Chapter- 11

Summary, Recommendations and Conclusion

The study has been an attempt to bring out the truth about such existing menace in society and that it is increasing at an alarming rate. It focused on victims and followed them overtime, especially as they went through the proceedings of Criminal Justice System (such as during the registration of FIR to the final hearing). This focus on the victim has practical import as well as an academic importance. It has also been an attempt to explore the various aspects relating to rape, the victim and the society so as to understand the phenomenon in detail and to suggest certain possible preventive and rehabilitative measures to both ward off the crime to an extent, and to help the victim regain back her lost honor and dignity in the society. The findings of the present research study shall help in rectifying system and furnish guarantee a fair deal to the victims.

The study attempted to identify and analyze in depth different factors/contributing conditions, which gave rise to a situation facilitating commission of rape and prepared socio-psychological and economic profile of victims of rape cases. The study attempted to analyze the factors which led to the psychological and sociological damages leading to the violation of her rights and how it has affected her present and future life prospects. It focused on the effectiveness of the law in matter of reparation of damages caused to victims. In the end, the study has suggested some measures which will help to avoid primary and secondary victimization of potential victims. The family members of the rape victims was interviewed to ascertain the effect of rape on the rape victims, to know the factors or conditions according to their knowledge which gave rise to this situation and what preventive measures they adopted.
The role played by media (electronic, air and print) in terms of rape cases was analyzed and also obtained their viewpoints on this aspect. The police’s role in the prevention of rape cases, the doctor’s role in the examination of rape victims and collection of medical and forensic evidences, the role of NGOs, common people, Judges and lawyers’ viewpoints in regard to rape cases and the ideas/suggestions to do away with rape cases were solicited from them.

The study was conducted in Delhi Metropolitan City, which comprised of 12 police districts. Period of study was January, 2006 to 31st December, 2008. All rape incidences taken place during this period was taken into consideration.

The study had adopted an exploratory research design because of the nature of the problem. Since, the universe of the study was quite big; stratified random sampling methods had been adopted. From each police districts, three to four police-stations were identified where rape cases were reported comparatively in greater number. From each police-station required number of samples was drawn from different age groups and socio-economic strata. Rape victims of total 1687 rape cases were reported during the period of study. Out of this, 130 unmarried rape victims (8 percent) were chosen as sample for this study.

Data were collected both from the primary and secondary sources. Primary sources were harnessed through research schedules and research guides, while the secondary sources comprised of FIRs and case diaries maintained in the police stations, prosecutors’ reports, court judgments and literature related to the problem. The findings of the study are as follows:

**Profile of the Rape Victims**

- It was found that majority of rape victims (49.2%) were from the (13-18) age group.
- 81.5% of the total victims were in Salwar kameej at the time of rape.
- 66.1% of total rape victims were engaged in some kind of study.
• Maximum rape victims i.e. 30.7% had studied up to middle class.
• Very few of them i.e. 1.5% were employed in skilled or semi-skilled work.
• 90% rape victims belonged to nuclear family. These rape victims were either from the slum area or from rural area.

Facilitating/ Contributing factors for the Commission of Rape

• 70% of rape victims were below 16 years of age and 30% of rape victims belonged to the age group of above 16.
• 93.8% of total rape victims knew their accused from before.
• 17.7% of the victims had an acquaintance of 2 years to 2.5 years with the accused.
• In 48.5% of rape cases, neighbours were involved in raping the girl.
• 33.8% of rape incidents took place outside Delhi followed by 23.8% of the incidents in the victim’s houses.
• In below 16 years of age group, 14.2% of rape victims had eloped with the accused.
• In above 16 years of age group, 33.3% of rape victims had eloped with the accused.
• 97.7% of rape victims were alone at the time of rape.
• 91.5% of the rape incidents involved only one accused.
• Mode of attack carried by the 28.4% of the accused was in the form of kidnap and 20.7% of the accused came inside the victim’s house and raped her.
• 20.0% rape victims had resisted by screaming for help and 16.9% by hitting the accused. Some were scared to death, so they did not resist at all.
• 16.9% of the total accused had inflicted violence on their victims in the form of slapping.

REPORTING OF CASES BY VICTIMS

• Maximum rape victims reported the matter of the incident firstly to the parents.
• 33.1% of total rape victims reported the matter of the incident to the first person within a day, whereas 66.9% of total rape victims reported the incident after gap of some days.

• 33.8% of the total rape victims said that they reported the matter of the incident late because they were outside Delhi.

• 28.4% of people became cordial and sympathetic to rape victims, when she reported the incident.

• 98.4% of rape victims were advised to go to the police – station by their parents.

• All the rape victims were accompanied by somebody while going to the police station.

• 33% of total rape victims reported the incident to the police soon after the incident.

• 93.1% of the rape victims said that the police registered the FIR immediately.

• 82.3% of the total rape victims found the behaviour of the police very normal towards them.

• All the victims reported everything about the rape incident from beginning to end.

• 42.3% of the rape victims said that they got a copy of FIR.

• 70.7% of the rape victims said that the accused has been caught.

• 46.9% of the rape victim said that the accused was caught by the police soon after reporting.

• 73% of the rape victims were called to the police station to recognize the face of the accused.

• All the rape victims said that their FIR was not registered in the presence of the magistrate that means Sec.164 was not at all utilized.
AFTER-EFFECTS OF RAPE ON THE VICTIMS

- 72.3% of the rape victims said that they had already cleaned up before seeking help.
- 44.6% of the rape victims said that they were taken to the hospital within 1-2 hours of reporting.
- 57.6% of the rape victims found the hospital staff behavior normal towards them.
- 56.1% of the rape victims had regular menstrual cycle after the incident.
- All the rape victims said that they did not contract any veneral disease or sexually transmitted disease.
- 10.7% of the rape victims said that they had visited the doctor after the incident.
- 36.1% rape victims were looked down upon by their parents.
- 40.7% of rape victims were still continuing their studies after the incident.
- .8% of the rape victims said that they left the job because of poor performance at the work.
- 51.5% of the rape victims did not find any change in the behavior of friends.
- 94.6% of rape victims experienced some kind of change in social life.
- 61.5% of the rape victims did not change place after the incident.
- 97.6% of the rape victims felt disgraced after the incident.
- All the rape victims said that they did not believe unknown people.
- 22.3% of rape victims said the perception of man did not change in their mind.
- 2.3% of the rape victims had once attempted suicide.
- Only 32.3% of rape victims had a revengeful attitude towards the rapist.
- 98.4% of the rape victims find difficulty in adjusting to normal life.
• 37.6% of the rape victims are continuing their studies in the same school.
• 52.3% of the rape victims are pursuing their studies with the same interest.
• 54.6% of the rape victims are pursuing their hobbies with the same interest.
• 39.2% of the rape victims feel that they still have a bright future.

THE EFFECTIVENESS OF THE LAW IN MATTER OF REPARATION OF DAMAGES CAUSED TO VICTIMS

• 97.6% of the total rape victims had no knowledge about the fundamental rights.
• Only 6.9% of the rape victims interviewed for the study had gone for the hearing.
• 6.9% of the rape victims was given proper attention in terms of hearing.
• The trial did not take place in the camera for the 6.9% of the victims.
• 11% of the total rape victims who had attended the hearing of the case in the court said that they were harassed by the defense lawyer during the cross examination.
• 19.2% of the total rape victims had belief in the criminal justice system.
• 52.3% of the rape victims said that the services received from police, hospital and court were found to be good.

VICTIM’S PERCEPTION OF MEDIA

• 14.6% of the rape victims said that the case related to them was reported by the media.
• 3.8% of the rape victims said that media’s way of highlighting the case has gathered public sympathy.
• 5.3% of the rape victims said that the highlighting of the case has hindered their prospect of getting married.
- 8.4% of the rape victim felt that the media while reporting the case has defamed the victim and her family members.

- 8.4% of the rape victims said that the rape case was given proper attention by the media.

**HUMAN RIGHTS VIOLATION OF RAPE VICTIMS**

- When rape took place with the victim her right to dignified life, right to privacy and personal liberty got violated.

- The right to speedy trial and the right to legal aid have been violated because only 6.9% of the victims had attended court trial.

- Article 21 guarantees right to privacy, which is violated by media in 4.6% of the case.

- Violation of provision of 228 A has taken place in 8.4% of the case.

- 57.7% rape victims did not receive the copy of FIR; the violation of provision of Section 154 (2) has taken place.

- All the rape victims were examined by a medical doctor after rape, therefore, Section 164A. has been properly utilized.

- Section 357 Order to pay compensation (CrPC, 1973) was not at all utilized.

**FAMILY MEMBERS VIEWPOINTS REGARDING THE RAPE INCIDENT**

- 33% of the family members discovered about the girl being raped within a day.

- 55.7% of the family members had a traumatic reaction towards the rape victim.

- 68.5% of the family members consoled the girl and told her not to tell anyone.
• 33% of the family members reported the incident to the police station within a day.

• 93.1% of the family members said that the police registered FIR immediately.

• 73% of the family members said that they were informed about the culprit of the case being caught.

• 93.8% of the family members said that they knew the culprit.

• 56.1% of the family members said that the culprit was their neighbor.

• 70% of the family members had feelings of hatredness towards the culprit.

• 18.5% of the family members said that the rape victim remained very disturbed and irritated.

• 36.9% of the family members said that the case was 6 months to one year old.

• 93.1% of the family members said that no summons was served till now.

• 5.4% of the family members said that the judge patiently heard the victim.

• 4.6% of the family members said that they had been to the court only once.

• 35.4% of the family members said that the neighbors point out fingers at the victim.

• 79.2% of the family members said that no services were received from the NGOs.

• 85.4% of the family members said that there should be improvement in the services of NGOs, police, hospital and court.

**HANDLING OF RAPE CASES (POLICE, DOCTORS, PUBLIC PROSECUTORS AND JUDGES VIEWPOINTS)**

**HANDLING OF RAPE CASES (POLICE VIEWPOINTS)**

• 37.5% of the total police officers said that they received 1 to 5 cases in a year.

• 79.1% of the total police officers said that all the rape cases reported to them were true.
• 25% of the total police officers said that they made the victim of rape cases comfortable by way of offering water, tea etc.

• 27.1% police officers said that they always repeated and explained the question to the victim.

• 25.0% police officers said that they consoled the parents of the victim.

• 100% police officers said that they provided a separate room for questioning of the victim.

• 91.7% police officers said that there were always 2-4 female officers including one investigating officer remained present during the questioning session.

• 25.0% police officers said that they faced problem because of the small age of the victim.

• Police Officers interviewed for the study said that they started the investigation soon after reporting of the incident.

• 50% of the total police officers said that they got the medical checkup done of the victim soon after reporting.

• All police officers said that they made sure that the rape victims receive a copy of FIR.

• 77.1% police officers said that almost 100% cases got successfully completed in apprehending the accused.

• 47.9% of Police officers said that they prevent the rape case by nabbing the accused soon after the incident.

**HANDLING OF RAPE CASES (DOCTORS VIEWPOINTS)**

• Their opinions were sought in terms of examining the rape victims, and collecting medical and forensic evidences.

• The rape victim’s written consent is taken for the examination of the victim.
• All these evidences are taken into account. They are age of the victim, any external objects, stains of any kind of dirt, grease, grass, sand etc. present on the cloth of the rape victim, any tears in dress of the victim, any scratch mark, bite mark, signs of injury due to resistance anywhere on the body, semen, blood, urine or other fluids like faeces stains present on underwear, indications of penetration, rupture of the hymen, and presence or absence of semen or blood in the vagina.

**HANDLING OF RAPE CASES (PUBLIC PROSECUTORS VIEWPOINTS)**

• 32% public prosecutors said that victim’s right to live a dignified life has been violated.

• 56% public prosecutors said that they studied in detail about the rape case before the hearing of the case.

• 96% felt that the criminal Justice’s objective is not fulfilled in giving proper justice to both the accused and the rape victim.

• 84% public prosecutors felt that low conviction rate contributes to increment in rape incidents.

• 32% public prosecutors said that victim’s unwillingness to come to the court to give her testimony and defense lawyers seeking frequent adjournment leads to delay in trial of rape cases.

• 44% public prosecutors said that forensic science techniques have been used properly in a few cases.

• 12% public prosecutors said that police is overburdened to do the law and order work as well as investigation.

• 12% public prosecutors said that their work was apt in the proper hearing of the rape
case.

- 68% public prosecutors said that the rape victims are harassed during the trial of rape cases.

- 16% public prosecutors felt that the harassment of rape victims can be reduced by active interference of judges during the trial.

- 100% public prosecutors said that evidences such as victim’s testimony, medical evidence, forensic/scientific evidence etc are taken into account.

- 24% public prosecutors said that if proper judgment is not given in a rape case than social insecurity increases.

- 36% public prosecutors said that only genuine cases should be registered in a police station for the quick delivery of justice.

**HANDLING OF RAPE CASES (JUDGES VIEWPOINTS)**

- 36% of the judges said that rape cases are increasing due to loosening social control, loneliness in Delhi roads and more of women folks coming out to do work.

- 44% the judges said that right to lead a dignified life, right to privacy, right to freedom etc. has been violated when any rape takes place with a girl.

- 40% judges said that the first thought regarding rape victim that comes into their mind is that victim’s chastity has been broken and she has suffered a great loss.

- 28% of the judges said they have feeling of sympathy towards the rape victim because she has suffered a great loss.

- 40% judges said that the courts are overloaded with the cases and victims do not follow the case.
• 72% judges said that low conviction rate contributes to increment in incidence of rape cases.

• 48% judges said that they found rarely that forensic science techniques were used meticulously in the investigation of the rape case.

• 36% judges said that there is lack of co-ordination between police and public prosecutor.

• 64% judges said that rape victims are harassed by the defense counsel curing the cross examination.

• 52% of the judges said that the rape victims harassment can be reduced by the active interference of the concerned judicial officer during the court proceeding.

• 60% judges said that rape incidents are reported late in the police station.

• 88% judges said that evidences become redundant within span of time because of the late reporting.

• 40% judges said that the delay in reporting adversely affect the justice delivery process.

• 60% judges said that media has no influence on the judges and their judgments.

• 60% judges said that the objective of the punishment should be reformation, deterrence, rehabilitation and re-integration.

• 48% judges said that they rarely utilize the section 357.

• 36% judges said that death penalty should be given to the rape accused if the murder is caused along with the rape to the rape victim.

• 40% judges said that the proper judgment in a rape case restores the belief of the common people in a criminal justice system.

• 20% judges said that doctors and public prosecutors should come well prepared for the case.
ROLE OF NGOs AND MASS MEDIA IN THE PREVENTION OF RAPE INCIDENTS

ROLE OF NGOs IN THE PREVENTION OF RAPE INCIDENTS

- 30% of the NGOs said that the objective of the organization was to help the weaker sections of the society, and to counsel and rehabilitate rape victims.
- The basic functions of these organizations were to fulfill the needs of rape victims, to rehabilitate them, work for their spiritual growth, and provide legal, medical and financial aid to rape victims.
- 50% of the NGOs said that they get 4-5 cases in a month.
- They provide all kinds of assistance depending on the requirement of the rape victims such as medical assistance, legal assistance, monetary assistance, psychological assistance etc.
- 50% of the NGOs said that all future prospects of the rape victim are hindered.
- 60% NGOs said that they had some rape cases coming to them before being registered at the police station.
- 60% NGOs faced no problems in lodging the FIR.
- The NGOs said that they face problems from the family members of the rape victims.
- 20% of the NGOs said that the rape victims never got any compensation from the court.
- 60% NGOs said that they do counseling, take the victims to doctors if any medical treatment is required, bear expenditure of the same, provide vocational training etc.
- 60% NGOs said that they first build rapport with victims and asked them to share their bad thoughts and experiences.
- NGOs feel that there is rampant corruption at every stage of the criminal justice system.
- NGOs said that they do their best in terms of rehabilitating the rape victims.
ROLE OF MASS MEDIA IN THE PREVENTION OF RAPE INCIDENTS

- 30% media personnel said that factors responsible for the rape incidents are that sexual materials are explicitly shown in the media, lack of political will to combat such crimes, societal norms and values have become weak, low conviction in all cases etc.

- 20% media personnel said that the factors such as to sensitize people, that the news should not be provocative in nature and victim’s identity should be concealed, precaution regarding the rape case and alerts about bad elements prevailing in the society are considered for the presentation of the rape case in the newspapers/ news channels.

- 30% of the media personnel said that all future prospects of the rape victim are hindered.

- 30% media personnel said that police is easily influenced by other sources.

- 25% Media personnel said that the family members start to worry about their female members when any rape case is highlighted by media and take proper precautions against such cases.

- Media personnel said that the criminal justice system is less media friendly.

- 35% Media personnel said that rape should be subjected to strict punishment so that the other prospective offenders can take lessons from the previous convictions and in this way we can control the increase in rape incidents.

VIEW POINTS OF COMMON PEOPLE ON INCREASING RAPE INCIDENTS IN DELHI

- 21.0% common people said that factors responsible for the rape incidents are: sexual materials are explicitly shown in the media, lack of political will to combat such crimes; societal norms and values have become weak, low conviction in all cases, lack of proper policing etc.
• 35% of the common people said that they get shocked hearing about the incident taken place in the area and feel bad for the victim as well as their family members.

• Maximum number of people i.e. 24 % said that police is corrupt in nature.

• 12% of the total common people maintained that they always informed the police about any incident occurred in front of them or with them.

• 84% of the total common people interviewed said that they always helped the police in matter of investigation of criminal cases.

• 70.0% of the total people interviewed said that they have never been to court to watch hearing of any case.

• 25% of the common people said that the rape victims never got any compensation from the court.

• Maximum people feel that there is rampant corruption t every stage of the criminal justice system.

• 32% of the common people said that they give out information related to any crime.

• Majority of the people found the electronic media as the most popular form of media.

• 35% people said that what electronic media projects regarding the rape cases is not true in every sense.

• 20% people said that they start to worry about their family members especially the females when any rape case is highlighted by media.

• 58% of the people said that the media keep in mind the importance of social values while reporting.

• 16% people said that the notorious people do not always pick up different ways of committing the crime from media.
RECOMMENDATIONS

1. The study reveals that more than 45% of the total rape victims were from the age group of 13-18 years, which is the adolescent period. At this stage, the girls need to be given some form of sex information, so that they may understand the meaning and consequences of rape. It is therefore recommended that appropriate programmes should be planned to impart sex education to them with the help of the schools and NGOs.

2. The study reveals that lower class localities and extremely crowded colonies have figured prominently in rape crimes. It is therefore recommended that sex information should be particularly directed towards those who live in lower class localities and extremely crowded colonies where predominantly undesirable characters live. Holistic sex education would reveal that women are not objects to serve men sexually or otherwise, but are human beings with intelligence, warmth, strength and sexual desire.

3. The study reveals that 50% of the total rape victims were from slum areas where there are no properly well defined houses and no basic amenities for living. In these areas, girls usually come into the eyes of the prospective offenders and they usually trap them with ease. Therefore, it is recommended that government should provide them with proper houses with all the basic amenities as this is their basic right to life with dignity.

4. The study shows that 93.8% rape victims have known the accused. It is therefore recommended that the girl should try to de-escalate by way of speaking or acting in a way that can prevent things from getting worse especially in the case of known offender.

5. It has been found that rapes had been committed in large number of cases by neighbours and
friends and in a slightly lesser number of cases by strangers. **It is therefore recommended** that the adult members of the society and the young girls should be sensitized to this aspect and be made more aware of the possibilities of such incidents to take place both within their homes and outside. Such sensitization would help the girls and her parents to take the minimum necessary precautionary steps and avoid carelessness on their part.

(a) **It is also recommended** that parents should teach the girls about whom and when to trust, which touch is wrong, and what moves by either friends or relatives or strangers can put them into difficult situation.

6. It has been observed in the study that around 55.4% victims showed resistance at the time of rape either by screaming or fighting back but still they were raped by the accused. **Therefore, it is recommended** that girls should be taught proper self-defense which will help them in protecting themselves from rape.

7. It has been observed that maximum number of rape cases took place outside Delhi followed by victims’ house in the evening and night. **Therefore, it is recommended that:**

   (a) Victims should not keep alone at this time of hour and somebody should be along to give her company.

   (b) It is advisable for a girl not to become very familiar with the neighbours, because in most circumstances, they are the one who take advantage of the innocent girls.

   (c) It is also advisable for a girl not to get swayed by the words such as marriage to the neighbor or friend because they do it to obtain consensual sex.

8. The study reveals that in 48.5% of the total known rape offenders cases, victims were raped by their neighbours. Now in this case, it is not the entire responsibility of parents to take care of
their kids, it is the responsibility of neighbours also to remain alert about the things going on in their neighbourhood. **Therefore, it is recommended** to run Neighbourhood Watch Schemes of the Police which will be of immense help in improving the sense of responsibility towards any mishapening of each and every person.

9. Rape is one of the gravest crimes which are increasing leaps and bounce. It cannot be the sole responsibility of police to curb this menace as police cannot solve the problem alone. **Therefore, it is recommended** to improve police-community relations. Regular meetings and interactions with police will give them a sense of involvement in police work and it also helps in improving their sense of responsibility.

10. In 28.4% of the total rape cases under the present study, mode of attack deployed was that of kidnapping by the accused. **Therefore it is recommended** that police vigilance and alertness can help reduce such kidnapping which is done with sole motto of raping the girl.

11. **It is also recommended** that police patrolling should be taken seriously in those areas which are more prone to rape crimes like Northeast and Northwest district.
   
   (a) More and more women police officers should be given this patrolling duty as females have the tendency to mingle up in the society more easily as compared to males. They can easily spread the awareness among the young girls regarding the preventive measures.

   (b) To dilute gender bias in the male dominated police force, a greater representation of women police officers in all ranks and creation of women police-stations in all major towns is highly desirable.
12. It has been found in many cases that the victim reported late in the police station. 72.3% of the rape victims said that they had already cleaned up before seeking help, whereas 27.6% of the rape victims had not cleaned before reporting. This wiped off all the vital medical evidences. **It is therefore recommended** that the delay in lodging an FIR can be curtailed to a great extent by launching a major campaign to create awareness among the masses and to educate them about the grave consequences of delay in reporting the matter to the police. Since a large number of victims belong to the lower age group (13-18 years), the effort needs to percolate down to the school level. Involvement of NGOs in the drive would be highly fruitful.

13. 57.7% of the victims did not receive the copy of FIR. This leads to the violation of provision of Section 154 (2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant (CrPC, 1973). **Therefore it is recommended** that the copy of FIR should always be given to the victims.

14. The medical officer should be competent for giving requisition of the services of a medical board for medical examination without involving any other agency. **It is therefore recommended** that it should be mandatory for the medical board to give their opinion immediately. Any delay in submission of report should be viewed as obstruction of justice and should automatically invite criminal liability.

   (a) A time frame should be laid down for submission of expert’s report and augmentation of DNA testing facility as these things leads to unnecessary delay in disposing of the case which in turn affects the victim in every sense.

15. The summons was served either after gap of one year or two years or sometimes, after three years. The court should not take forever to start a trial in rape cases. **It is therefore**
recommended that the court should take up rape trials on priority basis and attend to them immediately. The entire proceedings should not extend beyond a period of 6 months.

(a) Adjournment should ordinarily be disallowed except in extra-ordinary circumstances for very short duration.

16. No compensation, either by state or by the offender, was provided to victims of rape. It is therefore recommended that:

(a) At a bare minimum, provision should be made to pay for the medical services that the victim requires as a result of the rape.

(b) Further more; it would be reasonable that the state should reimburse the victim for the costs including the loss of work time entailed in being a witness for the prosecution.

17. It is recommended to legislate a victim’s code of practice, setting out what protection, practical support and information, victims have a right to expect from criminal justice agencies.

18. Counseling of victim and their family should be ensured to prepare their mind set to face the arduous task of investigation and trial. It is recommended that this task should be carried out by reputed NGOs.

19. The trial of all rape cases in the present study was not conducted in the camera. This led to the violation of the provision of Section 327 (2) (CrPC). It is recommended that the courts should make sure that the provision of this section is utilized to do away with the embarrassment and harassment of the rape victim.

20. 11% of the total rape victims i.e. 6.9%, who had attended the hearing of the case in the court said that they were harassed by the defense lawyer during the cross examination, who was
under the age category of ‘below 16 age group’. It is recommended that the active participation of judge in the rape trial can check such harassment of the rape victim.

21. Court takes in consideration all the vital evidences and the matter of hearing before passing judgments. ‘Victim Impact Statement’ is also important evidence. It is recommended that court should make it mandatory to submit ‘Victim Impact Statement’ along with all evidences and all should be taken in to account before the final verdict. Enable victims to submit a “Victim Impact Statement” to the court setting out the effect of the crime on their lives.

22. Some of the rape victims i.e. 13.8% suffered from depression. 15.3% remained very disturbed and irritated. They complained that when they went to nearby government hospital, there was nobody who could deal with this problem, so, they were turned down. Therefore it is recommended that all government hospitals whether big or small should have psychiatrists and health experts and these hospital should be in the reach of victims.

23. 2.3% of the rape victims had once attempted suicide. This is extreme condition of after effects of rape. Therefore it is recommended that treatment programmes which specially deal in such mental cases should be made aware to the victims through social welfare agencies and it should be within the reach of the victim, so that she benefits from such treatment programme and never ever indulge in such act or even think of it. Help in this regard can also be gained from religious and spiritual gurus to teach values of life.

24. 36.1% rape victims were looked down upon by their parents. 19.2% of the rape victims said that their friends had stopped talking after knowing about the incident. 2.3% of the rape victims’ friends showed a taunting attitude and 2.3% of the rape victims said that their friends passed lewd remarks. It is therefore recommended that parents and neighbours should be
sensitized to this aspect of rape that if rape victims are not handled properly, this can lead to more psychological and mental damages of rape victims.

25. There is a need for providing an integrated physical, psychological and social services to the victims, which can be offered on the auspices of social welfare agencies.

26. 19.2% of the rape victims changed the place due to ill fame in the society. This is an extreme derogatory treatment of rape victim by the society. Therefore it is recommended that programmes which burst out rape myths and help inculcate positive attitude towards rape victims should be taught to the common people. Human Resource Development Ministry may also be approached along with the Community policing agencies for making adult education and awareness campaign about definition of rape and rights of women particularly in the high incident areas.

27. 6.1% of the rape victims were thrown out from the school. 3.8% of the rape victims were not accepted by the school authorities. This is the gross violation of Article 21A. Therefore it is recommended that state machinery should make sure that such violations if at all takes place, should not go unpunished, so that such schools would refrain from acting out in such negative way towards rape victims with no fault of her.

28. 5.3% of the rape victims said that the highlighting of the case has hindered their prospect of getting married. 4.6% of the rape victim said that ‘I have become a known face all over the city’. This is the clear violation of the provision of Section 229A (IPC, 45 of 1860). Therefore it is recommended that Judiciary should take these gross violations very seriously and make sure that such an act by media should not go unpunished.
29. Many institutions deal with rape victims. But frequently these institutions have no one, who, as part of their role, is assigned the responsibility of seeing what happens to victims over time and of protecting their rights. **Therefore, it is recommended** that special programmes for victims of crime be instituted and for that specially trained people should be assigned to work with victims.

30. The study reveals the fact that the speedy investigation took place after the reporting, but the trial took very late to start. 70.7% of the rape victims said that the accused has been caught. Only 6.9% of the rape victims had gone for the hearing of rape case. Fast track courts are not in consonance with the rape cases, that is why, rape trial takes very long to start because large numbers of cases are already pending. **It is therefore recommended** there should be more fast track courts built.

31. NGOs somehow managed their expenses which incurred due to services provided to rape victims. As NGOs are considered as one of the important link between public and the police, **it is recommended** that there should be a proper distribution of funds to every NGO by government agencies, corporate world, international organizations etc., so that they can render their services to common public efficiently.

32. An ongoing gender sensitization module should be incorporated in all the training programmes for police, prosecutors, forensic and medico-legal experts and judiciary.

**SUGGESTIONS**

The Hon'ble Supreme Court in *Delhi Domestic Working Women's Forum vs. Union of India and Others* [1994(4) SCALE 608], indicated broad parameters in assisting the victims of rape.
1. The complainants of sexual assault cases should be provided with legal representation. It is important to have someone who is well-acquainted with the criminal justice system. The role of the victim's advocate would not only be to explain to the victim the nature of the proceedings, to prepare her for the case and to assist her in the police station and in court but to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, mind counseling or medical assistance. It is important to secure the continuity of assistance by ensuring that the same person who looked after the complainant's interest in the police station represents her till the end of the case.

2. Legal assistance will have to be provided at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station. The guidance and support of a lawyer at this stage and whilst she is being questioned would be of great assistance to her.

3. The police should be under a duty to inform the victim of her right to representation before any questions are asked of her and that the police report should state that the victim was so informed.

4. A list of advocates willing to act in these cases should be kept at the police station for victims who do not have a particular lawyer in mind or whose own lawyer is unavailable.

5. The advocate shall be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victims are questioned without undue delay, advocates should be authorized to act at police station before leave of the court is sought or obtained.

6. In all rape trials anonymity of the victim must be maintained, as far as necessary.

7. It is necessary, having regard to the Directive Principles contained under Article 38(1) of the Constitution of India to setup Criminal Injuries Compensation Board. Rape victims frequently incur substantial financial loss and some are too traumatized to continue in employment.
8. Compensation for victims shall be awarded by the court on conviction of the offender and by the Criminal Injuries Compensation Board, whether or not a conviction has taken place. The Board will take into account pain, suffering and shock as well as loss of earnings due to pregnancy and the expenses of childbirth if this occurred as a result of the rape.

Since marriage below the age of 18 years is prohibited under the child Marriage Restraint Act, 1929, section 375 of the IPC should be amended so as to raise the age specified in clause "Sixthly" from 16 years to 18 years and section 376 of the Code should be amended to raise the quantum of punishment for a man who rapes his wife aged 12 to 18 years.

For custodial rape, the minimum punishment should be imprisonment for life with discretion to reduce it to 10 years RI for reasons to be recorded in writing. For gang rape, the minimum punishment should be imprisonment for life.

9. The offense of child rape should not be a part of general law should be separately dealt with by making a separate provision in the IPC or in a special law including therein to enhance punishment for the accused of custodial rape when the victim happens to be below the age of 18 years.

10. Section 309 of the Cr. P.C. provided for trial on day-to-day basis. However, in practice trial of a rape case prolongs for years. To overcome this, a time frame for trial of rape cases should be fixed. Alternatively, special courts to try rape cases should be established.

11. Questioning of the child victim should be reduced to the minimum and such questioning should be done at the place of her residence in the presence of her parents or social workers of the locality. Non-compliance of the provision of section 160 of the Cr. P. C. should be made punishable.

12. Trial of rape cases should be by a lady judge, investigated by a lady police officer and, if possible, dealt with by lady advocates.

13. Testimony of the child victim should be conclusive proof of the act of rape and no corroboration
should be necessary.

14. Appointment of jury from amongst respectable people (not being lawyers) should be considered to assist in speedy disposal of rape cases. In such jury, women should be given more representation.

15. Investigation of custodial rape should be conducted by some outside agency, namely CID or CBI. Investigation should be conducted by an officer not below the rank of DSP.

16. The doctor should record in the words of the victim the detailed narration of the incident which may be verified by physical marks.

17. The state should deploy lady public prosecutors to conduct a child rape case in a court.

18. Investigation by police in the cases of child rape should be done on priority basis and should be completed within a prescribed time limit.

19. Child cases should be given top priority and the courts should be required to dispose them within prescribed time limit.

20. Efforts should be to change the social perception of rape. This task should be taken up by the state urgently with the help of NGOs to reach the people. A regular campaign for building awareness and public education on the problem of child rape and the measurement required for the rehabilitation of the victim should be launched through official and non- official media. Sex education may be included in the school curricula for students in the age group of 12 to 6 years.

21. Occurrence of child rape is rampant in slum areas. Government should give special attention to these areas.

**On Medico-legal, Psychological and Rehabilitation Aspects**

(1) Government should provide facilities for formal as well as practical training for the medical practitioner examining a child rape victim.
(2) The psychological trauma undergone by the child should be duly appreciated and every effort made to restore the mental health of the child by providing counseling and other health care, preferably within the family.

**FURTHER SUGGESTIONS**

The law can do a lot of things in bringing the right situation for the victim.

I. A case where a victim is regularly raped should not be seen as a single rape case but multiple rape cases of quantity ‘n’, ‘n’ equaling the number of time the victim is raped.

II. If a victim gets AIDS through the culprit, the case should be viewed as rape and murder.

III. Only crime woman cell should be given the charge to deal on behalf of police in rape cases.

IV. In the punishment clause of 376(1) and (2), there is a separate postulate saying “Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence for a term of less than seven years”.

Thus the compass of flexibility makes a full circle. However I must mention a few points:

a) Punishment should have a scope for, in addition to any term of imprisonment;

i) Execution

ii) Other measures such as crime confrontation, psycho counseling, if they stand a viable chance.

iii) In a flexible punishment structure the judge should always be assisted by a jury, in the capacity of an adviser group, whose advice may wholly or partially, be dismissed or accepted.

The jury must consist of: psychologists, sociologists, criminologists, psychiatrist, sexologist, representatives from national human rights commission, representatives from woman’s commission etc.
iv) Reduction of punishment from the seven years or ten years lower limit should have a viable reason for it. Punishment reduction must involve lot of study and reasoning, as many a time punishments might be reduced because of wrong reasons.

v) Gender bias encodes can lead to wrong use of this power of flexibility, this must be kept account.

vi) Section 376 (2) while defining custodial rape does not include cases where a woman ask a lift from a police officer in uniform and he commits rape. It must be taken to be equal to custodial rape.

V. Develop a separate incest crime package.

VI. Mobilize public opinion in regard to rape punishment.

VII. Decentralize the rape punishment clause more than at the moment. Diversify it as much as possible as different rapes have completely different parameters attached to them.

VIII. When adding new clauses in rape law, these should be kept in mind

(a) If a victim is imparted AIDS, which is incurable, is this equal to murder?

(b) If the victim commits suicide prompted by outside clause (culprit), is this murder?

(c) If a victim loses her mental balance, leading complete destruction of mental life, is this murder?

IX. Rape victims may give many statements to the officials, but these statements often are not recorded in the victims’ own words. Sometime they are not recorded at all. The victim statements are often translated into the official’s language. Later, however the defense will cross examine the witness about these seemingly irrelevant details. Therefore, statements that victims give should be more accurately recorded to facilitate prosecution. Special attention should be
given to recording statements verbatim and also to recording all the relevant information such as bruises that the professional independently observes.

**Suggestions regarding witnesses**

I. **Witness’s appearance control projects.** Establishing projects that would “develop, implement, and test devices for (1) reducing the number of unnecessary trips to court required of both police and civilian witnesses, and (2) assuring their timely production at court when they are required.”

II. **Witness liaison and support squads.** Institute squads to “represent the interest of the court system to the witness and more importantly, the interest of the witness to the court system. Its members would keep witnesses informed about changes in court dates, court procedures, reasons for postponements and delay, and in general, what is going on in courtroom and courthouse.”

III. **“Witness interest” as a criterion in management studies.** Have court management studies “sharply focus on the ways in which court operations affect witnesses and expressly employ ‘witness interest’ as one yardstick of success.”

IV. **Rethinking laws, practices, and customs in terms of their impact on witnesses.**

**Suggestions focusing on entry of cases**

V. **Early screening.** Have an experienced prosecutor “carefully and critically examine each rape case at the outset of proceeding”.

VI. **To improve coordination in the now fragmented system.** Use various techniques to coordinate; for example, “monitor the entire system by the use of computer and
human resources” and have “organizational development meetings” that would be attended by “representative from all parts of the system.”

VII. To improve communications. Use techniques such as eliminating unnecessary forms.

VIII. To improve physical facilities. Improve the physical plant since “courts… are housed in inadequate and aged buildings, which, if used for industrial purposes, would have been condemned long ago.”

Suggestions focusing on research

IX. Simulation research. Obtain information on the usefulness of alternatives by doing simulation research. “If a model is built to simulate the case flow in the criminal court system, one may experiment with the model instead of the actual system.”

X. Operations research. Apply concepts and techniques of operations research to judicial administration problems such as delay.

Suggestions focusing on interviews

XI. Leading questions should not be put before the victim, because that might elicit answers such as ‘yes’ or ‘no’, the question should be asked in a manner that one is discussing the problem associated with her.

XII. Anatomical dolls can be used for interviews with the rape victims who are small in age because these dolls are made less toy like and more sexually explicit by adding oral, anal and vaginal body openings; neutral facial expressions so that the victims can communicate a full range of emotions.

All this can go a long way in dealing with the rape menace and building a judicious atmosphere for the victim.
CONCLUSION

An overview of the crimes clearly indicates that most of the crimes against women cut across all barriers of religion, caste or social strata. Education and economic independence rarely increases the moral courage of the victim to fight against the crimes especially those crimes which have a social stigma attached to them. The gender biasness, the patriarchal society, poorly developed shelter, lack of space, lack of awareness, lack of time by the loved ones, defective government policies, capitalist kind of society etc. are factors which contribute to the crimes against women. This is indicative of society’s weakness to protect those who for various inherent reasons are not able to protect themselves fully and also the fact that we have males among us who are worse than beasts. It is slur on the noble values and institutions, which the society so loudly extols. The sexual offences particularly rape are a standing insult not only to sacred institutions of marriage, sisterhood and motherhood but also to the whole humanity. In rape, the victim is destroyed and left alive to face the consequences of the destruction every single day. She has to live her death every single hour, single minute and single second of her life. The process of law is lengthy, cumbersome and expensive. Delayed trials due to the heavy back-log of cases and the other delaying tactics of the offender dilute the case, proofs disappear, and it reduces the chances of victim getting justice. Rape is a very complex phenomenon which itself has multiple factors involved in the justice delivery process. For the prevention and control of this evil a combined, coordinated and concerted efforts are required on the part of police, judiciary, NGOs and common people at large.