

## The Rapes Go On. How Do We?

**THE WORDS ARE GETTING WORN NOW.** The [rape](#) was horrific, heartbreaking, the criminals are monstrous, animals, the administration is apathetic, inadequate, the punishment should be [castration](#), lobotomy. TEHELKA's past coverage of Delhi police's response to [rape](#) gutted any vestige of faith in the system to redress, much less protect against or deter [gender crimes](#) — because [rape](#) is never just about sex. This, despite the implementation of gender sensitisation training modules for cops in the Capital over a decade ago, which petered out in the absence of political will. Can nothing change? What happens then to the outrage we feel when a 23-year-old paramedical student from Dehradun is raped by six men on a bus, hammered with an iron rod, and tossed out on the road to die? Does the anger and anguish get lost in the warp of our social fabric, too slender a skein to assert itself? We spoke with lawyers, activists, policymakers, writers and thinkers in an attempt to trace the patterns of [rape](#) and to unravel its insidious design. With the hope that our outrage will stand out against the bold, brazen and repeating motif of misogyny.

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## 5 Reasons Why The Rapes Won't Stop



### 1. THE MEN WHO HATE WOMEN

**Honour killings**, female foeticide, dowry deaths, acid attacks, public stripping and parading, eve-teasing, sexual assault — these are just some of the ways in which men in our country express their hatred for women. Some form of misogyny is endemic to every [society](#), but in India, men get away with persecuting, abusing and raping women with a sense of glory and of celebrating their manhood. As activist

Gautam Bhan says, the root cause may lie in the dangerous mix of impunity and entitlement at the core of contemporary masculinity in our culture. “Men are not born biologically violent. We make them so. Boys and men are raised in our [society](#) to think that we are men because we demand, we take, we win, we conquer.”

The “she asked for it” narrative is so deep-rooted that all discussions about the issue of violence against women address the behaviour of women rather than the perpetrators. Even the National Commission of Women (NCW) issues advisories about how women should be careful of what they wear. The perpetrators are often protected by their Khap, or clan or family. As the reported cases of rape in our cities climb up, they point towards a reaction of a patriarchy towards women stepping out of their prescribed domains. Lawyer Rebecca John says, “There is a baser male element that seeks to exercise power over women; and what better way than raping her. It's a

power equation where men want to tell women that they are ultimately the masters of the universe.” This power equation is established as much on the streets and public places as on the domestic front where the woman is always a second class citizen. Marital rape, child abuse and sexual violence remain taboo topics, even though statistics point out that more than 80 percent of rapes committed in India are by known perpetrators.



## 2. THE SYSTEM CLOSES RANKS

**The Guwahati** street molestation incident is a case study for the complete failure of governance, of the victim who was let down as much by the system as she was by society. First, the calls to the local police station were not answered; the search for suspects began two days after the incident when there was already a public outcry and the video went viral. Later, the statements of the police were deeply insensitive, the chief minister used it to score off his political rivals and, unforgivably, the NCW revealed the identity of the victim to the media.

Akhila Sivadas of the Centre for Advocacy and Research points out that there is no responsibility charter in place for the safety of women and those loopholes need immediate attention in the wake of the Delhi case. The State continues to play a passive role in tackling these issues. In Delhi, women live with a curfew sanctioned by the CM, who says that women should be home by a particular time, because she cannot secure the streets. Women have to live with a constant threat and calibrate their actions with an enormous amount of calculation: should I go out, where should I go, how should I dress. Author Nilanjana Roy says, “There is no basic safety for a lot of Indian women. You are not safe at home and you’re not safe on the streets, where are you safe? The women in this country have a huge amount of fighting spirit, but we’d rather not be fighting every day.”

## 3. JUSTICE: DELAYED AND DENIED

**The speedy** justice that is being demanded in the Delhi case is an exception backed by political will. Otherwise, figures from the National Crime Records Bureau (NCRB) tell a damning story of a 26 percent rape conviction rate for 2011, which means that fewer victims receive justice as the rate for conviction in rape cases declines in India, even as our laws related to sexual assault and rape cry out for a relook. The conviction rate is just

another reason why victims are reluctant to go to court and rapists are undeterred. Lawyer Rebecca John lays emphasis on the imbalance in the system. “You have 26 special courts set up in Delhi that look at corruption on a daily basis. This puts a strain on an overworked criminal justice system. Regular criminal courts have to look at 30-40 cases every day. At any point, there’ll be 100 rape cases at various stages. Corruption is important, but it doesn’t affect real lives the way rape does.”

Gender crimes are imprecisely defined under the law, lacking responsiveness to culturally specific ground realities. Lawyer Madhu Mehra points out a particular instance — the practice of publicly stripping and parading women. “This is not mentioned as a heinous crime under the graded category of outraging the modesty of a woman. If you manage to grade sexual assault, you’ll see the types of crimes that are peculiar to our subcontinent and then decide appropriate punishment. You can’t leave so much to the imagination.”

## 4. ITEMISED: TRADING ON STEREOTYPE

**Violence against** women does not occur in isolation. As much as we reassess the legal and administrative breakdown, the role of popular culture, of films and media in objectifying women and perpetrating gender prejudices cannot be discounted. When young boys talk about women

through their body parts, we overlook it by justifying that boys will be boys; when films tell us that it's alright to tease women, we accept it as entertainment; when television shows and advertising peddle stereotypes, we do not even question them. Psychoanalyst Sudhir Kakar says, "The propagation of the idea of the body as a field of entertainment by the media and entertainment industries is nothing short of a perversion."

The Delhi Police ran an ad campaign recently with Farhan Akhtar where he urges men to protect women with the tagline 'Be a man'. "Women don't need men to protect them. We need to fight the idea that the blame lies with the woman," says Kavita Krishnan of All India Progressive Women's Association. The brainwashing is pervasive. Independent filmmaker Onir says of plotlines and characters in Bollywood, "They are suggesting that women being molested is entertainment. You treat her badly, you humiliate her, but at the end of the day she will come around."

## 5. I, ME, MYSELF

**Urbanisation** and a weakening notion of community and culture has played a significant role in the rise of crimes against women. Metros like Delhi, Mumbai and Bengaluru are important commercial centres where millions of migrants from different social, cultural and economic backgrounds settle. Says Akhila Sivadas, "Cities are losing equilibrium and bursting at the seams. There is no sense of community, we all live in anonymity. It's the 'I' phenomenon at work." The economic disparity, in turn, means there is anger, which is frequently expressed through sexual offences against women. What adds fuel to the fire is that our idea of urbanisation is mock pastiche of the West. Kakar says, "The idea of full equality of women and their social emancipation, especially in the erotic sphere, is to be welcomed and advanced with all the strength at our command. But by putting this idea into practice through clumsy and feeble imitation of western mores of fashion, beauty and sexual conduct only diminishes the power and desirability of the idea, makes it appear superfluous, cheap and ludicrous."

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# 5 Things We Can Fix

Illustrations: [Anand Naorem](#)



## 1. SENSITISE, DON'T STIGMATISE

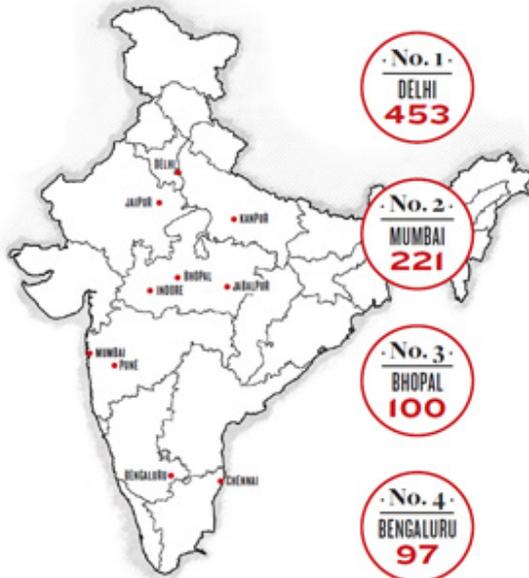
**The loudest** rallying cry was for better training of the personnel manning the frontlines, the government physicians, the constables and SHOs certainly, but also for bolstering secondary lines of engagement, the petty bureaucrats, the support workers at shelters and

counselling centres. Lawyer Tridip Pais has witnessed firsthand, "the court staff, typist and the defence counsel treat rape cases as salacious gossip." To surrender to the notion that some people cannot be taught, that their attitudes are too deeply inculcated, is to buckle at the first obstacle. While the private domain of the home is harder to access, a classroom can be located in a pre-school or a police station and even in a TV station.

As Karuna Nundy, a lawyer, analogises astutely, "We've been thinking of the Dalit boy sitting in a corner of the classroom, who sees a cartoon that's discriminatory. Think also of the girl who only sees Maharani Laxmibai and Sarojini Naidu in her history books." A curriculum that champions the concept of gender equality and demonstrates it forcefully and evocatively, could be the most effective weapon. As Mallika Dutt, president of the NGO Breakthrough, says, a rejection of the male protectorate doesn't mean that women can't collaborate with men, "not just as perpetrators of violence against women, but as part of the solution to challenging the secondclass citizenship that women experience in their homes and in the public space"

# RAPE CAPITALS

Top 10 Indian cities with highest incidents of rape in 2011



No. 1  
DELHI  
453

No. 2  
MUMBAI  
221

No. 3  
BHOPAL  
100

No. 4  
BENGALURU  
97

No. 5  
JAIPUR  
92

No. 6  
INDORE  
91

No. 7  
PUNE  
79

No. 8  
CHENNAI  
76

No. 9  
KANPUR  
71

No. 10  
JABALPUR  
64

## HANG THEM? COUNTRY-WISE PUNISHMENTS FOR RAPE

**US** Rapes involving violence accrue a sentence of life imprisonment and in some states castration is an option

**UK** If found guilty, a rapist is liable for a maximum sentence of life imprisonment

**RUSSIA** Violent rape draws a punishment of 4-10 years imprisonment

**FRANCE** Maximum punishment for rape, under extreme circumstances including the case of a minor, is 20 years imprisonment.

**AUSTRALIA** Maximum sentence is seven years

**CZECH REPUBLIC** Surgical castration is an option offered to sex offenders to escape life imprisonment

**SOUTH KOREA** While the maximum sentence is 15 years, a bill is pending to allow for castration of rapists

**SAUDI ARABIA** Death penalty

**INDIA** Imprisonment for a term not less than seven years, but which may be for life and shall also be liable for fine

## DELHI: COPPED OUT

POLICE STRENGTH	POPULATION
76,000	1,70,00,000
COPS:VIP	COPS:CITIZENS
3:1	1:761

## 2. I'M NOT EVE, IT'S NOT TEASING

Lawyer Madhu Mehra is rightly strident in her criticism of the letter of the law. When only penile penetration gets classified as rape, and other brutally intrusive sexual assaults (like the one the young woman in Delhi was subjected to) are downgraded to “an outrage of modesty” — a charge carrying a maximum sentence of two years — the law becomes an obstruction to justice. Coily couching rape in subjective terms like modesty and chastity makes a woman a vessel of uncertain virtue, to be graded by another’s moral cadences.

The vocabulary for rape has to be explicit, even when it is deeply discomfiting, because each veneer of propriety adds a layer of sexism gratis. When the self-aware and confident writer and blogger Meenakshi Reddy Madhavan realised that the ditty boys beeping on car horns in Delhi was code for “*Pakad, pakadke chod do*” (Catch ‘em and fuck ‘em), it still took her a while to recognise it for the violent, hateful threatening behaviour it was. There are so many allowances made for that sort of expression (rapper Honey Singh is a case in point and, hopefully, soon will be a case for the judiciary), that it can only be countered in precise, unequivocal language. Eve-teasing is sexual harassment and abuse, there is nothing remotely biblical or fun about it.

## 3. ASK RIGHT QUESTIONS, GET RIGHT ANSWERS

The quasi-solidarity expressed by decision makers, the palaver of “whatever steps necessary” and “universal condemnation”, sounds like it comes from the heart, even as leaders sit on their hands. While impounding the specific chartered bus could be a standard step for this investigation, CM Sheila Dikshit’s appeal for an enforcement of a tinted window ban has an uncanny semblance to locking the stable door. A better understanding of the interplay of socioeconomic factors, a trenchant look at the breakdown of community structures in metropolises, analyses of structures that suppress the reporting of rape in rural areas, an examination of the efficacy of citizen warden programmes like the one ex-cop Kiran Bedi had initiated, could help make real headway. Commission research, as Nilanjana Roy says, on how imbalanced male-female ratios can impact violence, chart the districts that have registered a decrease in gender violence and isolate the changing variables, publicise rigorously vetted findings and base policies around them.

## 4. PUT YOUR MONEY WHERE YOUR MOUTH IS

**A report** published by the NCW in 2001 on the need for gender sensitisation training modules for police officers, didn't differ substantially in content or conclusions from TEHELKA's sting operation conducted on 30 senior cops in Delhi-NCR. But the public money earmarked to combat these entrenched attitudes has had a fallow outcome. Lawyer Madhu Mehra's strategy is to use the funds allocated to combat what she terms 'gender terrorism'. "Make announcements about what kind of behaviour is to be reported. Loud, clear messages not just on TV, but at airports, bus stops, schools, again and again, till they are ingrained."

Nundy also says money can serve a moral purpose, though she suggests channelling it through the civil courts, so that women can seek compensation for psychological and material damage in a forum easier to navigate. She also suggests an innovative system of incentives, where positive behaviour in the criminal justice system towards Dalit women, lesbians and sexually active women wearing skimpy clothes should be recognised and rewarded.

## **5. MEASURE YOUR RESPONSE**

**The response** to this rape, to this attempt to murder, has been so heartening. If you can ignore the sadistic streak that runs parallel to the level reactions, which are in no way less impassioned for being reasonable. There have been calls to punish the rapists with lynching, staking, burning, forced organ donation under duress, or death by a slow dripping stream of acid. This makes the call for capital punishment sound almost rational. But as several respondents noted, faced with a death penalty, a rapist is more likely to turn a murderer. They disagreed on whether a harsher punishment could be a greater deterrent, or whether the actual gap to be plugged is the implementation. None advocated vigilante justice — punishment must be meted out by the law. Avninder Singh, a lawyer, cautions against the collective flip-flops prodded by a cause célèbre, "A while ago, we demanded the removal of police discretion to arrest people accused of cyber crimes. Now we demand wider powers for law enforcement. Today, a man convicted of rape was not granted interim suspension of his sentence to attend the last rites of his father. Last week, he'd have been."

'Rape is a cultural thing in India; just as the US has gun culture, we have this. Eve-teasing is so widely accepted, as if men must prove their manhood by indulging in it. The police subscribes to the same value system' **Flavia Agnes, Lawyer**

'The police suffers from a statistical approach. You may have failed professionally, but may be successful statistically. The numbers show there's been a marginal increase in rape cases. But many more go unreported' **Kiran Bedi, Former IPS Officer**

'The traditional Indian idea of the body as a temple only provokes pitying glances. Under the onslaught of western superficiality, not its serious underpinnings, we are reverting to primitive barbarism' **Sudhir Kakar, Psychoanalyst**

'You need to stop killing women at birth, so as to not skew the gender ratio. Areas where you have a balanced ratio have lower reports of sexual violence. I don't think hopelessness is a valid response' **Nilanjana Roy, Author**

'We cannot legislate good behaviour, we have to build its DNA —in schools, homes and the media – which must begin by denying that this entitlement and the violence it takes to live it is the only way to be 'men' **Gautam Bhan, Queer Rights Activist**

'The police needs better investigation methods. We don't have proper witness protection programmes, or the best prosecutors — though the victim's lawyer being allowed to be present now helps somewhat' **Karuna Nundy, Lawyer**

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