



India, women and rape: Shame and slur on the nation's pride

Description

Delhi like any other metro had been resilient even after numerous shocking instances. It has witnessed countless scams, crimes and had its own lion's share of corruption and terrorism. But never has it risen like in the recent times to put a hold to all of it. No, it's not a discourse about the Anna Hazare incident, it had been a boost for Delhi but when it's compared to the authorities' blind eye towards a similar protest by Irom Chanu Sharmila, one could not get impressed at all.

But it is about the Delhi gang rape incident which brought the entire nation together to the doorway of bureaucracy and in one of the rarest of rare instances beyond the barriers of caste, class and most important of all, gender.

After the paramedical student rape case in a moving bus, it is the rape of five-year old by her neighbour that proved that the spark in the heart of the nation had not turned to ash. Speaking of gender, one may counter saying, well, it is a crime on female sexuality, so obviously it was to interest female folk. Then pray, why the instances of brutal rape against ten month olds to five year olds? In what sense does a sick society term those victims sexually alluring?

According to a BBC report in February 2013, around 7, 200 children are raped in India each year. Victims who report such assaults, especially underage victims, are subjected to mistreatment and humiliation from the police. Many a time such minor victims are intimidated by family members not to speak of such crimes in the name of honour or at times the minor victim itself fail to recognize it as a sexual assault and report unless in case of severe pain like it happened in the Goan 7-year old rape case.

No wonder in countries like Cameroon in almost ten regions, the cruel practice of breast ironing has been practiced by the mothers itself for years now so that their girl child escapes sexual abuse and will be allowed to pursue education and her sexuality wouldn't come in its way. It is beyond doubt pitiless and could not be justified on grounds that it is to protect family honour as there is no decrease in the number of girls who got pregnant after fleeing their home fearing the pain. But how far is it malicious, when one looks from the point of view of a concerned mother?

In the case of the 5 year old girl's rape at Delhi, the police refused to file an FIR on the first instance and also tried to pass an alleged amount of Rs. 2000 as hush money to the family of the victim to remain silent. The police even failed to locate the victim locked up in the ground floor of the same building and was subjected to cruelties. In Bulandshahr, Uttar Pradesh women cops allegedly put a 10 year old rape victim in jail when she had come to register a complaint according to *The Times of India* report on April 8.

In most cases, the victim is the one who is ostracized and no one including the family justifies the victim. It is not just a scenario of Afghanistan where girls who flee abuses, forced marriages or rape from a relative (Gulnaz case where she was acquitted of adultery charges after she agreed to marry her rapist), land in prison for adultery or other so-called "moral crimes". But, in India, same instances happen often and go unreported. One must remember the 2005 Imrana case at

Muzaffarnagar, Uttar Pradesh, where the victim was issued a fatwa by Darul Uloom Deoband and other Muslim religious groups asking her to marry her rapist father-in-law and consider her own husband as her son which she challenged before the law.

Rape in India is punishable under section 376 and was amended later more than once. However, marital rape by husband above the age of fifteen is not even implicitly represented in the section. The decision to reject marital rape as a criminal offence on the grounds that it would weaken family ties is the latest move by a misogynic society where physical abuse to torture in order to "teach women to be level-headed" goes unpunished. Even though word "rape" is recommended to be replaced by the term "sexual assault" in India, the crime and the punishment will remain unchanged if no strong legislation is made to widen its purview.

The BBC report *"The rapes that India forgot"* posted on 5 January 2013, talks of incidents ranging from Aruna Shanbaug incident where the rapist that led her to permanent vegetative state roams free after being charged only for burglary; 10 month old raped by neighbour at Delhi; 14 year old Sonam raped inside a police station at Uttar Pradesh; 28 year old Swiss diplomat raped in her own car at South Delhi; 32 year old Manorama raped by soldiers of Assam rifles at Manipur, 65 year old grandmother raped in Kharagpur and more.

Many a time a case requiring capital punishment is reduced to imprisonment on grounds of the age, caste or of not belonging to the "rarest of rare instances". But the sense of fathoming a case based on number of occurrences and not on the basis of depth of cruelty seems unjustifiable. Could this be put in other words like one person is raping his sister and her minor daughter and then killing them and he gets the gallows. If five or ten of other people follow the same trend set by him, and it gets reduced to a common incident and the punishment to imprisonment only, then what makes us believe that hundreds may not follow the same trend and go unpunished due to being a common crime. After all, it is usually household crimes that mostly go unpunished in name of honour or family ties and less stringent punishment means boosted confidence of would-be criminals.

Being women itself or LGBTs spells vulnerability in this country and exists as a dalit on top of it means they are devoid of the same fair trial as their educated, upper caste and urban counter parts. Custodial rapes and alleged rapes by the armed forces are also not uncommon, but on many occasions the cases get dissolved just like that. More instances are reported, the BBC says, were criminals run away with light punishment as they apologise and say that they were drunk when they committed the crime, or say that they were away from their family or had a family or may be that they were upper caste men who could not touch the lower caste women.

Many a time, crimes committed by soldiers in regions where AFSPA is declared goes unpunished or dissolved on grounds that such allegations may shatter the moral confidence of those in the line of duty. But if the guards themselves turn criminals, then who to approach remains a question. On top of that, the comments from people such as Delhi Police chief Neeraj Kumar as *"Women should not go out late at night"*; RSS supremo Mohan Bhagwat as *"Rape happens in India, not Bharat"*; or that of Mamta Banerjee that *"Rape happens because men and women interact freely"* seemingly vindicate the actions of criminals. Besides, they are ill-conceived perceptions reinforcing inequality.

Crimes against women going unreported in rural India does not mean violence against them does not occur. But, it conveys the want of deeper penetration of confidence in the judiciary and awareness about their rights. Being Dalits or economically backward persons coupled with being uneducated exposes them to greater vulnerability. This needs to be understood without being shouted aloud if one knows the pulse of India.

It had been a solace when Justice Verma committee report pronounced all kinds of sexual assault, irrespective of gender, punishable and suggested cases to be dealt with and justice carried out immediately by fast track courts. Even stalking, voyeurism and disrobing was termed punishable up to one year or more. But lowering of age of juveniles and chemical castration was recommended against, which may become a set back while punishing many cruelest of cruel offences. The passing of anti-rape bill with even stalking and voyeurism inviting up to seven years of imprisonment is another welcome move.

The mere volume of crimes against women in India including eve teasing, acid throwing, marital rape, forced prostitution, genital mutilation, human trafficking, forced pregnancy, domestic violence etc. itself is overwhelming and no anti-rape law could ensure complete protection if the society does not change and attempt to protect girls. Incidents of violence triggered by addiction to pornography are also increasing. As per the recent The Hindu reports *"Internet porn wrecking conjugal*

tiesâ?? published on 16 April 2013 and â??Freedom that must have limitsâ?? published on April 29, 2013, the writers discuss the increasing incidents of violence and divorce cases triggered by the addiction to porn. It also reports New Delhi as the city from which most searches on the word â??pornâ?? had generated.

The Police finding that the rapists of the five-year old Delhi girl watched porn before committing the crime have set off objections against the unregulated media content that gets circulated without scrutiny. India is rated as the third worst country by UN in cases of rape and BBC reports that rape occurs every 21 minutes in India.

According to political activist Brinda Karat however, â??In every 10 hours, a girl of the age of 1-10 is being raped in India.â?• Restriction of girls, from owning a mobile phone to wearing jeans as edicts from the Khap Pachayats or Breast Ironing or genital mutilation are not solutions in a country where the women or girls or LGBTs are not even safe at their own home. But instead an increased police force, an emergency response system, stringent punishments to the culprits and a society sympathetic to its women folk are the only preventions that could work out well.

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