

Accentuate Elbow Grease & Amelioration of Laws and Policies Requisite for Encompassing Closefisted Support and Justice

*Tania Khurana*¹

I. ABSTRACT

Through this article I would like to bring out the various aspects of sexual violence other than rape. Now a day the fatality sufferer of sexual assaults are not just the women but also has widened its hands of austerity to men.

The crime of sexual assault doesn't affects the perpetrator unless punished but it leaves the sufferer jammed and struck into that raunchy incident and the continuous flashes of beyond the pale act which disappears happiness and gives birth to disorders like fear, anger, hostility sleeplessness, continuous thought of suicide, over thinking, withdrawal from the family and friends and various other problems a victim has to go through which can only be understood in a better manner by the one who has been a sufferer to the same.

The recuperation process requires time in order to resuscitate yourself physically and mentally. It requires a lot of strength to come out of this wholly, like doing things for yourself, indulging into some work in order to keep yourself engaged, doing things that makes one feel more comfortable, staying active and healthy, spending time with trusted person or one can also opt for medical assistance from a therapist.

II. WEDGES EMBODYING SEXUAL VIOLENCE

Violence the word itself unfolds the nuts and bolts of sexual offences, i.e. any physical contact (of sexual nature) by use of forces like threat, coercion, fear or by any other means like intoxication. In a nutshell one can say, any sexual activity without consent of other party involved.

Rape, sexual assault, sexual harassment, any sexual abuse or incest are some of the types of sexual violence which can be seen in the newspaper headlines affecting people of every age, ethnicity, gender, socioeconomic class, sexual orientation, religion, intellectual ability on daily basis. Not even human beings it as also started affecting animals, even animals are not left unheeded in this atrocious act.

“Even in a country like United States the sexual violence more often occurs not only with women but also with men, several surveys and report states that 1 in 5 women and 1 in 71 men are victims of sexual violence.”²

¹ Author is a student of Raffles University, Neemrana, Rajasthan, India.

Sexual violence not only includes rape but also other offences like sexual harassment, attempt to rape, forced penetration. It is mostly committed by men and in 80% of the cases the offender is known to the victim, it can be any person known to the victim, like a neighbor, relative, even a plumber, electrician, a friend, sexual harassment at workplace, also involves any family member, partner or spouse, person in a position of authority or influence in the victim's life etc.

The legal definitions of sexual violence or sexual assault vary from state to state. According to the *Centers for Disease Control and Prevention*, sexual violence includes any of the following:

- “Completed or attempted rape. The rape may be vaginal, anal, or oral. It may involve the use of a body part or an object.
- Forcing a victim to penetrate the perpetrator or someone else, whether attempted or completed.
- Pressuring a victim to submit to being penetrated. The pressure may involve threatening to end a relationship or to spread rumors about the victim, or the misuse of authority or influence.
- ANY unwanted sexual contact. This includes touching the victim on the breast, genitals, inner thigh, anus, butt, or groin on bare skin or through clothing.
- Making the victim touch the perpetrator by using force or intimidation.
- Sexual harassment or any unwanted sexual experience that does not involve touching. This includes verbal abuse or sharing unwanted pornography. It may occur without the victim knowing about it.
- Acts of sexual violence may occur because the victim can't consent due to the use of alcohol or drugs. The alcohol or drug use may be willing or unwilling. Regardless, the victim is not at fault.”³

A 'rape' charge under the Section 375 Indian Penal Code has two parts:

- non-consensual penetration of any orifice (vagina, anus, mouth, urethra) in a woman by a man, OR,
- non-consensual touching of any orifice with the mouth. This is not restricted to having sex. Forcing a woman to do this to herself, or with someone else, is also rape.

“Consent has been clearly defined as a clear, voluntary communication that the woman agrees to the specific sex act, leaving no room for debate. It also makes it clear that absence of physical injuries is immaterial for deciding consent.”⁴

² Centers for Disease Control and Prevention website. National Intimate Partner and Sexual Violence Survey 2010 Summary Report. November 2011. www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf. (Used as a source).

³ Centers for Disease Control and Prevention website. Violence prevention: sexual violence. www.cdc.gov/violenceprevention/sexualviolence/index.html.

It is constitutive to note that for a sexual contact there needs to be consent by both the parties, any previous sexual act won't allude consent. A person while giving consent needs to be in a state of levelheadedness in order to make the judgment i.e. any consent given in a state of intoxication, by a mentally ill person, an individual of minor age, on an unconscious footing etc.

III. ETHNOLOGY OF RAPE'S PROVINCE

Form the inceptive stage of rape, myths with some mistaken ideas like women held liable for rape, attracting and provoking men for physical relation; females secretly enjoy this part etc. But that's not the real side of a story; there are various factors that differs from situation to situation, like the ongoing trend in universities and colleges of relationships where dating has become a casual aspect for youth which does not involve emotional perspective (majorly). Sex has become a blasé conduct among university students, or in other words one can say that dating has become a tradition to be followed by everyone. The tradition of dating also results into miscommunication and misinterpretation resulting into forced sex; it is mostly from the side of male because it is believed that sex is also an element of casual dating. This is the most common type of rape i.e. acquaintance rape (involving some direct or indirect relation between male and female), it accounts for 80%- 90% (estimated) rape incidents. The friendly and open behavior of females is also sometimes misinterpreted by males as consent for sexual intercourse emanating into forced sex. This has also been proved by many surveys and studies that men generally have the tendency of getting the wrong end of the stick of women's behavior. Certain acts like maintaining eye contact with male, standing closer, showing friendly behavior, pleasant expressions etc. are some of the aspects which are miscalculated by males.

The surprising fact is that most of the rape bangarangs related to acquaintance rape remains unreported. It can be due to any reason like the drunken state of women, due to which they don't have any memory left of the attack, other reason can be that of misbelieve by women that their friend can't commit a sexual assault with them.

Imagine a situation of you working at a law firm, went out on a break for enjoying the cool evening and the breathtaking view of sunset, where you got pushed by a hard blow on your back and suddenly you sense the hands on your face trying to stop your crying and screaming noises. Down the line you realized been dragged by him at a bushy place. From here on out even after a lot of struggle he succeeds in over empowering you turning everything black ad nauseam.

Ostensible Prospects Of Suicide

⁴ Sumyesh Srivastava, What amounts to rape under Law, Legal Provisions Related to Rape (May 30, 2017 4:12 PM), <http://vikaspedia.in/social-welfare/social-awareness/legal-awareness/legal-provisions-related-to-rape>.

The unlawful act of rape forcefully done not only affects women physically but corrupts her wellness at a larger extent. The bête noire of being in same plight constantly haunts the victim as a nightmare fomenting into troubles like mental disturbance, anxiety issues, sleeplessness, eating disorders, multitudinous thoughts giving rise to depression. All of these factors stimulate the tendency of a rape victim to commit suicide. Several statistical data show that a victim of rape is 4.1 times more seemingly to commit suicide than a female who wasn't.

Even after all this, a heinous crime of rape is measured by amount of money in order to get the matter sorted outside the courts. Also in this age of 21st century, people who are part of this society have double standards due to which myths formed in the ancient times like the blaming women for rape are still been continued resulting into less percentage of reported cases of rape (approximately 41% every year).

After Occurrence

The task of victim doesn't ends, after the attack there are certain measures and methods which will be beneficial for the victim like usage of helpline numbers like 911 or any other nearby emergency contacts. This practice is prevalent in the state of U.P where the police reach at the place of occurrence at within the rock bottom duration.

Also there is a National Sexual Assault Hotline [800-6565- HOPE (4673)] which helps in connecting the victim to nearby hospitals which are expertise with cases of sexual assault and will also abet in summoning of evidence. This hotline also lends service of sending an advocate in order to direct the victim as how to proceed with the reporting of crime.

For wheedling out paramount evidences it is requisite to get medical assistance before changing clothes, taking shower, washing any of the wounds etc.

IV. CHIME FOR CHANGE

Five years since by the startling gang rape of a 23-year- old female, begetting legion of protests, modulating India's rape laws and intendance of sexual assaults condition; this seemed to be like a milepost.

Recent published estimate by WHO

“Global estimates published by the World Health Organization (WHO) on 28 May, 2019 indicate that 1 in 3 (35%) women worldwide have experienced either physical and/or sexual violence in their lifetime. Worldwide as many as 38% of murders of women are committed by a male intimate partner. What makes this worse for countries like India is the fact that intimate partner violence is the highest at 37.7% in the WHO South-East Asia region. As per figures released by WHO, the violence ranges from 23.2% in high- income countries and 24.6% in the WHO Western Pacific region to 37% in the WHO Eastern Mediterranean region. Meanwhile,

healthcare professionals cautioned that violence can negatively affect a woman's physical, mental, sexual and reproductive health, and may increase the risk of acquiring HIV in some settings. 42% of women who experience intimate partner violence report an injury as a consequence of this violence. Women who were physically or sexually abused were 1.5 times more likely to have a sexually transmitted infection and, in some regions HIV too, compared with women who had not experienced partner violence. Violence can lead to depression, post-traumatic stress and other anxiety disorders sleep difficulties, eating disorders, and other suicide attempts. Adverse health effects can also include headaches, back pain, abdominal pain, gastrointestinal disorders, limited mobility and poor overall health. They are also twice as likely to have an abortion.”⁵

“The widespread outrage turned into fervent support for legal reform — and change finally seemed possible. But a new Human Rights Watch report found that despite improved laws and policies, stubborn attitudes toward and denigrating views of rape victims still pose massive barriers to victims getting both support services and justice.”⁶

Even after the meliorated policies and amended laws, the mulish attitude of rape victims poses hefty barricades for racking the requisite justice and support.

“New Delhi and Sao Paolo (Brazil), enumerated as the worst cities in the world for women against women, going as far as calling Delhi India's “rape capital” by Thomson Reuters Foundation Poll”⁷

V. ANNUNCIATION OF CRIMINAL LAW (AMENDMENT) ORDINANCE, 2018

With the alleged murder and rape of females in areas such as Gujarat's Surat and Jammu and Kashmir, a revamp has been made in rape law enlisted under the criminal law including the IPC, Criminal Procedure Code (CrPc), Evidence Act and POCSO for a potent and operative deterrence against the perpetration of rape.

“There are certain changes made to the present rape law in place under the criminal law including the IPC, Criminal Procedure Code (CrPc), Evidence Act and POCSO; like the increase in minimum punishment of rape has been increased with several categorization formed pertaining to age or women. Also the legislature came up with some measure in order to speed up the procedure and also to strengthen the system.”⁸

STEPPING STONE FOR RESPONDING IN A SITUATION OF UNWANTED SEXUAL CONTACT

In an unwanted situation where one is able to sense an unpalatable upcoming event, the victim also needs to

⁵ Source: The Hindu, WHO, published on 28.05.19.

⁶ Daniele Selby, Girls & Women Despite India's Anti- Rape Laws, Sexual Assault is still a Major Problem (Nov. 9, 2017), <https://www.globalcitizen.org/en/content/india-rape-law-victim-justice-hrw/>, Human Rights Watch Report.

⁷ Nita Bhalla, Karla Mendes, Exclusive- Delhi, Sao Paulo seen as worst megacities for se attacks on women- Poll (Oct 16, 2017, 5:31 AM), <https://af.reuters.com/article/commoditiesNews/idAFL4N1M14XB>.

⁸ Express We Desk, What is the new ordinance on rape under criminal laws (April 21, 2018, 5:10 pm), <https://indianexpress.com/article/india/what-is-the-new-ordinance-on-rape-under-criminal-laws-5146208/>.

take certain measures in order to prevent that act, like calling a nearby friend or any other known one, by any means endeavoring attention if nearer to a public place, trying to contact a family member; any lie any means any source by which one can ensure his/her safety becomes necessary in a situation similar to this. The most necessary part is to stay calm and think logically of every nuts and bolts possible in order to get out of that fine kettle of fish.

VI. CONCLUSION (WITH SUGGESTIONS)

Mere Volitional To Report Won't Enrapture To Justice

Political Facet

For abridging down the violence against women government needs to be more sedate in emending the criminal justice system and also needs to cinch no protection is provided to perpetrators by political aegis.

Accretion Of Labs

Blistering justice can only be served if every building block of network works in an organized way. The preeminent one is the medical checkup within 24 hours. But due to lack of labs investigation gets shilly-shally and hence the trial. So there needs to be more labs need to be mounted in every possible area.

Advertency For Whirlwind Justice

More amount of rape cases reported under POCSO is from bucolic area. The medical checkup needs to be done within 24 hours but due to lack of awareness no DNA testing or other medical checkup is done within specified time.

For resolving this issue government needs to take certain measures such as organizing events, emplacing posters at public places and other such practices.

Contingency In Power

The power of amending laws, creating new laws and provisions need to be delegated in order to ameliorate the afoot situation. This power needs to be delegated, like with HC and SC Judges, an application system can be formed so that even public can share their opinion of various aspects.

Strictness needs to be maintained for considering PIL, mails and application received by majority of public, such complains and pleas need to be discussed in the parliament and an instant action is peremptory in order to make it ultra practical.

Refinement

GPS

“Right after the Nirbhaya case, the Indian Ministry of Road Transport and Highways announced that all cars would need to install GPS within three months. But they failed to implement this promise. By 2015 only 45,000 (out of 100,000) cars had installed a GPS. In a more recent announcement, from April 2018 it will be mandatory for all public transport vehicles to have a location-tracking device and one or more emergency buttons to alert authorities; it shall be seen if implementation of this measure is any more successful.”⁹

More women police officers followed by gender sensitization programmes

With more number of male police officers comes the issue of gender insensitivity, one of reason for low rate of reporting rape. Irrespective of the factors such as fear, thoughts related to society, a woman gathers who gathers courage to report , it does not get followed up necessarily by the police, blaming her for clothes or for the time, inciting for rape. Women police officers need to be increased in collaboration with gender sensitization programmes as a part in the training of police officials.

More no. of women help lines

For accomplishing a lofty drop in no. of reports for sexual offences government projected women’s help lines, but due to financial problem it was unstaffed. So more number of funds needs to be used in order to boost up more help line and create easy cliché for victims.

Childhood notion

It is essential to come up with the concept of sex education in schools so as to make children aware about VAWG, respecting all genders, setting boundaries and consent culture.

⁹ Shruti Kapoor, Culture change and law enforcement needed to make India safer for women (April 16, 2017), <https://www.friendsofeurope.org/publication/culture-change-and-law-enforcement-needed-make-india-safer-women>.

VII. REFERENCES & RESOURCES

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