

# The Rights of the Victims of Rape to live with Human Dignity: A Perspective

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## **Meaning of Violence**

Violence is generally conceptualized in terms of physical force and destructive conduct. The simple meaning of violence is 'behaviour designed to inflict injury on a person or to cause damage to property'.<sup>1</sup> According to Webster's New World Dictionary and Thesaurus, violence means physical force used so as to injure, damage or destroy; unjust or callous use of force or power, as in violating another's rights, sensibilities etc. and harm done by this; great force or strength of feeling, conduct or expression, vehemence, fury, intense, often devastatingly or explosively powerful force or energy, as of a hurricane or volcano". In a narrow connotation, violence implies an act carried out with the intention or perceived intention of physically hurting another person.<sup>2</sup> In a broader sense, violence is a coercive mechanism to assert one's will over another, in order to prove or feel a sense of power. Violence is destruction, suffering or death, which is deliberately inflicted for the achievement for a purpose. Any hierarchal social system has an inbuilt gradation of domination and subordination, as well as institutionalized violence and victimization. This is perpetuated by various means – subtle pressure through the power of ideology, the mechanism of internalized social norms and system of social sanctions, which penalizes noncompliance.<sup>3</sup>

The spectrum of violence is very broad and encompasses a range of norms other than physical violence. Such violence includes causing humiliation, subjugation, suffering, socio-economic injustices, meting out behaviors which fall below the accepted norms of human dignity etc. to vulnerable groups of people. Both men and women are victims of structural violence but women are also victimized by various other forms of violence directed peculiarly towards them because of their women hood. The General Recommendation 19 adopted in 11<sup>th</sup> session of the Convention on Elimination Of All Forms of Discrimination Against Women (CEDAW), in 1992, describes gender violence as follows:

Violence which is directed against a woman because she is a woman or which inflicts physical, mental or sexual harm or suffering, threats of such acts, coercion and another deprivation of liberty.

In a land mark resolution 48\104, adopted by the UN General Assembly at its 48<sup>th</sup> session, in December 1993- Declaration on the Elimination of Violence Against Women–violence against women is defined as: Any act of gender based violence that in, or is likely to result in, physical, sexual or psychological harm or suffering to

women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.<sup>4</sup>

## Sexual Violence

Gender violence transcends through all phases of a women's life and acquires innumerable forms on the broad spectrum, including feticide, infanticide, sexual violence, domestic violence etc. besides this, women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and should be given special attention.<sup>5</sup> The term gender violence, sometimes, is used as a synonym for sexual violence but sexual violence describes the deliberate use of sex as a weapon to demonstrate power over and to inflict pain and humiliation upon, another human being. Sexual violence may be defined as any violence, physical or psychological, carried out through sexual means or by targeting sexuality.<sup>6</sup> Sexual violence covers both physical and psychological attacks directed at a person's sexual characteristics. Sexual violence must be understood to exist in a continuum in which direct or subtle forms such as sexual harassment at work place occur with other graver extremes, like female genital mutilations, rape, trafficking, forced prostitution etc. Women because of their oppressed and subjugated position in the society are far more prone, in terms of vulnerability, to sexual violence. The available evidences suggest that at least one in five of the world's female population has been physically or sexually abused at some time in their lives.<sup>7</sup>

Because of the presence of deep rooted gender inequalities through dominance, subjugation and control of women in society, the female sex is treated as a 'weaker sex' and that of a male as the 'stronger sex'. Control is the key word for understanding of sexual violence; it is through this mechanism men subjugate and regulate the sexuality of a woman and in the process, women are subjected to violence. Women are hostages of a culture that encourages violence against females, instructs men in the methodology of sexual violence and provides them with ready justification for violence. Sexual violence apart from being a dehumanizing act, is an unlawful intrusion of the right to privacy and sanctity of a female. It is a serious blow to her supreme honor and offends self-esteem and dignity-it degrades and humiliates the victim.<sup>8</sup> Sexual violence is a harsh reality of humankind. It is a global phenomenon, which occurs universally by and large in all societies and countries. The most important detriment for sexual violence is the historically rooted inequality of power relations between men and women. It is not a natural or biological phenomenon; rather it is a product of unequal power equations in the society. Sexual violence is a gendered phenomenon, its nature and extent reflects pre-existing social, cultural and economic disparities between men and women. Economically disadvantaged women are more vulnerable to sexual harassment, trafficking, slavery, rape etc. Denial of economic independence and parities prolong women's dependence and vulnerability. Unless economic relations in a society are more equitable towards women, the problem of violence will continue.<sup>9</sup> Violence rooted in unequal power relations between men and women may also include frequent infliction of harm which is justified by custom, tradition, religion etc. Many cultures condone or at least tolerate a certain amount of violence against women. Devdasi system and female genital mutilations are amongst the various examples of violence encouraged and perpetrated by cultural and religious practices.<sup>10</sup> The cultural ideologies are based on a

particular construction of sexual identities – masculinity requires that manhood be equated with the ability to exert power over others and femininity requires women to be passive and submissive. Under such male dominated ideologies, the woman is valued only for her reproductive capacity and potential as a sex object. Traditional values, often deep entrenched and rarely questioned, support negative values about women and reinforces the patriarchal view that women are a subspecies, whose behavior and characteristics are deviant from and less capable than those of men.<sup>11</sup>

Male dominance is the result of 'male conditioning' not the 'conditioning of male'.<sup>12</sup> David Gilmore explains that there is a constant recurring notion that real manhood is different from simple anatomical maleness, that is not a neutral condition that comes about spontaneously through biological maturation, but rather is a precarious or artificial state that boys must win against powerful odds.<sup>13</sup> One way to feel unambiguous 'true male' or 'real man' in many cultures is to dominate women to behave aggressively and to take risks. Significantly, sexual conquest and potency appear as repeated themes in many cultural definitions of manhood, placing at increased risk of coercive sex.<sup>14</sup> When masculinity is associated with aggression and sexual conquest, domineering sexual behavior and violence becomes not only a means of structuring power relations between men and women, but a way of establishing power relations among men of one group vis-à-vis other.

Visualizing women only as a sexual entity reduces her to a sexual object and it is this dehumanization and objectification, which is the initial step in making women the acceptable targets of violence. Since women are perceived as sexual property belonging to a particular group of society, it becomes important for the society to protect its women from the violence of the other. This often entails restrictions placed on women regarding the freedom of movement, specific dress code or the extreme manifestations occur in the form of female genital mutilation.

Experience of violence in women's lives is all too personal a reality. The emotional and psychological scars remain deep and need to be understood and analyzed within the socio-economic, political and cultural dimensions, having interconnections with development, human rights and peace in women's life. The worst impact of sexual violence is manifested in the absence of 'human security' for women. The experience and fear of violence are threads in women's lives that intertwine with their most basic human security needs at all levels – personal, community, economic and political.<sup>16</sup> In no society, women are treated equally to men, personal insecurity shadows them from cradle to grave.<sup>17</sup> The fear of violence compels women to seek male protection, which gives rise to a situation of vulnerability and dependence, which is not conducive to women's empowerments and developments. Sexual violence results in serious health hazards for women and sometimes the physical injuries caused to the victim may be fatal. The physical consequences are still easier to enumerate in comparison to the psychological, emotional, or spiritual impacts. Abused women may show high levels of anxiety, psychosomatic disorders or personality disorders.<sup>18</sup>

Sexual violence against women remains a steep barrier to securing human centered development goals as violence severely hampers the women's potential and their contribution towards growth and developmental process. Due to its pervasiveness - its inherent characteristic, it becomes difficult to chalk out all possible dimensions of sexual violence. Whereas few aspects are constant since centuries, newer dimensions keep on emerging constantly. It is possible to classify sexual violence in four main categories. First is Direct Violence which is more emphasized, its examples are rape, molestation, forced prostitution, female genital mutilation etc. Second is Indirect Violence, which covers harmful, sometimes deadly situations or actions which, though due to human intervention, do not necessarily involve a direct relationship between the victim and the institution or the persons responsible for the plight, for example child marriages, where woman is not allowed to make a choice regarding the marriage partner. Third is Repressive Violence, which relates to three groups of fundamental rights - civil rights, political and social rights. Repressive violence is used to suppress political or class movements, for example rape or sexual abuse targeting towards Dalit (low caste) women, mass rapes during international or internal armed conflicts. Fourth is Alienating Violence, which deprives the woman of her higher rights, such as right to emotional, cultural or intellectual growth. Examples are marital rape, prescribing dress codes of regulating female sexuality etc.

Each society has mechanisms that legitimize, deny and thereby perpetuate violence against women. Powerful social institutions – the family, the community and the state perpetuate all the above mentioned categories of sexual violence.

### Meaning of Rape

The most pervasive form of sexual violence is the rape, which cuts across state borders and cultures, used in all countries and in all cultures as weapons of degradation and terror against women. Rape is an intrusion into the most private and intimate parts of a woman's body as well as an assault on to the core of herself.<sup>19</sup> Rape is a crime, not only against the person of a woman; it is a crime against the entire society. It destroys the entire psychology of a woman and pushes her into deep emotional crises. It is a crime against basic human rights. Rape is the most hated crime and it is violative of victim's most cherished right, namely right to life, which includes right to live with human dignity, contained in Article 21 of Constitution of India.<sup>20</sup> Rape is the ultimate violation of self. It is a humiliating and traumatic event in a woman's life, which leads to a fear for existence and a state of powerlessness. Rape can be the most terrifying event in a woman's life. The fear of rape affects as a whole.<sup>21</sup> Right from the childhood, the fear of rape is infused in the mind of every woman in the society, which conditions the personality of the woman and her choices regarding her conduct.

The word 'rape' has been derived from the term rapio, which means 'to-seize'. Rape is, therefore, forcible seizure, or the ravishment of a woman without her consent, by force, fear or fraud which has become the characteristic feature of the offence.<sup>22</sup> It involves coercive, non-consensual sexual intercourse with the woman, an outrage by all means. Rape is not merely a physical assault but is destructive of the whole personality of the victim. It shatters the entire social fabric, destroys the poise of the milieu and ruins the harmony of the atmosphere.

Susan Brownmiller has given a broader view and described rape as 'sexual invasion of the body by force, an incursion into the private, personal inner sense without consent, in short an internal assault from one of the several methods'. It constitutes a deliberate violation of emotional, physical and rational integrity and is a hostile degrading act of violence.<sup>23</sup> According to Guberman and Wolfe, three main aspects are inherent in the concept of rape – dominance, a violent taking away of control of pride and dignity.<sup>24</sup> Nicholas A Groth, defined rape as 'a pseudo sexual act, a pattern of social behavior that is more concerned with status, hostility, control and dominance than sexual pleasure or sensual satisfaction.'<sup>25</sup> Rape must be understood as the gravest form of sexual violence against women- an extreme manifestation occurring in the continuum of sexual violence. It is not only an issue affecting the individual woman but it is a social and political issue directly connected to imbalances of power between men and women.<sup>26</sup> In the words of Kate Millett, rape is an act of domination, where the emotions of hatred, contempt and the desire to break or violate personality, take place.<sup>28</sup>

Rape is simply the ultimate weapon, which men use to exercise power over women. Rape is an expression of the need to illustrate that power of supremacy, which men enjoy over women and the exercise of that power is condoned and encouraged by existing social attitude and practices.<sup>29</sup> Rape is a man not taking 'no' for an answer, it is a man assuming that the answer is 'yes', without stopping to check and assuming that he has a right to do so.<sup>30</sup> Rape is the manifestation of institutional coercion that flows from the structure of economic, social and political relations between men and women in general- a type of structure that discourages women for asserting themselves physically, emotionally, socially and financially.<sup>31</sup>

### **Historical Perspective**

Historically the concept of rape originated, not to protect the autonomy of women, but rather, to protect male interest in women, just like the property rights. The evil that the law prevented was the ravishment of virgins, to the detriment of the family pride and honour, who were often compromised into marriage with their predators. The Babylonian Laws, Mosaic Laws, all bear testimony to this fact. However the early Vedic age characterized the offence from the woman's perspective. It regarded it as an ultimate violation of the self. The offence of rape came under the heading of Strisangrahanam. The dharamshastras, like KatyanaSmriti and BrihaspatiSmriti, accepted to specify and categorise the offence and impose severe penalty for the same. NaradaSmriti also recognized forceful intercourse causing pregnancy by a person not being the husband, as one of the aparadhas (crimes). However, the later Vedic period witnessed a change similar to that of the Western World Wide where women were not looked upon as a person, a human being capable of having desires, wishes, freedom, but only as a property owned by the male members of the society. That property is precious no doubt and has to be protected and saved from rough weathers; but if ever any damage was caused to the property by external elements; it had to be discarded and thrown out, as if it never belonged to anyone. They were always under the protection of their fathers or husbands. Growing under constant surveillance, they little realized themselves; rather, what they knew was that they had to remain chaste and pure and maintain their virginity till their fathers found a match for them. But once this virginity was lost, and woman lost her chastity, disgrace fell upon the whole family. The woman who underwent the torture was not



the concern of anybody, but it was the loss of valuable property in the family which made the difference. The offence of rape, therefore, was protected not to uphold a woman's right to freedom of choice but to save the patriarchal honour against invasion of their properties. Apart from this, the position of women greatly deteriorated in Indian society and at the same time, with the progress of civilization, the concept of rape has undergone a lot of changes.<sup>32</sup>

Race, class, caste, minority, religion, culture are few of the factors that affect the causation and experience of rape. According to Holzman: The dynamics of rape involve the ways in which power and violence are structured by a particular culture, not just the psychodynamics of the individual perpetrators or victims. Rape is both a tool and a consequence of an interlocking system of oppressions based on these factors. Those, who have least power in a society, are the most vulnerable to rape.<sup>33</sup> Dalit and Harijan women, due to their economically and socially weak placements, are more vulnerable to rape. Rape by powerful persons, who misuse their positions by sexually exploiting the dalits or tribal women, occur in large number and most of such cases go unreported as the victims feel that it will not help them, giving the strong economic and social clout of the aggressors.<sup>34</sup>

The Indian cast system is very complex hierarchical power structure. The men of higher castes exercise control over women of all classes. Sexual violence is also targeted against social workers, who endeavor to eradicate social evils. As it has happened in Bhanwari Devi's case in 1992.<sup>35</sup> Rape is also used as political weapon to curb the social and political movements as well as to repress minority communities. Gang rape and mass rapes in the state of Jammu and Kashmir, often by the police, military and paramilitary forces, depict the worst human rights violations. Women are abused by such personnel to carry out a proxy war against what their men folks stand for.<sup>36</sup> These events of rape are not rare occurrences for the State. As commented by Amnesty International, "In Jammu and Kashmir, rape is practiced as a part of systematic attempt to humiliate and intimidate the local population during counter insurgency operations."<sup>37</sup> Rape has been used to repress political movements in the state of Assam and mass rapes by police and security forces, in order to terrorize the masses, is not uncommon.<sup>38</sup> During communal riots, after Babri Masjid structure was razed to the ground in Ayodhya in 1992, women belonging to minority as well as majority communities were subjected to brutal sexual violence. In the aftermath of Godhra incident, Gujarat witnessed the most brutal and heart wrenching violence. Where women of minority community were gang raped in public before being mutilated, hacked and burnt to death.<sup>39</sup> Such massive sexual violence remains largely under reported. Such incidents of rape throw some light on the political use of rape as a weapon for mass terrorism in a corrupt political and conservative socio-legal setup.

### **Societal Attitude towards Rape**

Rape triggers off different types of reactions to the victim and to the society. The reactions of the victim are not same because of the varying degrees of physical and mental suffering endured by them, but as sequential pattern of emotional reactions, known as 'rape trauma syndrome' is manifested in all cases. This syndrome has two phases - the immediate or acute phase which characterizes the extreme psychological shock and the long term process in which the victim recognizes her disrupted lifestyle. Rape is an experience, which shakes

the foundations of the lives of the victims, for many the effect is a long term one, impairing their capacity for personal relationships, altering their behaviours and values and generating fear but in addition to fear the victim is also likely to experience a variety of other emotions like- anger, shame, guilt, anxiety, revenge, powerlessness and humiliation.<sup>40</sup> Feeling personally responsible for rape is a typical reaction of the victim and she may keep blaming herself for such gruesome act. As a consequence of myths related to rape, the victims may already hold negative and prejudicial attitudes towards sexual violence, which affects their interpretation of rape, undermine their self-esteem and have detrimental consequences for their psychological recovery.<sup>41</sup>

The society exhibits dual attitudes towards rape and the rape victims. At the level of codified law and public pronouncements, rape is condemned as a serious crime, whereas at the level of practical implementation, it may be treated as nothing more serious than a minor skirmish in the inevitable 'battle of sexes'.<sup>42</sup> While condemning rape, the society condemns the rape victim also. This is deemed to be precipitated by the victim, through her words, conduct or mere existence and most of the rapists go scot-free because men are considered to be naturally aggressive creatures for whom control on sexual urges is an impossible task. Rape is considered to be a transgression against chastity and raped woman is severely criticized and condemned for loss of chastity. She faces not only a personal sense of shame, but is also weighed down with guilt for no fault of hers because of the constant barbs and criticism that the society heaps on her.<sup>43</sup> Society equates virtue with chastity in context of women. A guilty man in the society may be tolerated, but women must be guiltless and even unsusceptible. These social attitudes have resulted in a situation, whereby women are told from the childhood that rape is the worst thing that can happen to a woman. The victim of rape carries social stigma and is never accepted by the society as a normal human being. She may be thrown out of the home, shunned by the relatives and acquaintances and face a fate worse than death.<sup>44</sup> There are inherent double standards in the system for the rape and other acts of violence. It is perhaps the only offence where the victim has to prove that she did not consent to the violence perpetrated upon her.<sup>45</sup>

In view of the grave social consequences which may follow after the occurrence of rape, it is not surprising that majority of the rape victims prefer not to report the crime at all. Rape is the most under reported of all violent crimes. There are many reasons why rape victims do not report the crime but important reasons remain the unsympathetic attitude of police officials and lack of faith in the justice system. Rape trials must focus on the violent acts of the accused rather than behavior of the woman who is raped. It is the time that judicial attitude should change and courts appreciate the testimony in terms of women's experience of violence. Such sort of judicial attitude needs modification as needless emphasis is placed on the victim's behavior and conduct; the decision makers are often blind and reluctant to believe the version of the victim. If a woman does not take the first opportunity to report the offence of rape or if during the rape she makes no outcry where it is possible that she does not attempt to resist then there is a strong presumption that her testimony is false and feigned. In the olden times, the woman who spoke about violation of her person in public, was considered to be immoral and thus became lewd herself. In the 18<sup>th</sup> and 19<sup>th</sup> century, there was a tendency of Magistrates in England to dismiss the cases on the basis that a public airing of rape cases would corrupt morals. In this connection Carol Smart has commented: "The twentieth century

rape trials may differ from this, but the consequences for a woman openly talking about sexual abuse have not changed dramatically, it is still seen to reflect upon her person than the rapist's."<sup>46</sup>

Victims and their family members, who consider reporting the rape, are often discouraged from doing so, due to the law enforcement officials and the sensational and undesirable publicity that is given to such crimes. To avoid humiliation and harassment at the hands of law enforcement officials and denigration in the society, victims generally refrain from reporting the crime. This deliberate silence regarding the reporting of rape cases reinforces the view that some forms of human behaviors are inevitable, which should not be made public and as we are powerless to prevent them, we must insulate ourselves from them. This view propagates rape as an inevitable accomplishment of human society, a natural fact that we must learn to live with.<sup>47</sup> Despite the fact that laws against the rape exist on the papers, there are strong social and legal constraints that prevent women from exercising their rights for seeking redress and protection there under. The rapist is the one who harnesses this kind of social and legal circumstances and goes scot-free. Thus, primarily because of the social attitudes and consequences, a large number of rape cases remain hidden and a very miniscule fraction get reported.

### **Magnitude of the problem**

The little fraction of rape cases which is reported reveals a shocking picture. If one goes by the least statistics of National Crime Records Bureau (NCRB), every day 93 women are being raped in the country. According to NCRB data, there is a gradual increase in number of rapes reported in India – from 24,923 in 2012 to 33,707 in 2013. The national capital continues to be the unsafe city in the country. The number of rapes in Delhi has almost doubled from 585 in 2012 to 1,441 in 2013. Delhi is followed by Mumbai (391), Jaipur (192) and Pune (171) among the top unsafe cities in the country. It is also revealed that Madhya Pradesh has recorded the maximum rapes in 2013 among all other states with 4,335. In April 2015, a 14-year-old Dalit girl was allegedly gang-raped by five people on a moving bus in Madhya Pradesh. In another incident in Madhya Pradesh in June 2015, a tribal woman was also allegedly gang-raped by ten persons, after a land dispute.

It is followed by Rajasthan (3285), Maharashtra (3063) and Uttar Pradesh (3050). A total 923 rape cases were reported in Tamil Nadu, which means 3 per day. The most horrifying fact is that majority of the offenders are known to the victims. NCRB statistics show that 31,807(94%) were familiar to the accused, which include neighbours (10782), other known persons (18171), relatives (2315) and parents (539). It is also revealed that most victims are aged between 18 and 30 years (15,556) and 14 and 18 years (8,877). It is argued that legal system is slow to prosecute rape cases, but officials say that the number of reporting of rape cases has increased because of the awareness on the part of the victims, who come forward to lodge complaints.



## Legal Provisions

Section 375 and 376 of IPC 1860, deal with the offence of rape. The former describes the offence and latter is a punitive section. Rape is said to be committed when a man has intercourse with a woman, not being his wife, against her will, without her consent, or with her consent given under fear of injury or death, under misconception or under influence of any intoxicating or stupefying substance. Sexual intercourse by a man with his wife is in no case rape unless the woman is less than 15 years of age. Consent is immaterial for the purpose of a victim girl less than 16 years of age. After the infamous case of Mathura, where a tribal girl was raped in police custody and the court refused to accept her statement, a nationwide protest was launched for the inclusion of custodial rapes within the legislative provisions. Accordingly the Criminal Law Amendment Act 1983 was passed, which included situations of aggravated rape. This Act has enhanced the scope of penetration which now also includes penetration of any object or part of the body of a man into the body of a woman against her will or without her consent. Quantum of punishment has also been increased which shall not be less than 7 years but it may extend to imprisonment for life with fine. Further section 376A provides for punishment for causing death or resulting in persistent vegetative state of victim. Section 376B and 376C deal with sexual intercourse by husband upon his wife during separation and a person in authority respectively. Further section 376D deals with punishment for repeated offenders. The age of consent is 18 years, which means any sexual activity irrespective of presence of consent with a woman below the age of 18 years will constitute rape. The Indian Evidence Act 1872 has also been amended to impose the burden of proving consent in the aforesaid cases of aggravated rape on the accused as opposed to the general principle of burden on the prosecution.

However the one aspect, which has continued to bother the legislators and common man, is the increase in the number of such instances. The recent case which shook the conscience of world is the case of Nirbhaya. However the number continued to rise, despite efforts by the legislators to make the laws more stringent. No reform can be successful unless it is accepted by the people at large. The societal attitude towards rape and the victims has not changed. Despite the latest amendments in the law, the rate of commission of the offence is increasing. Most alarming is the increase in the involvement of the juveniles in the commission of this crime.

The jurisprudential foundation of victim justice perspective has gained importance only in the recent years. The Indian criminal justice system is not victim oriented. The Indian judiciary has shown a mixed trend over the years. Decisions of the Supreme Court of India have had a remarkable impact on the victim justice movement. An increased sensitivity towards the plight of the victims is particularly noticeable in the landmark case of State of Punjab v Gurmit Singh.<sup>48</sup>

The judiciary on many occasions, while convicting the accused of rape, ordered compensation to be paid to the hapless victim. However Indian judiciary has laid down broad parameters in assisting the victims of rape in the Delhi Domestic Working Women's Forum v Union of India.<sup>49</sup>

It has been left solely to the discretion of the courts to award compensation in individual cases to the victims. Since there is also disparity in this regard with some courts awarding huge amount as compensation while others not awarding any or little amounts. However, sadly enough, not much has been done by the legislators on this front.

#### Foot Notes:

1. P.R. Raj Gopal, *Social Change and Violence- The Indian Experience*, 1987, p 4.
2. Gells and Straus quoted in *Freedom from violence-Women's Struggles from Around the World*, Margaret Shuller(ed),1992, p 10.
3. *Violence Against Women – Reports from India and the Republic of Korea*, Meera Kosambi, (ed), UNESCO Publication, 1993, p 1.
4. United Nations Declaration on Elimination of Violence Against Women, 1993, Article 1.
5. Document of the 'World Conference to Review and Appraise the Achievements of the U N Decades for Women: Equality, Development and Peace', 1985, para 258.
6. 'Contemporary Forms of Slavery- Systemic Rape, Sexual, Slavery and Slavery like Practices During Armed Conflicts'. Final Report submitted by Ms Gay J McDougall Special Rapporteur of Commission on Human Rights, 1998, p 6.
7. Peter Gordon and Kate Crehan, 'Dying OF Sadness: Gender, Sexual Violence and the HIV Epidemic', SEPED Conference Paper Series at p 3.
8. *State of Karnataka v Krishnappa* AIR 2000 SC 1470.
9. Levison quoted in Charlotte Bunch, Roxanna Carrillo and Rima Shore, 'Violence Against Women' in *Women in the Third World- An Encyclopedia of Contemporary Issues*, Nelly P Stormquist (ed), 1998, p 59, para 53.
10. 'Lives Together, Worlds Apart- Men and Women in a Time of Change, The State of Worlds Population', UNFPA, 2000, p 5.
11. *Violence Against Women*, Carolyn M Sampsel (ed), 1992, p 8.
12. Lori L Heise, *Violence, Sexuality and Women's Lives in Conceiving Sexuality- Approaches to Sex Research in a Post Modern World*, Richard G Parker and John H Gagnon (eds), 1995, p 109, at p 128.
13. David Gilmore's discussion on manhood in his book, 'Manhood in the Making: Cultural Aspects of Masculinity', quoted in Lori L heise, 'Violence, Sexuality and WOMEN'S Lives' in *Conceiving Sexuality- Approaches to Sex Research in a Post Modern WORLD*, Richard G Parker and John H G agnon (ed), 1995, p 109, at p 128.
14. Ibid, p 129.
15. Human security is based on the conditions that allow people to exercise choice safely and freely with some confidence that the opportunities they have today will not vanish tomorrow.
16. Charlotte Bunch, Roxanna Carrillo and Rima Shore, 'Violence Against Women' in *Women in the Third World-An Encyclopedia of Contemporary Issues*, by Nelly P Stormquist (ed), 1998, p 59.

17. Ibid, UNPD issued the statement in 1994.
18. Ibid, p 62.
19. Gail Abarbanel and Gloria Richman, *'The Rape Victim'*, Rape Treatment Centre, Santa Monica Hospital, 1998, p 1, quoted in the UN Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms Radika Coomaraswamy on 'Violence in Community', 1997, p 5.
20. As observed by Supreme Court of India in *Shri Bodhi Sattawa Gautam v Subhra Charkraborty* AIR 1996 SC 922, p 927.
21. Law Commission of India, 84<sup>th</sup> Report on Rape and Allied Offences; Some Questions of Substantive Law, Justice and Company Affairs, 1980, p 1.
22. H S Gour, *The Penal Law of India*, by MC Desai , D D Seth and R B Sethi, 1972, p 2926.
23. Susan Brownmiller, *Against Our Will – Men, Women and Rape*, 1990, p 442.
24. *No Safe Place – Violence Against Women And Children* , Connie Guberman and Margie Wolfe (ed), 1985, p 63.
25. Quoted by A K Sundaram in *'Offence of Rape – Reflections on a Recent Supreme*.
26. *No Safe Place – Violence Against Women And Children*, Connie Guberman and Margie Wolfe (ed), 1985, p 63.
27. Susan Griffin, *'Rape: The All-American Crime'*, in *The Criminal Justice System and Women- Offenders , Victims, Workers*, compiled by Barbara Raffel Price and Natalie J Sokoloff(ed), 1982, p 239.
28. Ibid, p 239.
29. Lorene Clark and Debra Lewis, *Rape – The Price of Coercive Sexuality*, 1977, p 29.
30. *No Safe Place – Violence Against Women And Children*, Connie Guberman and Margie Wolfe (ed), 1985 , p 63.
31. Rosemarie Tong , *Women, Sex and the Law*, 1994, pp109-110.
32. Donald A Dripps, *'Beyond Rape: An Essay on the Difference Between the Presence of Force and the Absence of Consent'*, *Colombia Law Review*, no 92, 1992, p 1780.
33. Holzman quoted in Patricia D Rozee, *'Sexual Victimization –Harrassment and Rape'* in *Issues in the Psychology of Women*, Maryka Biggio and Michel Hersen (ed), 2000, p 93, at p 95.
34. *'Violence Against Women'* in *Women Speak – United Voices Against Globalization, Poverty and Violence in India*, 2000, p 54, at p 55.
35. *'Bhateri Rape Case: Backlash and Protest'*, *27 Economic and Political Weekly* , 1992, pp 2221-4. Bhanwari Devi, a social worker was working on a government Programme to stop child marriages.
36. S K Ghosh, *Torture and Rape in Police Custody*, 1993 , p 27.
37. Amnesty International, *'India- Torture – Rape and Deaths in Custody'* 1992, pp21-22.
38. S K Ghosh, *Torture and Rape in Police Custody* , 1993, pp 24-25, reports the mass rapes of 15 tribal girls by members of the Assam Police Task Force during a raid.
39. *'We Have No Orders to Save You'*- State Participation and Complicity in Communal Violence in Gujarat, Human Rights Watch Report, vol14, no-3(C), April, 2002.
40. Janifer Temkin, *'Women, Rape and Law Reforms'*, in *the Women Question*, Mary Evans (ed), second edition , 1994, p 276.

41. In her research , Ronnie Janoff Bulman found that 70 percent of the rape victims seeking therapeutic intervention at rape crisis centers, attributed blame to their behaviours, while about 20 percent ascribed blame to their characters. Quoted in Collen A Ward, *Attitudes Towards Rape- Feminist and Social Psychological Perspective*, 1995, p 122
42. Lorenne Clark and Debra Lewis, *Rape – The Price of Coercive Sexuality*, 1997, p 23.
43. Rajni Ram, '*The Evil Crime of Rape\_ A Victim Oriented Approach for Effective Justice*' 29 CMLJ196 1993.
44. Arati Ganguly, '*Rape and Social Stigma*' – paper presented at the National Conference on a perspective for Women's Liberation Movement in India , Bombay, 1980.
45. Lotika Sarkar, *Rape – A Human Rights Versus a Patriarchal Interpretation*' 1 India Journal of Gender Studies, 1994, pp 69-70
46. Carol Smart, '*Rape: Law and the Disqualification of Women's Sexuality*', in *Feminism and the Power of Law*, Carol Smart (ed), 1989, p 26, at p 40.
47. Vimla Veeraraghavan, *Rape and Victims of Rape*, 1987, p 4.
48. AIR1996 SC 1393.
49. (1995) 1 SCC 14.

