary C K Mathew, demanding that skirts should be replaced by trousers or salwar-kameez. "The intention of this demand is to keep girl students away from men's lustful gazes and for their comfort in hot and cold weather conditions," Singhal told PTI. (*Outlook*)

**Abu Asim Azmi, state president of the Maharashtra Samajwadi Party:** "If you keep petrol and fire together then it will burn. There should be a law to ensure that there should be no 'nangapan' (nudity). Those who wear less clothes should also be banned." Also, paraphrased: fashion and nudity are responsible for the current situation in India. And in rural India, "girls don't go searching out for boyfriend(s)." It goes on: "I support death penalty for the Delhi rapists but there should also be a law that women should not wear less clothes and roam around with boys who are not their relatives. What is the need for roaming at night with men who are not relatives? This should be stopped." To be fair, here is the response from his son Farhan: "We are a cosmopolitan family, I have five sisters, they are educated, they drive and roam around in cars, we have always respected girls as equals and is that how it should be." (*India Today*)

**Congress MP Abhijit Mukherjee (son of President Pranab Mukherjee):** "Those who claim to

be students – I can see many beautiful women among them – highly dented-painted [sic] – they're giving interviews on TV, they've brought their children to show them the scenes. I have grave doubts whether they're students, because women of that age are generally not students." (Note: by dented-painted, we generally understand this to mean that they're either a) a bit older and therefore need to be made up to look attractive, b) they're like a car after a repair job, or c) they're generally made up, and somehow not serious about their protests against the climate of rape and lack of prosecution in India. (*Financial Express*)

**Jamaat-E-Islami-Hind (Islamist organisation). Statement released by Secretary General Nusrat Ali:** "Co-education should be abolished and proper education facilities meant exclusively for women should be available at all level of education. Educational institutions should prescribe sober and dignified dress for girls." (*Times of India*)

**MP Rajpal Saini:** "Why do housewives and school going girls need mobiles? It encourages them to make futile small talk and get connected with people outside their homes." (*Reuters, citing others*)

**More than half the people you know:** According to a survey by Sakshi, an NGO active in gender issues, 74% of judges surveyed a decade ago believed that "preservation of the family" should be a principal concern for women even in the event of violence in the home. And 51% believed that women who stay with abusive husbands are "partly to blame" for their plight. Some 68% felt that "provocative attire was an invitation to rape" and 55% felt that the "moral character of the victim" was relevant. (*via Rupa Subramanya and The Wall Street Journal*)

**Views by some writer:** Since Susan Brownmiller first wrote *Against Our Will*—the landmark feminist reconceptualization of rape—feminists have worked on clarifying the fact that rape is less about sex than it is about rage and power. Too many people still conceive of rape as a man's overwhelming urge to enjoy the body of a woman who has provoked him by being attractive and within reach. As is true in many "traditional" cultures, much of India still imagines that the violation was one against her chastity, as Aswini Anburajan writes at BuzzFeed. But conceiving it as primarily a *sexual* violation places the burden on women to protect their bodies' purity. It means that the question that gets asked is this one: Why was she out so late at night, provoking men into rage by being openly female?

But seen from a woman's own point of view, rape is quite different: It's punishment for daring to exist as an independent being, for one's own purposes, not for others' use. Sexual assault is a form of brutalization based, quite simply, on the idea that

women have no place in the world except the place that a man assigns them—and that men should be free to patrol women's lives, threatening them if they dare step into view. It is fully in keeping with bride-burnings, acid attacks, street harassment, and sex-selective abortions that delete women before they are born.

I've now read a number of commentaries exposing India's, particularly New Delhi's, culture of street violence against women. The most memorable, by Sonia Faleiro in *The New York Times*, talks about the fear that was instilled in her during her 24 years living in Delhi:

As a teenager, I learned to protect myself. I never stood alone if I could help it, and I walked quickly, crossing my arms over my chest, refusing to make eye contact or smile. I cleaved through crowds shoulder-first, and avoided leaving the house after dark except in a private car. ...

Things didn't change when I became an adult. Pepper spray wasn't available, and my friends, all of them middle- or upper-middle-class like me, carried safety pins or other makeshift weapons to and from their universities and jobs. One carried a knife, and insisted I do the same. I refused; some days I was so full of anger I would have used it — or, worse, had it used on me.

The steady thrum of whistles, catcalls, hisses, sexual innuendos and open threats continued. Packs of men dawdled on the street ... To make their demands clear, they would thrust their pelvises at female passers-by.

Such endemic street harassment is not about sex; it's about threatening women for daring to leave the private sphere. It's a form of control over women's ambitions and lives. And when such a culture is widespread, it gives men permission to use women as the target for any excess anger they might have.

**Purity culture is Rape culture:** A culture in which women are expected to remain virgins until marriage is a rape culture. In that vision, women's bodies are for use primarily for procreation or male pleasure.

"Rape culture," as young feminists now call this, isn't limited to India. It lives anywhere that has a "traditional" vision of women's sexuality. A culture in which women are expected to remain virgins until marriage is a rape culture. In that vision, women's bodies are for use primarily for procreation or male pleasure. They must be kept pure. While cultural conservatives would disagree, this attitude gives men license to patrol—in some cases with violence—women's hopes for controlling their lives and bodies. In October, responding to Richard Mourdock's incredible comment about rape, I mentioned an absolutely essential piece by *The Nation's* Jessica Valenti in a way I want to reprise here, if you'll excuse

the self-quotation:

As Tennessee Senator Douglas Henry said in 2008, "Rape, ladies and gentlemen, is not today what rape was. Rape, when I was learning these things, was the violation of a chaste woman, against her will, by some party not her spouse."

In other words, only virgins can be raped—sweetly white-gloved, white-skinned virgins. Any woman who *ever* wanted sex—yes, that includes married women who unconditionally give permission when they put on that ring—*deserves what she gets*. Valenti's piece is a brilliant and absolutely essential manifesto on what still has to change to get from "What about 'no' don't you understand?" to the more advanced concept that women *have a right to enjoy and control our own bodies*. In this "traditional" vision of sexuality, *it's not rape* if you've already had sex, ever—except if you're married and another man violates his property. Your only role is to protect your purity for its future owner. If you don't do, you're fair game.

A culture in which women must cover up or be threatened is a rape culture. You're thinking of hijab and burquas, right? Think also of the now well-known SlutWalks, which were launched after a Toronto police officer told young women that they could avoid rape by not dressing like "sluts." The protests, which have spread worldwide, make the point that no matter how we dress, women are at risk; and no matter how we dress, our bodies are our own.

Let me be clear that we have plenty of rape culture here in the United States. When I told my wife the prosecutor how shocked I was by the India case's rusty metal bar, her response disturbed me terribly: She laughed at my naïveté. She sees it all the time, she explained. She started telling me about one recent case in which a husband had shoved a broom up his wife so far it ripped out through her chest. I was so upset I stopped her before she could tell me more.

Or consider the recent rape in Steubenville, Ohio, allegedly by members of the football team, which was reported on in excellent detail by the *Times*—primarily because of the shocking way it was celebrated via social media. Here's how *Prospect* contributor Amanda Marcotte summarized the case at Slate:

The alleged crime: Witnesses, some also on the football team, testified at a probable cause hearing that Mays and Richmond spent most of the night of Aug. 11 standing over, directing, transporting, and otherwise controlling the blacked-out drunk victim, who they carried to three separate parties. According to the *New York Times*, witnesses claim that Mays and Richmond tried to coerce the victim into oral sex,

exposed her naked body as a joke to other partygoers, penetrated her digitally, and exposed themselves to her. Other Steubenville students on Twitter and YouTube say they witnessed even worse violations, including urinating on the victim and anal rape, though these are not official statements. (And sadly, these students were more delighted than upset by what they allegedly saw.) While it appears that multiple students taped and photographed the alleged assault, officials claim they haven't been able to turn up much in the way of evidence, because the evidence has been deleted.

Football players like these two can almost always find young women who will have sex with them willingly. Taking a drunk and helpless girl and urinating on her, humiliating her, fingering her publicly, violating several orifices—that's about rage and power, not sexual pleasure. That's sexual assault and enforcement of the rape culture's idea that a woman's job is to protect her purity. At CNN Opinion, Lauren Wolfe writes that women are rising up against rape and rampant street harassment in places as disparate as Egypt and Somalia. I hope she's right—and that the horror in India spurs genuine change, complete with international coalitions, like those that came out of the Beijing women's conference and that work across borders. We do know that protests have spread beyond India to Nepal. Slutwalks have spread around the world, as my regular google alert tells me, with recent incarnations in such places as Hong Kong, Lubbock Texas, Mandurah, Australia, and Plymouth, Massachusetts.

I can only hope that the response to the attack in India includes outrage at congressional Republicans' astounding refusal to reauthorize the Violence Against Women Act (VAWA), one of the most effective tools to help prevent such violence, which the Prospect's Jamelle Bouie has already told you about. In its past 18 years, it has funded tremendously useful projects ranging from a stalking help line to statistical research to law-enforcement training in responding to intimate-partner violence. According to the National Organization for Women's reading of Bureau of Justice statistics, in the first 15 years after VAWA was originally passed, intimate-partner violence homicides dropped by 53 percent, and female homicides dropped 43 percent. While of course that cannot all be attributed to VAWA—homicide deaths in general have fallen during that period, for a myriad of reasons—VAWA has been an important tool in training, educating, funding, and helping to enforce new norms. If this were called "domestic terrorism," far more of the nation's budget would be dedicated to end it. You'd think that their November loss at the ballot would've educated Republicans about the fact that women actually vote.

But some people learn very, very slowly.

Here's the key point: It is not acceptable that more than 50 percent of the world's population live in fear of violence solely because they are female. I do hope that India will turn around the male rage seething through its streets—and that here, we see an uprising against Congress's appalling failure to reauthorize the bill that fights domestic terrorism—the terror that women feel at home.

### **Should prostitution be legalised**

#### **Arguments for Legalized Prostitution:**

1. Sex tourism is a major cause of the exploitation of women and girls in third-world countries; with legalized prostitution, there would be less reason for sex tourists or for sexual slavery within our borders.
2. If prostitution were legal, all prostitutes could be licensed and required to have physicals on a regular basis, cutting down on STDs and unplanned pregnancies. In addition, licensed prostitutes would be able to go to legal authorities to get protection in cases where they are attacked by either their customers or their pimps.
3. Legal prostitution would eliminate a good percentage of women in jail, and possibly in prison. In addition, the unfairness inherent in that more prostitutes than their customers go to jail for the crime would be eliminated.
4. Brothels and areas of legal prostitution could be easily separated from residential neighbourhoods, just as strip clubs are today. There would also be no reason for organized crime to take an interest in prostitution; instead of needing a criminal to get protection, prostitutes could go to the cops.
5. The high homicide rate of female prostitutes in the US (about 200 per 100,000) would probably decrease dramatically as women are empowered to seek protection from legal authorities.
6. Legal prostitution will lead to more equity for women's wages; instead of working at a substandard job for low wages, women will have the option of working as private sex contractors making much more money.

In Australia, prostitution is mostly legal. The many problems we see with illegal prostitution do not exist there; prostitutes have been well educated about STDs and safe sex, and those prostitutes who do not use intravenous drugs are among the lowest HIV-positive communities in that country.

#### **Arguments Against Legal Prostitution:**

1. The UN and other international agencies are more or less against legalized prostitution because they do not believe it is compatible with human dignity.
2. Decriminalizing and licensing prostitution puts government in the position of being accessories to the act, an idea that many governments are uncomfortable with. However, decriminalizing and

not regulating prostitution can lead to an uprise in disease and crime. (If the industry self-regulated the way the medical fields do, however, it might be a workable compromise.)

3. Poor, economically vulnerable women are most likely to turn to prostitution not because it is a choice, but because it is the best way to make a living.
4. Women who have been sexually abused or otherwise harmed are more likely to turn to prostitution, and it is not good for their psychological well-being. Prostitution is one of the few issues that both the extreme left and the extreme right come together on, albeit for different reasons: both ends believe it should remain illegal. But is this a rational decision, or is it one based on moral standards and feminist theory, rather than the realities of the world faced by prostitutes and potential prostitutes? More importantly, is the humane answer to continue with illegal prostitution - or to allow women the choice of whether to participate in the sex trade or not? These are not questions with easy answers, but perhaps it is time for them to be debated in public. There were 24,206 rapes reported in 2011 by the National Crime Records Bureau, equivalent to one rape every 20 minutes. While many Indians are calling for changes in the law such as capital punishment for rapists and new legislation to protect women, many civil rights' lawyers disagree. They say India has good gender laws already, but they need to be strengthened and enforced. The following is a list of six steps India can take to ensure rape victims receive adequate care and support and that swift justice is delivered, compiled from interviews with police, lawyers and human rights activists.

#### **Steps needed to be implement:**

**Gender Sensitisation & More Female Police:** Like most large organisations in the country, India's police force is male-dominated – only 6.5 percent of officers are women. Deep-rooted patriarchal beliefs mean the police force, like many other institutions such as government bodies or parliament, is often seen as insensitive to the issues faced by women. Gender sensitisation training as well as increasing the number of female police officers in India will help change attitudes within the police force, activists and lawyers say. This would also help ensure victims' complaints are treated seriously and sympathetically.

**More Police Accountability:** There have been numerous cases of girls and women being turned away by the police when they try to report a rape – officers do not take the crime seriously or they blame the victim. In many instances, the largely underpaid, overworked police officers have little interest in registering or investigating a gender crime that can take years to reach judgment. Sometimes, if the accused is powerful or wealthy, police can be



influenced into taking no action. Activists say current methods of filing complaints against the police are cumbersome and difficult for the average Indian. A simple mechanism should be set up to channel and address public complaints and police should be penalised or suspended if found guilty of dereliction of duty, they add.

**Guidelines For Support Of Rape Victims:** India has no formal protocol in place for medical or psychological support of victims. They are often not given adequate treatment for injuries or infections, let alone counselling. Cases have been reported of traumatised victims who are made to go from one government hospital to another for medical examinations or who are forced to sit for hours in bloodied clothes after the assault. Activists say there needs to be a standard protocol across the country to examine and treat rape victims, such as the World Health Organisation's guidelines for medico-legal care for sexual assault victims.

#### **Strengthening:**

**Rape Investigations:** A failure to invest in the police force has left many officers lacking the expertise and resources required to conduct adequate investigations, resulting in weak evidence and low convictions. Lawyers say the handling of forensic evidence such as fingerprints, hair or nail samples – a key component in rape cases where the onus lies with the prosecution to prove the rape – is often collected, transported and stored in a careless manner. The core competencies of the police need to be strengthened and officers must be given training and resources to carry out their work, lawyers say. Standard operating procedures for conducting investigations need to be applied across the country, they add

**Fast-Track Rape Courts:** One of the biggest impediments to gaining justice for rape victims is the lengthy duration of the trials, lawyers say. A lack of prosecutors, judges and courts mean that an average rape case can take five to 10 years to get to the judgment stage, leaving victims or other witnesses vulnerable to intimidation or unwilling to pursue such drawn-out court trials. The Delhi gang rape has fuelled demands for special fast-track courts to deal with crimes against women, but some lawyers say not only are such courts costly but that swift justice does not always mean just justice. Some legal experts add that India needs to invest more in the legal and judicial system and concentrate on hiring of thousands more judges and prosecutors.

#### **Witness-Protection:**

**Program:** Victims and witnesses can be intimidated by the accused, who in some cases is granted bail by the court, even though rape is a non-bailable offence. As a result, victims can feel pressured into accepting illegal "out-of-court" settlements such as a small cash

payment. In more extreme instances, the victim's family is pressurised into marrying their daughter to the accused. Lawyers and activists say India needs an official witness protection program in place for victims of sexual assault and other serious offences.

#### **Recommendations of the Justice Verma Committee: 10-point cheat-sheet**

**Punishment for Rape:** The panel has not recommended the death penalty for rapists. It suggests that the punishment for rape should be rigorous imprisonment or RI for seven years to life. It recommends that punishment for causing death or a "persistent vegetative state" should be RI for a term not be less than 20 years, but may be for life also, which shall mean the rest of the person's life. Gang-rape, it suggests should entail punishment of not less than 20 years, which may also extend to life and gang-rape followed by death, should be punished with life imprisonment.

**Punishment for other sexual offences:** The panel recognised the need to curb all forms of sexual offences and recommended - Voyeurism be punished with upto seven years in jail; stalking or attempts to contact a person repeatedly through any means by up to three years. Acid attacks would be punished by up to seven years if imprisonment; trafficking will be punished with RI for seven to ten years.

**Registering complaints and medical examination:** Every complaint of rape must be registered by the police and civil society should perform its duty to report any case of rape coming to its knowledge. "Any officer, who fails to register a case of rape reported to him, or attempts to abort its investigation, commits an offence which shall be punishable as prescribed," the report says. The protocols for medical examination of victims of sexual assault have also been suggested. The panel said, "Such protocol based, professional medical examination is imperative for uniform practice and implementation."

**Marriages to be registered:** As a primary recommendation, all marriages in India (irrespective of the personal laws under which such marriages are solemnised) should mandatorily be registered in the presence of a magistrate. The magistrate will ensure that the marriage has been solemnised without any demand for dowry having been made and that it has taken place with the full and free consent of both partners.

**Amendments to the Code of Criminal Procedure:** The panel observed, "The manner in which the rights of women can be recognised can only be manifested when they have full access to justice and when the rule of law can be upheld in their favour." The proposed Criminal Law Amendment Act, 2012, should be modified, suggests the panel. "Since the possibility of sexual assault on men, as well as homosexual,

transgender and transsexual rape, is a reality the provisions have to be cognizant of the same," it says. A special procedure for protecting persons with disabilities from rape, and requisite procedures for access to justice for such persons, the panel said was an "urgent need."

**Bill of Rights for women:** A separate Bill of Rights for women that entitles a woman a life of dignity and security and will ensure that a woman shall have the right to have complete sexual autonomy including with respect to her relationships.

**Review of the Armed Forces Special Powers Act:** The panel has observed that the "impunity of systematic sexual violence is being legitimised by the armed forces special powers act." It has said there is an imminent need to review the continuance of AFSPA in areas as soon as possible. It has also recommended posting special commissioners for women's safety in conflict areas.

**Police reforms:** To inspire public confidence, the panel said, "police officers with reputations of outstanding ability and character must be placed at the higher levels of the police force." All existing appointments need to be reviewed to ensure that the police force has the requisite moral vision. The panel strongly recommended that "law enforcement agencies do not become tools at the hands of political masters." It said, "Every member of the police force must understand their accountability is only to the law and to none else in the discharge of their duty."

**Role of the judiciary:** The judiciary has the primary responsibility of enforcing fundamental rights, through constitutional remedies. The judiciary can take suo motu cognizance of such issues being deeply concerned with them both in the Supreme Court and the High Court. An all India strategy to deal with this issue would be advisable. The Chief Justice of India could be approached to commence appropriate proceedings on the judicial side. The Chief Justice may consider making appropriate orders relating to the issue of missing children to curb the illegal trade of their trafficking etc.

**Political Reforms:** The Justice Verma committee observed that reforms are needed to deal with criminalisation of politics. The panel has suggest that, in the event cognizance has been taken by a magistrate of an criminal offence, the candidate ought to be disqualified from participating in the electoral process. Any candidate who fails to disclose a charge should be disqualified subsequently. It suggested lawmakers facing criminal charges, who have already been elected to Parliament and state legislatures, should voluntarily vacate their seats

**Case Study:** In India a 23-year-old medical student was gang-raped in December 2013 and she was dead at the very end. Case still going on Her intestines were removed because the six men used a rusty metal rod during the rape. That fact—the rusty metal rod—is what's haunted me about the violent incident that has outraged India and the world. Six men held a 23-year-old woman and her male friend in a private bus for hours while they assaulted her so brutally that, after several surgeries to repair her insides, she died. What happened to this young woman was a gang assault. It can be called a sexual assault because among other things, they brutalized her vagina. Or it can be called a sexual assault because it was driven by rage at the female sex.

**Conclusion:** Considering sexual violence government has taken up various step and some more actions have to be added says prostitution legalization in India, sex education to both men and women, pornography in positive ways, employment development of citizens, not using drugs, same status between the genders, providing good education facilities. This is high time for us to see all the possible ways to find out all the measures to control the sexual violence and to manage this possible ways in a very strategic effective purposes to form a beautiful country where sexual violence is only in past not in future.

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