

# **Sexual Violence Against Women in Uttar Pradesh: Responses of Police and Judiciary**

SUMMARY OF THESIS

Submitted to  
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(A Central University)  
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# SUMMARY

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In India, despite having many laws to ensure safety for women, sexual violence against women is growing endlessly in India in last two decade. However, Indian women have lots of respect and dignity in the ancients' Indian literature but the reality is very different. However, the violence against women is common phenomenon in whole India but it is more prevalent in north India and it is growing endlessly. Among north Indian states, Uttar Pradesh has the worst records of violence against women as it stands thirds largest in the country in cases registered under violence against women in India. There are various forms of violence against women but the sexual violence is most heinous from of all kind of violence against women. The roots of this growing violence against women persisted in the unequal structure of the society, which is skewed in favor of men in all spheres like economic, political and social. However, the failure of law and governance in states like Uttar Pradesh is also responsible for growing violence against women as the law and order is state under subject. There are many safety nets to ensure safety of women in the constitution but the poor implementation or non-implementation of these safety nets is also responsible for endless violence against women in states like. The delayed justice in these cases is another reason for growing sexual violence against women in Lucknow, Uttar Pradesh.

Therefore the study wants to focus on violence especially the sexual violence against women in Lucknow, Sates of Uttar Pradesh with reference to police and judiciary response in these particular cases.

Violence is generally conceptualized in terms of physical force and destructive conduct, In narrower terms, violence is defined as the behavior designed to inflict injury on a person or to cause damage to property, In a broader sense, violence is a coercive mechanism to assert one's will over another, in order to prove or feel a sense of power. In essence, violence is the use or threat of use of force or coercion to establish domination and can be expressed at the individual level, between classes/communities or at the level of the state. Conceptualizing violence in narrower terms systematically reinforces a narrative code, which places a premium on certain representations of violence, while rendering others invisible. The spectrum of

violence is very broad and encompasses a range of forms other than physical violence. These indirect forms of violence are quite pervasive but subtle and systemic in many institutions of life. The law defines violence as physical compulsion or coercion against a person in order to force him to carry out a determined act against his will. The essential elements of violence are power, domination and use of power.

Violence can be divided into two basic forms-structural and direct. Structural violence arises from the dominant, political, economic and social systems, insofar as they block access to the means of survival for different facets of violence. Precursors of such violence are inherent in the hierarchical system of society, which has an inbuilt gradation of domination and subordination, oppression and victimization. Both men and women are victims of structural violence which is commonly targeted towards both genders. However, there are certain types of violence which are only targeted towards women because of the fact that they are women.

The General Recommendation to the Convention on Elimination of All Forms of Discrimination Against Women, 1979, describes gender violence as 'violence, which is directed against a woman because she is a woman' and 'it includes acts, which inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivation of liberty'. The UN Declaration on the Elimination of Violence Against Women 1993, defines violence against women as 'any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life'.

Sexual violence is a form of gender violence and may be defined as 'any violence, physical or psychological, carried out through sexual means or by targeting sexuality. Sexual violence describes the deliberate use of sex as a weapon to humiliate and harass another individual and to demonstrate power over him. Sexual violence is generally perpetrated through direct physical contact but it may be manifested in indirect forms where direct physical contact may not exist, for eg, in cases of eve-teasing, sexual harassment at workplace because of a hostile work environment, etc.

There are several determinants of sexual violence in the society. Unequal power relations in society, cultural practices and ideology, control of women's sexuality patterns of conflict resolution and the dichotomy between public and private sphere all perpetuate sexual violence.

Sexual violence is all pervasive and manifests itself in a number of forms which exist in all institutions of life. These diverse forms of sexual violence may be broadly covered under four categories:

- Direct violence, which is most commonly emphasized, eg, rape, genital mutilations, molestation etc.
- Indirect violence which need not involve a direct physical nexus between the victim and the perpetrator, eg, arranged marriages, child marriages etc.
- Repressive violence which is used to suppress political or class movements, eg, sexual abuse of dalit (low caste) women, mass rapes during international armed conflicts etc.;
- Alienating violence which deprives the woman her higher rights as the right to emotional, cultural or intellectual development, eg, marital rape, specific dress code to regulate female sexuality etc.

These broad categories of sexual violence exist at all levels of the society be it in the family in the form of female genital mutilations, incest, pledging of girls, child marriages, marital rape etc. or in the community in the forms of rape, sexual harassment, prostitution etc. and also the forms of sexual violence that are perpetuated and/or condoned by the State such as custodial violence, trafficking for forced prostitution, sexual slavery and sexual violence during armed conflicts.

The consequences of sexual violence are the permanent emotional and psychological injuries apart from physical injuries, which shatter the women completely and disable them fully from participating in the socio-economic, political and other developmental processes. The worst impact of sexual violence is manifested in the absence of human security, which is the integral constituent of development. Sexual violence against women remains a steep barrier to securing human-centered developmental goals and severely hampers the women's potential in the society. Sexual violence may be heterosexual or homosexual but the heterosexual mode of infliction of violence by men on women remains the most pervasive mode. Sexual violence is a complex political phenomenon deep embedded in the socio-cultural milieu. It is one of the most extreme and effective mode of control of women's sexuality in a male dominated world, which simultaneously damages and constrains women's lives thereby maintaining the status quo of gender inequality, subjugation of women and their control.

The word 'sexual violence', is by itself a heinous offence, and also carries a stigma with it which is attached to the person of the victim; adding up to it is the materialistic approach from the bar to impeach the character of the victim. In other words, trivialization of rape crimes is one of the reasons why conviction rates in India are so poor. Investigation and follow-up to the case have no priority whatsoever, even though rape is the fastest growing crime in India.<sup>1</sup> This crime is spreading like an epidemic all over the country, Apart from these; there are lackadaisical attitude of the investigating machinery and the long winding court process which all together becomes a real ordeal for the already traumatized victim.

Efforts have been made to define the incidents of sexual violence against women in different ways. Someone considers it gender-based violence, so anyone sees it linking with human rights. In feminist thinking, where liberal feminist thinkers talk of freedom, equality and right to vote, the same radical feminist thinkers consider the reason for the exploitation of women as social structures. Marxist thinkers consider economic reasons.

It is clear from the above definitions and the theory that there is not a single reason for incidents of sexual violence, whether there are political equality and freedom of liberal feminists, social equality, gender equality of radical feminist thinkers and whether the economic aspect of Marxist feminist thinkers. To reduce the incidents of sexual violence, the above reasons must be addressed. But this entire work is done by means of an institution that is called the state. The state is an institution through which every class of society is empowered. The State strives to reduce crime in society through institutions like its police and judiciary. But where is the matter of sexual violence against women both institutions do not perform their responsibilities properly. The state police, where should have an obligation towards the public, have become accountable towards their senior officers and politicians today. As it is clear from diagram 4.13. The same situation is in the judiciary today. The victims have to wait a long time to get justice.

According to NCRB report 2015, there are 137458 cases of sexual violence, especially cases of the rape pending in India, in which the trial of 18764

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<sup>1</sup> "Rape is not a Metaphor", India Today, 25th November 2013.

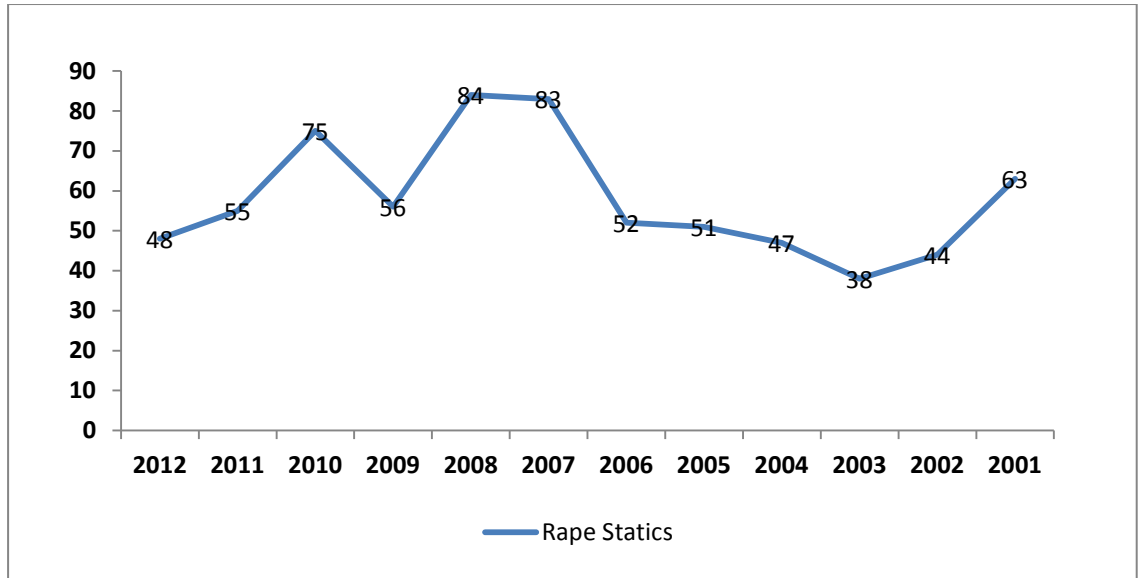
cases was completed and out of 18764 cases in 5514 cases criminals were found guilty and in 13350 cases criminals were acquitted. If we look at the percentage, the accused was found guilty in 29.4 percent cases and in the 70.7 percent cases accused was acquitted. Similarly, if we look at the NCRB report 2016 there are 118537 cases of sexual violence pending in India, in which the trial of 18552 cases was completed and out of 18764 cases in 4739 cases criminals were found guilty and in 13813 cases criminals were acquitted. If we look in percentage, the accused was found guilty in 25.5 percent cases and in 74.5 percent cases the culprit was acquitted.

From the above analysis, it is obvious that for some reason the offender is easily acquitted or he comes out in bail. According to NCRB Report 2015, 3025 cases of sexual violence were registered in 2015 in Uttar Pradesh, out of which in 2963 cases the victim knew the accused. In 2016, 6774 cases of sexual violence were registered out of which 90.7 percent cases victim knew the accused.

Uttar Pradesh is a state of north India. The capital of this state is Lucknow. According to census 2011 it is largest state of India and its total population is about 19.98 Crores in which men population is about 10 Cr and women population is 9 Cr. The population of Uttar Pradesh forms 16.50 percent of India in 2011 and Sex Ratio of this state is 912 and total literacy rate is 67.68 % in which men literacy rate is 77.28% and women literacy rate is 57.18%.

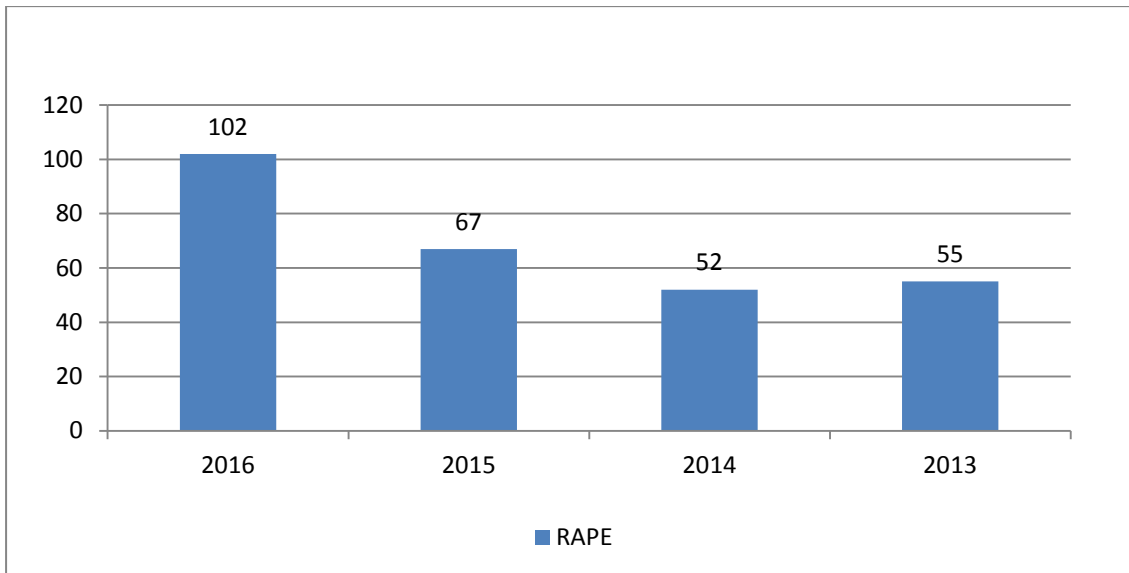
Besides being a very populous state, Uttar Pradesh also has some of the poorest development indicators, especially with regard to the status of women and girls. According NCRB Uttar Pradesh recorded 14.5% of the total cases of crime against women, it accounted for 12.4% of the total numbers of the rape cases.

Led by Madhya Pradesh and Uttar Pradesh, the incidence of rape registered a sharp increase in India in 2016—part of a general spike in crimes against women, according to annual figures released by the National Crime Records Bureau (NCRB).



Source- Explore Neighborhood

**Figure- 1 Rape Statics of Lucknow from 2001 to 2012**



Source: NCRB-2016

**Figure- 2 Rape Statics of Lucknow from 2013 to 2016**

If we look at Figure 1, it seems that there has been a decrease and increase in the incidence of rape cases in Lucknow from 2001 to 2012. But if we look at figure 2 it is obvious that incidents of sexual violence in Lucknow are continuously increasing. There were only 55 cases of rape registered in the year 2013, but in 2015 this number has increased to 67, in 2016, this number has doubled (102) from 2013.

## RESEARCH QUESTIONS

- What are the main underlying factors behind increased reporting of sexual violence against women in Lucknow.
- What is the process of judiciary system when charge sheet is submitted?
- What are the weakness factors, which influence police and judicial system regarding the sexual violence case?
- How can understanding the intersectionality of gender, Class and Caste in India illuminate reasons why police in India have inconsistent responses to rape cases in the country?
- Apathy of police system and other governing agencies responsible for it?
- Is patriarchal structure also responsible for it?

## OBJECTIVES

The main objective of this study is to respond to police and judiciary cases on sexual violence against women in Uttar Pradesh. The following are the major objectives of the present study:

- To assess the attitude (effectiveness) of state machinery (police and judiciary) in the case of sexual violence against women.
- To assess the impact of patriarchal culture on sexual violence.
- To assess the structure of dealing rules (implementation of rules and regulations) and reaction (responses) of the authorities (Police & Judiciary) in different cases.
- To study the role of police, administration and judiciary in cases of sexual violence.
- To study the behavior of family members and society towards victims of rape.

## HYPOTHESIS

Hypothesis is a tentative assumption made in order to draw out and test its logical or empirical consequences. According to O'Neil (2010), research questions and hypothesis provide a sound conceptual foundation for a research project.<sup>2</sup> According

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<sup>2</sup> O'Neil, h. (2010), How to Defining your research questions and hypothesis, available at <http://science.dodlive.mil/2010/10/04/defining-the-beginning-importance-of-research-questions-hypothesis/>, accessed on 10 January 2018.

to Stuermer (2009), developing research questions and hypothesis is the most important task in your research project as it influences every aspect of your research including; theory to be applied, method to be used, data to be gathered and unit of analysis to be assessed etc.<sup>3</sup> Well thought out research questions provide focus to a researcher and determine what, when, where and how the data will be collected and provide an important link between conceptual and logistic aspect of research project.<sup>4</sup> They also affect the manner in which tests must be conducted in the analysis of data and indirectly the quality of data which is required for the analysis. The hypotheses of the present study are:

1. There is significant effect of attitude of state machinery (police and judiciary) on sexual violence
2. There is significant effect of patriarchal culture on sexual violence
3. There is capable structure of dealing rules and regulations, and responses in case of sexual violence

## **RESEARCH METHODOLOGY**

The word research describes a careful, systematic, patient study and investigation in some field of knowledge, undertaken to establish facts or principles. Research in common parlance refers to a search for knowledge. In fact, research is an art of scientific investigation. According to Wallimam (2005)<sup>5</sup>, research is not just about gathering facts without purpose, or presenting information or data without interpretation. Rather is something which is undertaken to find out things in a systematic manner where data is collected and interpreted systematically and there is a clear purpose guiding the enquiry.<sup>6</sup> It involves series of well—planned and carefully executed activities to find solutions to research problems.<sup>7</sup>

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<sup>3</sup> Stuermer, M. (2009), Basics of Scientific work-2. Find the gap, available at [http://www.smi.ethz.ch/education/courses/lectureslides/BOSW-2-research Question. pdf](http://www.smi.ethz.ch/education/courses/lectureslides/BOSW-2-research%20Question.pdf), accessed on 10 January 2018.

<sup>4</sup> Ohab, h. (2010), How to Defining your research questions and hypothesis, available at <http://science.dodlive.mil/2010/10/04/defining-the-beginning-importance-of-research-questions-hypothesis/>, accessed on 10 January 2018.

<sup>5</sup> Wallimam, N. (2005), Your Research Project: A Step by Step Guide for the first –time researcher (2nd edition), sage London.

<sup>6</sup> Saunders M., Lewis P., & Thornhill. A (2009), Research Method for Business Students (5<sup>th</sup> edition), Prentice Hall, New Jersey.

<sup>7</sup> Sekaran , U., & Bougie, R .(2010), Research Method for Business:: A Skill Building Approach (5<sup>th</sup> Edition), Jojn Wiley And Sons, New Jersey.

Research methodology is a way to systematically solve the research problem. It may be understood as a science of studying how research is done scientifically. In it we study the various steps that are generally adopted by a researcher in studying his research problem along with the logic behind them. According to Lundberg (1951)<sup>8</sup>, Scientific method consists of three basic steps: systematic observation, classification and interpretation of data. Through these steps, scientific method brings about not only verifiability of the facts, but also it lays the confidence in the validity of conclusions. Scientific method is the pursuit of truth as determined by logical considerations. In scientific method, logic aids in formulating propositions explicitly and accurately so that their possible alternatives become clear. Further, logic develops the consequences of such alternatives, and when these are compared with observable phenomena, it becomes possible for the researcher or the scientist to state which alternative is most in harmony with the observed facts. All this is done through experimentation and survey investigations which constitute the integral parts of scientific method.

The proposed study would be empirical in nature; qualitative as well as quantitative technique will be used in this study. Both primary as well as secondary data, relevant to the study will be collected. Survey method will follow for this study. By following snowball sampling of Uttar Pradesh from 2014 till 2018. Primary data will be collected through detailed and comprehensive questionnaires with the help of schedule method, whereas secondary data through, Government bulletins, gazettes, District statistics survey report, journals, Magazines, published books, government documents reports (NCRB, SCRB) and papers released by Government of India and Uttar Pradesh and other different national organization bodies on the related topic including books journals and newspaper readings relevant to the research.

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<sup>8</sup> Lundberg, G.A. (1951), Social Research, Longmans Green & Co., New York.

## **CHAPTER PLAN**

The study is organized in six chapters. List of referred books, reports, journal and magazines is given at the end as per alphabetical order.

### **1- Introduction**

In the first chapter, the Definition of sexual violence, types, and reason for sexual violence and brief historical details of the women condition, etc. have been presented. Along with the review of literature related to sexual violence, along with a brief description of the purpose of the research study, hypothesis, research methodology and technique, study area and research chapter has been presented.

### **2- Theoretical Discourses on Sexual Violence**

The second chapter of the thesis 'Theoretical discourses on sexual violence' explains the meaning and definition of sexual violence. Along with this, sex, gender, sexuality, patriarchy, violence, sex-gender system, determinants of sexual violence and dimension of sexual violence have also been defined and also explained the interlinkages between them. In the thesis presented, the main theories of feminism as-liberal, socialist, Marxist, radical, black feminist theory and their main supporters such as Marywallstoncraft, James Stuart Mill, Harriet Taylor, Simon du Bua, and Alice Waqar's thoughts and theories have been explained. The liberal feminist thinker promotes gender independence, equality and right to vote. The main goal of socialist feminism is to end all exploitation of the present social system. And to create a society in which both men and women can be socially relevant. the Marxist feminism thinkers believed that the main reason behind the exploitation of women is the economic aspect.

Radical feminist thinkers consider the reason for the exploitation of women as our social system and patriarchy. They believe that the roots of women exploitation are in the patriarchal gender system. Black feminist theory, which Alice Walker and Barbara Smith, support, believes that this feminist theory does not see the situation of black women. Their main purpose

was to develop such a theory that can understand the simultaneous effects of racism, genderism, racism, and classism, etc. on their lives.

### **3- Women & Sexual violence in India**

In the third chapter of the thesis 'Women & sexual violence in India', the crimes against women were analyzed at the national level. In this, between 1991 and 2014, the statistics of rape, kidnapping & abductions and dowry deaths were analyzed. Apart from this, the comparative study has been done of incidents of rape in various states between 2013-2018. Uttar Pradesh is second only to Madhya Pradesh. In this chapter, incidents of sexual violence in Uttar Pradesh and Lucknow have also been studied.

### **4- Women as victim of sexual violence in Lucknow : A case Study**

In the chapter four of the thesis, 'Women as a victim of sexual violence: A case study ', the data collected from female respondents in the field survey has been analyzed. Along with the reasons related to the incident of sexual violence happening in Lucknow, the three hypotheses have also been examined.

### **5- Role of Police & judiciary in Uttar Lucknow: A critical Perspective**

Chapter five covers the role of police and judiciary of Lucknow in criticized way. How both the police and the judiciary in Lucknow are not properly discharging their duties and an unconscious attitude of police in serious crimes such as sexual violence and discriminatory decisions of the judiciary in such cases have a very negative effect on sexual violence. Along with this, the POSCO Act 2012 has also been explained in this chapter.

### **6- Conclusion and Suggestions**

In the final chapter 'Conclusions and Suggestions' of the thesis, a discussion of the findings from the various chapters of the thesis has been presented. At the same time, the suggestion for improvement of police and judiciary in the context of sexual violence has also been presented at the end of the thesis.

## CONCLUSION

Submitted thesis mainly focused the responses of police and judiciary of sexual violence cases of Lucknow district of Uttar Pradesh. The main purpose of the research is to look at the response of police and judiciary in cases of sexual violence in Lucknow district as well as to examine the hypothesis of research studies which has been found to be correct on an empirical basis. As the first hypothesis, “*There is significant effect of attitude of state machinery (Police and Judiciary) on sexual violence*” corrected. It is clear from figure 4.12(a), 4.12 (b), 4.12(c), 4.13, 4.15, and 4.17 of Chapter 4 of the thesis that the negative attitude and the tendency of loitering of the police and the judiciary play an important role in raising the cases of sexual violence. According to Figure 4.12(a), it is clear that the attitude of the police remains negative in serious crimes like sexual violence in the Lucknow district. According to figure police took 2 to 3 days to register 40 percent of the cases, 3 to 7 days to register 5.88 percent, one week to register 6 percent case and in 3 percent cases police did not lodged the report. According to figure 4.12(c), In the case of 7 percent cases, the victim has not filed the case due to a lack of faith in the police and judiciary. It seems to be a question mark on the discharge of the responsibility of any such police and judiciary. It is clear from Table 4.13 that 75 percent of the respondents said that the insensitivity of the police places serious crimes such as sexual violence in society. According to figure 4.15, in 42 percent of the victims admitted that the police attitude is uncooperative with them, in 13 percent of the cases, the police attitude is threatened and in 34 percent of the cases are loitering; only 11 percent of the victims admitted that the police attitude is cooperative with them.

The unnecessary delays of the judiciary also have negative implications for sexual violence. It is clear from table 4.12(b) that 68.23 percent of cases are pending. In 9.41 percent of the cases, the culprit has been convicted and 20 percent of the cases have been acquitted. Therefore, it is clear from the above data that the attitude of the police and the judiciary is not cooperative in the capital region like Lucknow; its direct effect is very deep in serious crimes like sexual violence.

Second hypothesis” *There is significant effect of patriarchal culture on sexual violence*” also Proved true. It is obvious from the figures 4.14 table that social

institutions such as patriarchy still dominate in society. As far as the incidence of sexual violence is concerned, 54 percent of the women believe that the elder men of their family had refused to register a complaint. While 23 percent of women believe that no one has stopped them. The same 23 women do not know about this. It is obvious that despite being Lucknow's capital region, whose literacy rate is 84.72 percent; social status like patriarchy is dominated.

Therefore, it is clear that the negative role of patriarchy in the case of sexual violence has a wrong effect on society. This negative role of patriarchy can be seen more where the incidents of sexual violence are carried out by members of the family.

The third and final hypothesis of the research is “*There is capable administrative structure, rules and regulation for dealing with cases of sexual violence*” also proved true. Those institutions are capable which set up to deal with the cases of sexual violence. It is clear from figures 4.16 of chapter 4 of the thesis that 69 percent of respondents believe that sufficient law has been created to prevent incidents of sexual violence. Like the Sexual harassment Act 2005, POSCO Act 2012, etc. But due to their lack of proper implementation, incidents like sexual violence in society continue to occur.

In conclusion, it can be said that the responses of the police and the judiciary to the sexual violence in Lucknow district are as follows -

- 1- The main reason for the increasing incidents of sexual violence is still the lack of education and awareness in the rural part of Lucknow. Because of which women and girls do not know about sexual violence and about the laws related to them. Taking advantage of that, many people in society carry out serious incidents like sexual violence.
- 2- One of the important causes of sexual violence is that of the Indian social system - caste, religion, sect, etc. on their basis promote sexual violence with Women.
- 3- An important reason for sexual violence with women is also economic, political, and backwardness. Because economically weaker women feel helpless to themselves. If you look at the data of Table 4, it becomes clear that most of the sexual violence case has happened with the financially vulnerable. The economically affluent people of the society also take advantage of this, and after having done the events, they lure money and compromise with the victim.

- 4- The police and the judiciary's responses to the incidents of sexual violence are also responsible. Today the police and judiciary are not autonomous in the context of serious incidents of sexual violence. Different types of pressure are put on them, due to which many complaints cannot be registered. The victim has to struggle a lot in filing a complaint. Even in the judiciary, convicted criminals do justice on their side with the help of money.
- 5- Due to the police's neglect and discrimination, the increased incidents of sexual violence against women have increased.
- 6- Even the government institutions like the police and the judiciary's loitering and due to economic and political access to the culprit, lack of lodging of the complaint, crime also increases.
- 7- Women and girls suffering from sexual violence do not register complaints due to respect and dignity of themselves and their family in the society.
- 8- Due to the men's mentality (patriarchy) in society, members of the family do not complain because of fear of losing their social status in society.
- 9- Most incidents of sexual violence have occurred with low age (0-25) and unmarried girls (63%) in the Lucknow district.
- 10- Most of the incidents of sexual violence have occurred in the work area/field/ police station/hospital (38%) in the victim's house (29%), in the house of the culprit (13%).
- 11- Most of the incidents of sexual violence are done by knowing the people of the victim (Table 4). Most of which is done by neighbors (55%). After this, the near relatives and close family friends of the victim are involved.
- 12- There are many reasons for the occurrence of sexual violence. Sexual desire is a major cause. In 56% of the cases, the victims have admitted that sexual desire was as a major reason behind the incident.
- 13- The response of the judiciary to the incidents of sexual violence is very negative. Most cases of sexual violence (70%) remain pending. It is clear from the figures that till now the culprit has been acquitted in 20% of the cases which have been settled. And in 9% of the cases, the culprit has got punishment. Due to a load of cases in the judiciary, the settlement of cases is more time-consuming. With this, the accused does not realize own mistake and increases the incidence of sexual violence.
- 14- If the police and the judiciary work with their full capability, the cases of sexual violence can be settled in less time, as 69% of the victims believe that both the

police and judiciary institutions are fully capable of dealing with cases of sexual violence. But due to many external political, economic, social, pressures, both the organizations have not been able to properly fulfill their obligations. By which the criminal's morale increases and they believe that he will be saved. This same mentality towards the administration of the criminal increased the number of crimes.

**15-** The increasing influence of modern scientific technology and social media has both positive and negative effects on sexual violence. Today, where social media and technology have succeeded in reducing crime, on the other hand, using these modern resources is also being used to eradicate the evidence by criminal or to distort misinformation that promotes sexual violence is.

## **Suggestions**

In view of the rise of sexual offences and the ordeal that are being faced by the victims, certain corrective measures may be introduced which may go a long way to obliterate such thorns in the path of justice for the hapless lady.

There are two types of suggestions related to sexual violence-

- 1.** Short terms (Institutional reforms)
- 2.** Long terms(Social and Infrastructural reforms)

Short terms (Institutional reform) basically related to rule and laws of police and judiciary reforms and coordination between them.

(1) First Information Report must be registered as soon as the victim or her family members or relatives lodge the complaint to the officer-in-charge of the police station,

(2) The police officer who refuses to register the case on the basis of written complaint should be punished or a departmental proceeding should be initiated against him/her for the dereliction of duty.

(3) The investigation of sexual violence cases is to be conducted by lady police officer as far as possible.

(4) The statement of witnesses including the victim must be recorded under section 164<sup>9</sup> Cr.P.C.

(5) The statement of the witnesses(s) which were recorded under section 161<sup>10</sup>, Cr.P.C. must bear the signature of the witness, for this purpose amendment of section 161<sup>11</sup>, Cr.P.C. is an urgent need, as suggested by Justice Malimath Committee.

(6) Ossification test of the victim must be made within three days from the date of registration of the FIR.

(7) Separate investigation cell should be constituted for every district for investigation of rape or other allied offences relating to sexual assault.

(8) Medical examination of the victim must be made within 24 hours of registration of FIR.

(9) Wearing apparel of the victim and the accused must be seized and preserved.

(10) Involved wearing apparels must be sent for chemical examination to match the semen of the accused with the semen available on the wearing apparel of the victim.

(11) Investigation must be completed within thirty days from the date of registration of FIR.

(12) The name and addresses of the witnesses must be written in the charge-sheet in block letters.

(13) Proper initiative should be taken on behalf of the prosecution to bring the witnesses on the date fixed for recording of evidence.

(14) Protection must be given to the witnesses so that he or she can disclose the actual happenings in court without fear or favour.

(15) Actual expenditure for to and fro journey to the court must be given to the witnesses on the day when he or she attends the court to adduce evidence.

(16) The victim is to be examined by the lady doctor & far as practicable.

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<sup>9</sup> <https://indiankanoon.org/doc/497457/>

<sup>10</sup> <https://indiankanoon.org/doc/447673/>

<sup>11</sup> Ibid

(17) The doctor cannot refuse to conduct the medical examination of the victim. If he or she refuses to examine the victim, it should be treated as a serious dereliction of duty,

(18) The police officer, prosecution and Judges of all levels should be given gender-equality education.

(19) The proper training of the persons or stake-holders or other functionaries of criminal justice system should be given,

(20) Public information and education programme should be introduced at school, college and university level to change the attitude of the members of the society regarding the position and status of men and women in the society.

(21) Proper rehabilitation center should be established for the victims of rape or other sexual offences.

(22) Interest free loan should be given to the victim of rape or other sexual offences.

(25) Self-help services must be created for supporting the victims of sexual violence.

(26) The Government should bear the cost of education and medical expenses of the victims of sexual violence.

(27) The court concerned should be careful enough in ordering reasonable and just compensation to the victim.

(29) The training of judges for gender sensitization must be imparted by the State Judicial Academies in order to eradicate gender bias.

(30) Every electronic media should allot some time every day for telecasting the horrors of the offence of rape or allied sexual offences particularly of child abuse so as to generate greater awareness of the evils.

(31) Trauma center must be established at every district hospital and every medical college & hospital.

(32) The age for sexual consent must be raised from 15 to 18 years for girls irrespective of the fact that she is married or spinster.

(33) Trial of rape cases is required to be conducted by Lady Public Prosecutor and heard by lady Judge, as far as practicable.

(34) Trial of rape cases must be concluded within sixty days from the date of commitment of the case.

(35) Commitment of the sexual violence cases must be done by the Magistrate as soon as the charge-sheet is submitted by the Investigating Officer.

(36) When a person has committed sexual intercourse with his own wife who is living separately under a decree of separation or otherwise, without her consent, shall be punished with imprisonment up to ten years and also liable to fine. Section 376B of the Indian Penal Code should be amended accordingly.

(37) The words "unless the woman raped is his own wife" should be deleted by way of amendment of s. 375 to protect the marital rights of the married women,

(38) Questions of imputations should not be asked without proving the truth of it and accordingly amendment of s. 152 of the Indian Evidence Act 1872 is necessary.

(39) Harassing questions to test the veracity of the victim's testimony or shake her credit by injuring her character should not be asked in cross-examination. For this purpose amendment of section 146<sup>12</sup> of the Indian Evidence Act 1872 is an urgent need.

(40) In holding trial of sexual violence, the mother or other female members of the victim, if mother is dead or unable to move due to physical infirmity, must be allowed to be present in the courtroom in course of recording the evidence of the victim.

(41) The police create such an environment that if any women who women is suffering from sexual violence comes to report, then she has confidence that her complain will listen and that there is no fear or doubt the police system in her mind.

(42) Police should not discriminate to anyone while taking action. It is often seen that a women who is economically, socially, politically weak is discriminated

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<sup>12</sup> <https://indiankanoon.org/doc/130551/>

against, where as a women who is financially, socially and politically wealthy are not treated like that. Long terms suggestions basically divided in two parts-

**1. Social reform**

**2. Infrastructural reforms**

**In social reforms-**

- a) Proper education and awareness should be propagated in the society from every rural village to urban towns and cities to bring change in the mentality of people.
- b) Government should be made special provisions to provide employment to sexual violence victims in private and public sectors.
- c) Collective social consciousness towards sexual violence should be made to fight against such crime. Attitude of Society should be more positive with sexual offence victims.
- d) Our culture should be more adaptive to such offence victims
- e) Community consciousness through community participation should be made to boost the morale of such victims that they can leave normal and happy life.
- f) For proper rehabilitation Non state actors and NGO's should come forward to improve the life of such victims. Such NGO's and Non State actors should share their methods and technique which have been very effective in this direction.
- g) Values of patriarchy should be weakened. People should move forward from conservative values, traditions and practices which are obstacle gender inequality. Roles and Contribution of women and Girls must be recognized in society. They should be offer many responsibilities that they can enhance their well-being.
- h) Self-defense technique and others such arts should be taught from early education that they can make them self-dependent to protect her in bad situations.

### **In infrastructural reforms-**

- a) Age old infrastructural of police and judiciary should be removed and according to time highly advance techniques and tools should be introduced, which are capable in tackling such crimes.
- b) Now in the time of Internet where everything is available on the fingertips of citizen. Reporting of such crimes should also be hassle free. Government should adopt highly advance technique to file the complaint of sexual violence from any corner without identifying in the matter of jurisdiction.
- c) Every local police station should have enough staff and officers who can manage the filing of F.I.R. and fast redressed of such crime.
- d) Fast track court should work more performing and within a fix time, its capability should be improved.
- e) Free counseling center should be established and maintained in every organization and department where mental therapy to victims of sexual violence can easily provide.