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Crime and punishment

In the early 1970s when nurse Aruna Shanbaug's story pervaded middle-class psyche, sexual abuse dwelt within the dark niches of homes and by-lanes, hardly uttered in 'well-bred' circles and rarely in the national media. Sexually-abused women in India are victims of a culture that places family honour before the victim's trauma and pain. The 'silence about sex' culture has kept many of these sordid stories under wraps, while the few who report the crime often wait decades for justice. The Sexual Offences (Special Courts) Bill, 2010 on the brink of becoming an Act, hopes to change all that, by turning all sexual offences into cognisable offences, with special courts directed to clear cases of sexual harassment within a year. We spoke to activists and lawyers on how far women have to still go to get justice.

Shorten judicial procedures

A procedural change is needed to shorten lengthy sittings in rape cases. Instead, cases should be cleared on a day-to-day basis. Due to long-drawn out cases, most of the initial fervour for justice, and, most importantly, the evidence tends to get lost in transition. Ruchika Girhotra's case took longer because it remained for too long in the police domain. Another worrying factor is that there are no special laws dealing with child sex abuse. Sexual harassment in campuses across the country continues although a few Delhi-based universities have extensive crisis intervention systems.

Bulbul Das

Member, Expert Committee on Law, NCW and

Member, Legal Wing, All India Women's Conference, New Delhi

Norms that restrict

The Indian Penal Code is woefully inadequate to address sexual assault, as it does not consider the different kinds of sexual violence. But, more women are coming forward to report cases. Regarding sexual harassment at the workplace, the judgment of the Supreme Court in the *Vishaka v State of Rajasthan* case came 13 years ago, but we are yet to have a law on it. But, law by itself is not sufficient. Social norms and the sexual nature of the act make it very difficult for women to complain making it easy for the offender.



Geeta Ramaseshan

Advocate and Legal Scholar, Chennai

Changing definitions

Sexual abuse in marriages has to be considered a crime too. The definition of rape has to be broadened; the definition of consent has to take into consideration the “coercive condition” under which the assault occurs. The woman needs support whether legal, medical or counselling, right from the point she approaches the police with her complaint. There has to be a proper compensation and rehabilitation policy. We also need extensive debates with the LGBT community to take into consideration the sexual assault on such persons. Although reportage is more, many women give up because the road to justice is long.

SANDHYA GOKHALE

Member

Forum Against Oppression of Women, Mumbai

Fear of harassment

The YWCA of Delhi has been working on the issue of sexual abuse for years by conducting awareness and training programmes.

We run a short stay shelter home for victimised women, and offer counselling and medical and legal assistance.

Despite increased reportage, young women are afraid of retaliation by the offender, and that their families will be harassed by the offender and the police. The fear of being ridiculed and being branded as a woman of questionable character prevents many from seeking justice.

Anuvinda Varkey

General Secretary

Young Women's Christian Association, Delhi

Tackling attitudes

Blank Noise seeks to tackle attitudes both on the Internet (<http://blog.blanknoise.org>) and on the streets. The collective is based on the premise that street sexual violence/ 'eve teasing' is everybody's concern. We attempt to address the spectators, the survivors and the potential perpetrator. Blank Noise challenges the notion of blame and shame in relation to street sexual violence. Many women don't report such experiences because the responsibility of the issue is put on them; they believe they were at fault and that they 'provoked' a man to aggress upon them. Attitudes are slowly changing, and people are beginning to talk about sexual violence as not restricted to one kind of class or towards one kind of woman. A large part of our work has been to tackle the 'chalta hai' attitude. We see that attitude as the issue itself.

Jasmeen Patheja

Founder-member and project facilitator

Blank Noise, Bangalore