

CHAPTER 6

CRITICAL EVALUATION OF TRENDS IN CRIME AND POLICY EVALUATION

Emerging patterns of crimes against women indicates prevalence of high levels of violence against women both in private and public domains. The increased attention on the extreme forms of violence perpetrated against women was highlighted by the *Nirbhaya case* and it was also highlighted in the international and national forums. This case resulted in the mobilization of the youth against violence which again raised pertinent questions related to laws, culture, and society. The youth demanded tougher laws, competent and sensitive police, protocols for dealing such grave situations, ownership by political class of the reasons of grave crime, mechanism in place, expeditious delivery of justice, safe public spaces and treatment of women as equal citizen of this country as guaranteed by the constitution .

Multitude of interventions in area of legislation, policies and schemes, creation of separate ministry, higher budgetary allocations, creation of institutions, campaigns, media discourse, a separate parliamentary standing committee to monitor progress on empowerment of women have been made by Government in these years to eradicate deeply entrenched gender inequality in the society. As a result of the uproar several institutions and mechanisms have been put in place for review and monitoring. After Delhi gang rape case, many more concerted actions were initiated for implementation of Justice Verma Committee recommendations in many spheres of governance including a very severe new Criminal Amendment Act 2013. The effective enforcement of these various intervention although remains a big challenge for various reasons and in many cases like the new law the time is too short to assess the full impact.

There is a paucity of research evaluating government interventions in prevention and combating crimes against women. Currently critiques are largely available in the

form of recommendations of Parliamentary Standing Committee reports and recommendations by CEDAW review committee on government's reports and reports of civil society working in the area of women rights. The current studies on gender based violence include: Gender Based Violence and Public Health: International Perspectives on Budgets and Policies by Keerty Nakray and also the World Bank's Study On Violence against Women in South Asia (2014).

Emerging problems associated with poor implementation of law includes: rising crime against women, reports of the insensitive and ineffective handling by police, hospitals and courts, gender insensitive remarks by politicians and people in high places and news reports in media of heinous crimes, national crime statistics and reports by national and international NGOs. The inadequacies associated with existing legislative framework, policy and administrative intervention have been categorized include: (i) Procedural Inadequacies (ii) Social-Cultural Factors (iii) Citizenship.

6.1 - MAIN CONCERNS WHICH REFLECT POOR IMPLEMENTATION

6.1.1 Under Reporting

The Supreme Court judgment and various advisories exhorting police to register crime and now mandatory provisions of compulsory registration in the new law, police agencies have not succeeded in inculcating confidence in citizens and more so in women to come forward and report the crime. The police is accused of suppressing crime by not registering the crime which is the first step in the process of administering justice. The National Crime Record Bureau (2013) CAW statistics shows 309,546 crimes offences against women are reported to the police with a significant jump of 26.7 percent from 2012 leading to interpretation that crime in 2013 have increased exponentially. There are contrary perspectives to explain the massive improvement in CAW reporting one which says that there is actually an increase crime against women and another which attributes to improvements in reporting of crime by women victims and police responsiveness. Nevertheless in a nation of 1.25 billion and reported crime, is only a small fraction of the total of crimes as women's status in the country is very poor. Underreporting is supported

by research in the country and worldwide which says that more often than not, cases of violence against women go unreported. For instance, a study based on interviews with 42,000 women across the 28 Member States of the European Union revealed that only 14 per cent of women reported their most serious incident of intimate partner violence to the police, and 13 per cent reported their most serious incident of non-partner violence to the police (UN Women, 2014).

Some of the other issues associated with underreporting of cases in India include: access to police station; intimidating and insensitive behavior; design of police stations, very low presence of women police officials and an entrenched social stigma and cultural tolerance of violence further dissuading victims from reporting attacks (reports of committee and commission on improvement of criminal justice system).

Sexual assaults by men are often not reported owing to fears of further victimization by family, community and police and fear of social stigma and shame. Under-reporting is also due to lower levels of awareness in society, women and even in police who think that violence against women by family is more private issue and be settled in the home itself. In general, police condone sexual violence and women are usually dissuaded from registering cases of sexual violence or even forced to reconcile with perpetrators of crime. This situation can be addressed by an array of measures such as introduction of penal provisions against police personnel who fail to register cases. Often underreporting is linked to government's efforts to maintain public confidence in the safety and security arrangements in the state. Huge underreporting in India is also supported by the response of the victims in NFHS III survey.

One study in Turkey found that 33% of police officers agreed with the assertion that "some women deserve rape" and 66% agreed that "the physical appearance and behaviors of women tempt men to rape." According to the American Medical Association (1995), sexual violence, and rape in particular, is considered the most under-reported violent crime. A 2007 British government report says "Estimates from research suggest that between 75 and 95 percent of rape crimes are never reported to the police." The most

common reasons given by victims for not reporting rapes are the belief that it is a personal or private matter, and that they fear reprisal from the assailant(Johnson, 1998)

6.1.2 Delay in Registration of Crimes

In spite of gender progressive legislation the police is reluctant to register cases as police is guided by their deep rooted cultural biases. Issues of territorial jurisdiction, reluctance to report less crimes, corrupt practices by police makes victim suffer harassment on this account and victimizing them further by causing unnecessary delays. Even in heinous crime like Delhi Gang rape, police had issues with territorial jurisdiction. Ministry of Home affairs has issued an advisory emphasizing the concept of zero FIR to reduce delay on territorial jurisdiction account, but still many citizens face harassment on this account. Police also sees more registered cases as bad reflection on their performance as media portrays it negatively. The registration of FIRs is also viewed as additional work in terms of investigation and filing of reports.

6.1.3 Poor and delayed investigations

Expeditious and effective investigation is the bedrock of any prosecution leading to conviction. Analysis of NCRB data on this shows that in 2013, 72.8 % of IPC crimes were investigated by police and it has declined from 81.6 % of cases investigated in year 1973. NCRB analysis shows that in about 70% of the cases registered for rape, the accused gets acquitted by the courts due to gaps in investigation. This portrays a very sorry picture on the methodology and quality of investigators being employed to investigate heinous crimes against women. The lacunae in the whole system rises from deployment of ill-trained general investigators, already burdened with law and order duties to investigate these cases. They neither have the propensity nor the caliber to prepare a watertight case to get the accused the desired punishment. The whole objective of the Criminal Justice system falls flat due to this inherent organic failure embedded within the system. This issue has been raised by committees and commission set up to review working of Criminal Justice System

6.1.4 Delay in Filing of Charge-sheets in Courts

This happens due to poor investigation, low capacities of investigating officer due to poor training and inadequate competence, heavy work load due to human resource constraints and lack of priority have led to delay in past, but recently due to focus on crime against women, there has been improvements on this front but quality of investigation still remains challenge.

6.1.5 Delay in Trials

Analysis of NCRB data in chapter four shows that the percentage of cases tried to total cases for trial and percentage of cases convicted to total cases tried showed a declining trend over the years. These percentages were 28.8% and 62.0/5 respectively in the year 1973 which went down in 2013 to 13.2 % and 40.2% respectively. There are huge delays even in heinous crime like rape. In year 2013, only 16.6 % of rape cases were disposed by courts leaving pendency of 83.4 % .This data speaks loud and clear about huge delays and pendency. Even in Delhi Gang rape case, appeal is pending in Supreme Court and not a single hearing has taken place.

Although Justice Verma Committee suggested many reforms in criminal justice system but committee failed to address poor and delayed justice delivery as an issue in its report nor does this issue has been effectively raised in other important forums except some remarks in reports and recommendations. A concerted effort to minimize judicial delays through special courts and fast track courts as discussed in chapter two(pertaining to interventions) are needed as more focused interventions . New fast track courts set up by many States after Delhi Gang rape may help in mitigating delays in trials.

Some procedural concerns require reconsideration such as for example, trials for offences under Sections 376A-D of the Penal Code are to be completed within two months from the filling of a charge sheet. However, it is well known fact that trails in these cases go for many years exhausting victims completely. The Delhi rape case is a

prominent example of failure to meet this deadline. In this case, it took over 9 months to arrive at a verdict and now pending in appeal. It could be said that such inadequate judicial practice is tantamount to the denial of justice for victims and create deterrence for perpetrators.

6.1.6 Low conviction rate in cases of violence against women

The conviction rate implies the ratio of cases convicted to the total cases tried and it is sum total of cases convicted and cases acquitted or discharged by courts (Crime in India Chapter 4 NCRB). The low conviction rate is a disturbing reflection of poor implementation and may be an important factor for the increase in crime against women as conviction as deterrence has failed. Reasons attributed for low convictions in many studies and analysis are many like poor investigations, prolonged trials, lack of coordination between public prosecutors and police, victim turning hostile, witnesses not turning up, and frequent adjournments. Conviction rate should be increased through methodical and systematic investigation of cases followed up with time bound judicial action. The NCRB data analysis over the years in chapter four shows conviction rate has remained very low. Court monitoring can be taken up from the time an FIR is filed through an IT based court management system as has been done in Andhra Pradesh which has led to a quantum jump in the quality of police performance in the courts. A pilot project in Vijayawada Commission rate saw a jump in conviction rate from 24% to 58% within 6 months alone through proper monitoring of cases in courts. This improved the ownership of the SHOs and increased their communication involved with the Prosecutors and the victims involved (From Reports of Home Ministry). Sensitization of judiciary and lawyers, low number of women judges and Judges in general, very few number of Fast Track Courts has hampered justice delivery. These shortcomings have also been mentioned in many committee reports. After *Nirbhaya* case many States have created Fast Track Courts for expeditious disposal of women related cases.

FIGURE-6.1**FAST TRACK COURTS SET UP BY STATES ON CASES RELATED TO WOMEN**

Sl.	State	No.	Sl.	State	No.
1	M. Pradesh	9	5	Karnataka	10
2	Tamil Nadu	32	6	Kerala	1
3	Jharkhand	11	7	Punjab	20
4	Odisha	30	8	Assam	3

Sl.	State	No.	Sl.	State	No.
9	Rajasthan	9	13	J & Kashmir	5
10	Pradesh	24	14	Tripura	2
11	Delhi	6	15	Sikkim	1
12	Meghalaya	1	16	W. Bengal	48

6.2. CAPACITY BUILDING AND GENDER SENSITIZATION OF LAW ENFORCEMENT AGENCIES

The police imbibe regressive and biased attitudes from the society which become barrier towards realization of social justice. Gender sensitization training is directed towards changing these deeply held beliefs and values. Poorly designed and implemented training programs are unlikely to result in attitudinal change.

The Parliamentary Standing Committee on empowerment of women in its report in 2013 commented as: "the concept of gender sensitization is now being recognized by all the police organizations and gender sensitization has been made an integral part of basic training imparted to various ranks as well as in all in-service courses. Training on this aspect is also being imparted to the trainers so that they could efficiently disseminate the inherent principles of gender equality to the trainees in various States/ CPOs/ CAPFs on gender sensitization and crime against women. Bureau of Police and Research Development (BPR&D) has also sponsored such trainings during the year(s) 2012-13 and 2013-14. During the examination of the subject by the Committee, it has also come out that the Ministry has constituted a Committee to review the training manuals of police personnel with a view to analyzing the entire gamut of gender sensitization with a new perspective. The Parliamentary Committee did recognize that gender sensitization goes way beyond few workshops and training programs. The Committee suggested that government does need to go beyond superficial gender sensitization measures and initiate more structural reforms. The Committee would like to be kept abreast of the steps taken by the Government to gender sensitize the police organizations in close coordination with the State Governments.

Despite recommendations, the training of police personnel has been accorded low priority by most state governments for two reasons: (i) the available staff are so stretched that there is no time for police personnel to be sent for training and (ii) lack of training infrastructure in most states. In the current training programme, training inputs on gender issues including women specific legislation are inadequate in terms of duration and content. At present, States are spending only 1.64% of their police project funds on training which is totally inadequate. States must spend up to 5% of the budget to improve the training of police personnel.

6.2.1 Poor Institutional and Monitoring Mechanisms

Majority of legislative and policy initiatives are taken by Union government and passed on to States/UTs. Implementation is mainly at States/UTs level which differs in their capacities and capabilities in terms of skills, knowledge, and competence of officials, institutions and political will. Effective coordination and monitoring mechanisms between Centre and States have not been formalized except annual meetings with Chief Secretaries and DGs of Police to monitor and evaluate the implementation of laws and schemes. This point was also raised by CEDAW review committee on India's 2nd and 3rd report to the Committee in their concluding remarks.

6.2.2 National Commission of Women, State Commissions have come into existence for some time now and have contributed in amendment and enactment of legislations, they have not been very instrumental in advocating and protecting rights of women or in effective engagement with women, public, communities and State. Many of appointments in these bodies are political in nature and not of person competent and experienced in area of gender work.

6.2.3 Lack of Proactive Approach: The administration and police most of time reacts to situation and incidents and many times handling is not apt and gets out of control. There is need for more proactive role in prevention, detection and investigation of crime against women and ensuring that there is no under reporting.

6.2.4 Poor representation of women in police force: In crime related issues, police is the first line of interaction among citizen and governmental machinery. Many women abhor the idea of approaching police as they may have to report to male police officers leading to under-reporting, especially in sexual crimes whose percentage is alarmingly increasing every year. Overall, weak police infrastructure in form of inadequate gender representation presents a major practical barrier in effective implementation of the legislations intended for safety and security of women thereby creating impediments in holistic evolution of women confident place in society. The presence of women officers

in higher ranks is also negligible cutting across all central police forces. This is so despite number of recommendations on this issue by various bodies and committees like:

The National Police Commission in its report (1977) recommended that women police need to be recruited in much larger numbers, preferably in the rank of Assistant Sub-Inspectors or Sub-Inspectors of Police rather than in the rank of Constables.

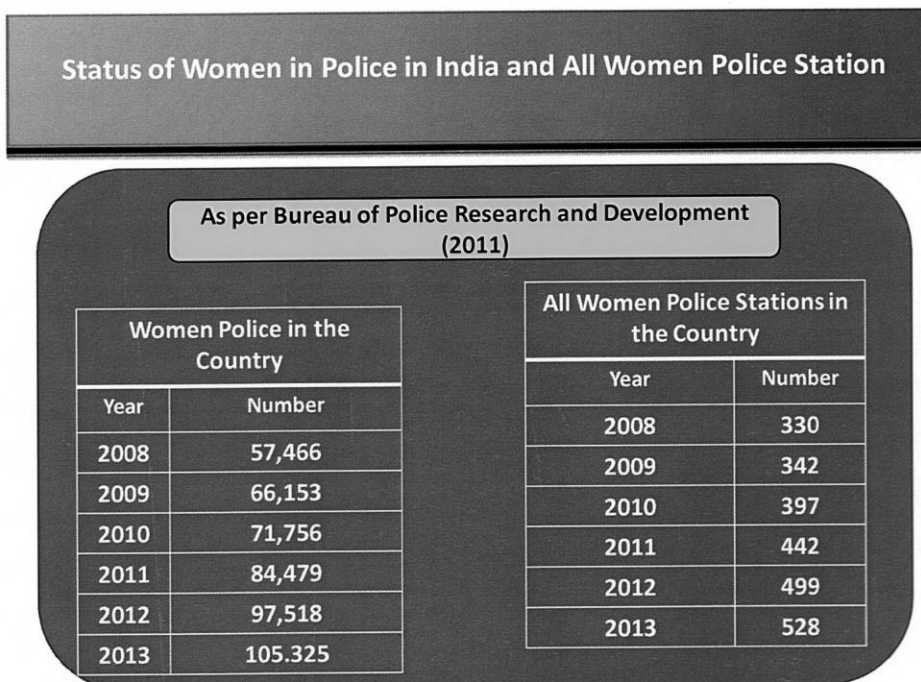
Padmanabhaiah Committee's (2000) recommendations include:-

- (i) Conscious efforts should be made to increase the percentage of women police to 10% in the coming few years.
- (ii) There should be a proper evaluation of the working of "all-women-police stations".
- (iii) In all big police stations, there should be at least 2 women police constables posted.

The National Conference of Women in police have held five such conferences till now and each has made several recommendations on various issues regarding increase in representation of women in police and improving service conditions of women in police. Administrative Reforms Commission, advisory of Ministry of Home Affairs, Parliamentary Standing Committee on Empowerment of women has also made recommendation on this issue for enhancing women representation in police to 33%. Implementation of these recommendations has been slack which is evident in the form of marginal increase in women in police. Police has only about 6% of total as women police force. The target of 33% is distant dream. Only few States like Tamil Nadu, Maharashtra, Odisha have taken concrete measures in this regard by implementing reservation for women in police. The details of women police as on 1/1/2014 are annexed at Annexure I and details of women police and All Women Police Stations from 2008 to 2013 are shown in Table 6.2.

Then there is challenge of work culture and nature of work assigned to women police officer/ Personnel. Many a time, Women in police are not assigned mainstream policing duties which may enhance their visibility in public space. There is considerable work to be done in tackling the culture within the Service, which suggests that women police staff have a less meaningful role to play. As the profile of the workforce changes, so the Police Service must recognize the importance in addressing this. The use of gender specific language by senior and influential figures outside the service continues to undermine the role and value of women in the Service. The challenge for the Police Service and Government is to decide whether the promise of a diverse representative workforce can become a reality. Current evidence shows that at current levels of recruitment and retention it will take 14-30 years to achieve an acceptable gender and ethnicity balance

FIGURE 6.2



6.2.5 *All Women Police Station*

The setting up of specialized All Women Police Stations (AWPS) has been seen as a progressive step as issues like domestic violence, dowry harassment and child abuse invariably end up at police stations and women police by their nature are better equipped to take a sympathetic approach. The principal objectives of the All Women Police Stations are as follows: investigations by the police are expedited and monitored; Family disputes are resolved or compromises reached through counseling; In case of serious crimes; the women police officer makes spot enquiries; examines various witnesses; collects evidence and submits the report with recommendations. Such investigations help in providing immediate relief and justice to the victims of violence and atrocities. Regular contact with the complainant is made to know about her satisfaction regarding action taken and record her comments in daily diary report, which should be submitted to the Senior Officers.

All women police stations have certain inherent problems: their coverage is entire sub-division/district and they are ill equipped in terms of communication and mobility to cover their jurisdiction. For complainants too it is difficult to contemplate filling a complaint with the AWPS when the well-known nearby police station could provide necessary succor. The existence of an AWPS is also a cause for diverting all such complaints to the AWPS by regular police stations which is also not desirable. Counseling to the parties concerned is a major part of the strategy to provide relief to women victims so more focus needs to be given in this regard and there are attendant areas to be addressed such as burnouts in the police personnel and dissatisfaction of complainants etc. The powers and intervention should not be limited to marital disputes and but they could play the role as a specialized agency in addressing all issues including the safety of women through consultations with the schools, colleges, the market associations, the village panchayats, the municipal bodies and can increase its scope by undertaking a variety of community awareness programme. No study has been conducted to evaluate their functioning

6.2.6 Poor police infrastructure: Adverse Police citizen ratio which also leads to stress among police personnel, lack of properly functional *Mahila* help desk, help lines and few number of all women police stations etc. are indicators of poor implementation and also factors for poor implementation. Lack of Sops for handling and investigating these cases is also serious concern on implementation front

6.2.7 Inadequate Forensic Test Facility Infrastructure: Forensic reports are cornerstone of any investigation report and decisively affects the outcome of the case. Forensic test infrastructure facility in form of laboratories and trained personnel at national level and in the States is very inadequate and there waiting period of months in getting DNA test results which adversely affects the process of investigation and causes delay in trial and affects conviction.

6.2.8 Lack of close coordination between the Police and the NGOs: except the *Parivartan* experiment of Delhi police. Predominantly theirs is relationship of suspicion. The lack of synergy on this front has been detrimental for women. Citizens groups and NGOs should be encouraged to increase awareness about gender issues in society and help bring to light violence against women and also assist the police in the investigation of crime against women.

6.3 ISSUE OF GOVERNANCE

Moreover crime against women has not been considered as a governance issue which was evident in the poorly coordinated government response in handling events of protest after Delhi Gang rape case when people protest said loud and clear that the State has been found wanting in its protection of women. Actually till recent Lok Sabha election, preventing crime against women was not recognized as good governance objective and that itself is predominant reason for weak implementation laws and interventions. Claim of poor governance is supported by following observations:

- (i) Huge Under Reporting of crime prevailing

- (ii) Lack of fear of law due to weak enforcement of laws as seen in low conviction rate
- (iii) Delayed justice delivery even in infamous Delhi Gang Rape case leading to culture of impunity
- (iv) Violation of fundamental Constitutional Provisions
- (v) Lack of Governments of priority to the issue/ lack of social dialogue all these years
- (vi) was not considered a serious political/governance issue till recent times
- (vii) Doctrine of privacy/ keeping it a private issue
- (viii) Negligence established tolerance in Society
- (ix) Decades of Indifference
- (x) Poor Tackling of root causes-economic, social and political
- (xi) Poor Implementation of gender equality in public policy
- (xii) Poor interventions in areas of Awareness/Challenging Harmful Cultural Practices/ Notions/Norms of Behavior

6.3.1 Political Attitudes

Political parties in the past fielded candidates for elections charged with rapes and few politicians have ever led an effective campaign against gender violence or taken measures that could tackle the scourge. Despite the awareness of the politicians that violence against women is rife in vast parts of India, with poor and lower-caste women the most vulnerable. But this was state of affairs before Delhi gang rape case. At the moment, it is hard to argue that politicians do not sense the national outcry against the horrific state of affairs, but still there is issue of insensitive attitudes and remarks and not doing enough in the form the form of dialogues with their vote bank.

6.3.2 Few Examples of Weak Enforcement of Laws and Advisories

Protection of Women from Domestic Violence was enacted in 2005 and rule were framed and notified in year 2006. MHA issued a detailed advisory dated 4th September, 2009 on preventing crime against women which was sent to all State Governments/Union Territory Administrations wherein all States/UTs wherein the States / UTs have been specifically advised to explore the possibility of associating NGOs working in the area of combating crimes against women and also that all Police stations may display the name and other details of Protection Officers of the area appointed under the Domestic Violence Act, 2005. This may be complied with in all police stations.

It took all these years to persuade States to appoint these protection officers. Capacity of appointees with regard to their training, knowledge and expertise is another issue. Many have not yet notified service providers under Act. In case of enforcement of Protection of Women from Domestic Violence Act, 2006 and the Dowry Prohibition Act, 1961, many States have indicated the implementation hurdles due to overburdening of existing officials, lack of enforcement of orders and delay in disposal of cases.

Another example is PNDT Act

Skewed sex ratio, Female Foeticide and under reporting of these cases is evidence of very poor implementation of this legislation which has caused gender imbalance in the society and has given rise to another forms of crime against women like trafficking and bride buying. There is very poor reporting in these cases and unscrupulous doctors are hardly punished. The Prime Minister also voiced concern over the millions of 'missing' girls, appealing to doctors "not kill the unborn girl child for money" while inaugurating new program of *Beti Padhao, Beti Bachao*.

The Information Technology Act 2000 amended by the Information Technology (Amendment) Act 2008 with effect from 27.10.2009 together with the Indian Penal Code 1860, provides legal framework for countering pornographic sites including child

pornography. Sections 67, 67A and 67B of the Information Technology Act provides stringent punishment and fine for publishing or transmission of pornography in electronic form as well as hosting on website any information which is lascivious, or contains sexually explicit act or conduct, or depicts children engaged in sexually explicit act. Section 67 provides imprisonment upto three years and fine upto five lakh rupees for first conviction and imprisonment upto five years and fine upto ten lakh rupees for subsequent convictions. Section 67A and section 67B provides punishment upto five years and fine upto ten lakh rupees for first conviction and imprisonment upto seven years and fine upto ten lakh rupees for subsequent convictions. But implementation of act is very poor due to lack of capacities and competence. Awareness about the act among parents, students and public is also limited. There have been cases where young school girls have committed society because of wrong content about them being circulated.

The Indecent Representation of Women (Prohibition) Act, 1986. Despite very poor depiction of women in TV, movies, this act is used very sparingly by States. Few States have used once or twice since it came into existence as can be seen from the table placed at Annexure II.

Prohibition of Child Marriage Act 2006 (brought into effect on 1st November 2007) repealed the Child Marriage Restraint Act of 1929 which was there since pre-independence days of India to tackle the problem of child marriage. This is a more progressive law that prohibits the child marriages and punishes those who promote, perform and abet child marriages. Despite a number of schematic interventions including cash transfer schemes being implemented mostly by the State (Provincial) Governments to ensure that marriages are delayed till the legal age of marriage, large number of child marriage are evidence to its poor implementation.

Another example of weak implementation of interventions is capacity building to deal rape with cases. Ministry of Home Affairs has sent a detailed advisory on Crime against Women dated 4th September, 2009 to all States /UTs, wherein, in cases of rape, they have been, inter-alia, advised to:

- (i) Concerned departments of the State Governments could handle rape victims at all stages from filing a complaint in a police station to undergoing forensic examination and in providing all possible assistance including counseling, legal assistance and rehabilitation. Preferably these victims may be handled by women so as to provide a certain comfort level to the rape victims.
- (ii) The specialized Sexual Assault Treatment Units could be developed in government hospitals having a large maternity section.
- (iii) The Health department of the State Governments should set up 'Rape Crisis Centres' (RCCs) and specialized 'Sexual Assault Treatment Units' (SATUs), at appropriate places.
- (iv) Rape Crisis Centres (RCCs) set up by the Health Department could assist rape victims and provide appropriate level of coordination between the police and health department facilities for medical examination to establish forensic evidence, SAT Units and medical facilities to treat after effects of sexual assault. Hence, these RCCs could act as an interface between the victims and other agencies involved.

The administration should also focus on rehabilitation of the victims and provide all required support. Counseling is required for victim as well as her family to overcome the trauma of the crime. The police should consider empanelling professional counselors and the counseling should not be done by the police. The effectiveness of schemes developed for welfare and rehabilitation of women who have been victimized should be improved. Despite such a lapse of time very less has been done to implement these measures

World Bank Study on violence in South Asia (2014) titled Violence Against Women and Girls: Lessons from South Asia” drawing on the work of local researchers and activists in South Asia including India observes that:

- (i) Violence against women and girls plays out in a historical, social, and political context where structures and functioning of government, social institutions, and the laws, all may contribute to its persistence. Patriarchy in society also creates other circumstances that perpetuate social norms conducive to continuing violence against women and girls which is evident in female feticide and infanticide and honor killing. Most critically, both women and men are prescribed numerous attributes that are tied directly to feminine and masculine social identities and enforced not only by men but also by women – for example, by mothers and mothers-in-law. The result is a cycle of violence against women and girls. Religious institutions and norms across the region also continue to reinforce unequal gender relations.
- (ii) It also says that a major barrier to needed legal and social reform is the continued lack of recognition that women and girls are first and foremost citizens, individuals who should be accorded the same rights and privileges as men and boys. A perception of women as victims or subjects – rather than as individuals with rights to their own identities, sexualities, and other forms of self-expression – has circumscribed the social and legal provisions for women's safety.
- (iii) Violence against girls and women has undermined countries' achievements of at least six of the eight United Nations Millennium Development Goals.
- (iv) Report says that in recent years, governments have been increasingly active in making various affirmative and preventive interventions in form of law, institutions, schemes, legal aid, counseling, vocational training, orders, shelters and services for those who experience violence and many interventions on economic and educational front. It also appreciates the efforts on the prevention side like programs to keep girls in schools; awareness-raising at the community levels; engaging survivors; and working with men and boys were cited as initiatives that have had far-reaching effects.

- (v) Report takes note that in recent years, and particularly within the past 12 months, individuals, nongovernmental organizations (NGO), media, schools, local and national politicians, and religious and community leaders are quietly building on the momentum at least in parts of the region's countries – to change norms around various types of violence that women and girls face. They are participating in campaigns against daughter aversion and son preference, highlighting sexual harassment on the streets or in schools, and breaking the silence on sexual abuse and rape.
- (vi) Report also reiterates need for a study for evaluation of impact of these interventions and says lack of competent evaluation means that a great deal of learning is lost and considerable financial and human resources gets wasted without impacting lives positively. Evaluations are necessary not only to assess whether and how interventions are effective, but also to extract the minimum critical elements necessary for success and taking it further, report emphasizes.
- (vii) Report says that “Well-coordinated actions by a range of partners can make a huge difference.” One of the key recommendation in the report which urges governments across South Asia not to assign responsibility for ending violence against women and girls to a particular ministry but rather to pursue coordinated efforts across ministries

6.4 SOCIAL-CULTURAL HINDRANCES TO THE IMPLEMENTATION OF THE LAW

6.4.1 India is a deeply patriarchal society where discrimination starts from the womb of the mother wherein females fetuses are brutally annihilated or subjected to poor care which results in their poor life expectancy. The commitment of Government of India has been limited to bring about systematic changes in the bias against women. Furthermore, crime against women is deeply embedded in prevailing societal attitudes towards women. Albeit progressive legislation there is very little that has changed on the ground. In India, the sense of citizenship is underdeveloped as people often pursue right based discourses

without taking any responsibility to govern the society by following gender just norms in their homes and workplace.

6.4.2 There seems to be myth perpetuated that sexual assault is most often committed by strangers in a dark alley places and best way for women to protect her is not to be alone in these places. In reality women face the greatest risk of sexual assault from men they know and large cases of sexual assault do occurred in home settings. NCRB data over 2000-2013 shows in more than 90% of cases rapes were committed by known people overwhelmingly- neighbors, acquaintances and relatives. Further analysis of data of total crime against women also shows that all heinous crimes are not by strangers but a very a large proportion of these crimes is inflicted by family, husband and nearby relatives despite the perception in women of home being haven. Most cases of crime against women occur in private spaces.

6.4.3 Awareness issues in Society

There is general lack of general awareness on rights, legislations, mechanisms in place for safety and protection of women among women and public. Print and electronic media has not been used effectively to create awareness. There is greater need for engagement of public, civil society, PRIs and NGOs to spread awareness. There have been no efforts to create community monitoring system to check cases of violence, abuse and exploitation and take necessary steps to curb the same and for better implementation of government interventions. Actually, communities at large have not been involved in gender discourse and creating and spreading such awareness. There have been insufficient legal literacy and legal awareness among rural masses.

6.5 ROLE OF MEDIA

The media although sometimes sensationalizing some cases and giving undue coverage to high profile cases has played an instrumental role in bringing out focus and need to act on the issue of crime against women. The media has also been able to get news of violence within four walls of home out in open and has thereby added strength

to the voice of women suffering domestic violence. Moreover it has helped in recognizing that crime and violence against women is result of a serious malfunctioning of society which needs to be addressed. Till few years back it was not part of debate and discussion and sexual violence was considered a social stigma. Both *Lok Sabha* and *Rajya Sabha* TV air series on gender discourse.

6.6 ROLE OF PRIVATE CITIZENS

Crime or violence against women is not only crime issue but a very much social issue also. Angry citizens protested after *Nirbhaya* case and in many more after that have blamed State and police for inaction, but many refused to reflected on their own behavior as Citizen when they failed to act as bystanders and also the data showing that more than 60 % of cases are committed by family members, husband and near relatives. Family and violence against women in family settings till recent time has been regarded as private issue warranting no state intervention. In this kind of environment, legal reform alone is not enough. So long as discriminatory norms remain deeply rooted in certain facets of Indian society, the risk of violence against women remains heightened. It is urgent need that a societal shift in attitude must accompany further legal reform, a point to which Mr. Modi alluded to in his Independence day speech when he said that the law will take its own course, but as a society every parent has a responsibility to teach their sons the difference between right and wrong." Citizens have not played active and positive role in implementation. A recent documentary for BBC titled *Nirbhaya* India's daughter which caused lot of controversy and ban on its depiction in India carries the controversial interview of one of the convict and the lawyers representing the accused. His remorseless interview and his view on the victim and how women should behave and should suffer the rape silently speaks of how men view women as inferior being whose only place is in home and if they are out, they themselves invite rape. The comments made by lawyers are appalling. This mindset of society has created structural barriers in implementation of interventions and acts as major impediment in practical realization of gender equality.