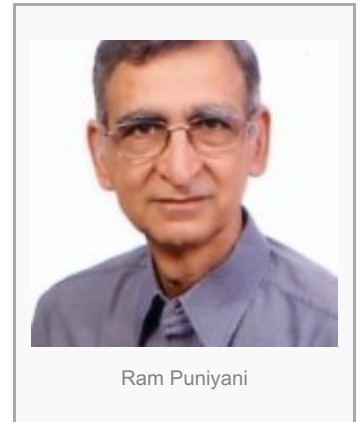


Preventing Crimes against women: are Stringent Laws the only Solution?

By Ram Puniyani

The death of the Delhi gang rape victim in Singapore (Dec 28, 2012) has created a massive wave of anger and protest. As such after this ghastly act, which took place nearly two weeks ago, the anger and protest of the people came to the streets and one witnessed the unfortunate police action. This gang rape was so horrific that the attention of the people from all the sectors of society was drawn to it, and the rage amongst people was limitless. One cannot describe enough the brutality of this act, which took place in the moving bus in Delhi. The first object of people's wrath was the Government and the police for their failure to prevent such acts, their inability to prevent such acts and lack of strong laws and for inability to put in place the mechanism for early punishment of the guilty, which can act as the deterrent to such heinous crimes in future. The first demand of protesters was that the guilty should be hanged.



Surely this massive unrest will force the authorities and society to initiate moves which should lead to the better and stronger laws and better norms for policing. One hopes this alone will not be the end of the social and political response to the protest of the people. One has to recognize that punishing the guilty, making stronger laws will merely be addressing the symptoms. The better path will be that in due course the grief of the event should be channelized to look at the phenomenon of rape and sexual violence against women at deeper level. In turn this should lead to efforts to create better social values and atmosphere where women can enjoy equal status and overcome the present chains of patriarchy. It is this prevalent patriarchy which is at the root of looking at women as subordinate secondary beings, who should submit to the wishes of stronger sex. The patriarchal mind set is at the root violence against women.

Today the whole response to the violence against women has to face the obstacle of biased processes, starting from the attitude society, apathetic and sometimes hostile response of the police and the attitude of a large section of judiciary. It goes without saying that all those who have to deal with the crimes against women need to be gender sensitized. Rape as such is a part of the attitude which regards women as secondary beings or worse the property of men. This is what was structural in feudal society. The transition from feudal society to the democratic society is half way arrested in India and during last three decades or so this transition for equality of both sexes has taken a beating with the rise of politics in the name of religion. This ascendance of politics in the name of religion has an all out impact on our system, the culture, the values and social thinking. This ascendance of ideology which, treats women as secondary beings has many negative aspects inbuilt into it.

At global level Islam has been demonized by US for the goals of control on oil wells, America's promotion of obscurantist versions of Islam and ultraconservatism in Islam, its propping up of Al Qaeda and coining of the word 'Islamic terrorism' has boosted the retrograde forces in Muslim societies. The arrested secularization process supplemented by this political process has promoted patriarchy in many Islamic societies.

On similar grounds the bringing in of religion in political space in India, the coming up Ram temple movement and consequent politics in the name of Hindu religion has also triggered the pushing back of struggles related to gender justice and equality of sexes. As such in India, the rape of Mathura, an Adivasi girl in police custody in late 1970s gave

an impetus to the women's movement which came up as a strong phenomenon raising the issues related to women's equality, their yearning for half the sky, their aspirations for a world where they are not just confined to Kitchen, Church and Children but are also a part of the full social space in its entirety, the arena of production and creativity. Later women's movement also engaged itself with the issue of rape of Manorama by army personnel.

In the transition phase from feudal set up to struggle for democratic society many an ideologues who were opposed to this transition did put forward their ideas which regarded women as the property of men. While those for democratic values encouraged women's equality, those stuck to feudal values, presented their norms under the wrap of religion and opposed the values of gender equality in various forms. The communal politics which developed in India had a great appreciation of norms from Manusmriti or for those Islamic traditions which gave a secondary status to women. One of the ideologues of Hindutva, Vinayak Damodar Savarkar went on to criticize Shivaji's act of benevolence in which he shows respect for the daughter in law of Subhedar of Kalyan. Shivaji and returns her back to her home with full honors. His army had brought her to him as a part of plunder and as a 'gift' for him. The Taliban mindset is not hidden from us, the types of dictates they gave, which led to girls like Malala to stand up against them. The BJP MP B.L.Sharma Prem expressed his ideology when he termed the act of rape of nuns in Jhabua as an act of Nationalism. One recalls George Fernandez, the BJP ally in later part of his life, had gone on to infamously state that 'what is new about rape' and refused to take this crime seriously. This he stated in the context of Gujarat carnage where unthinkable sexual crimes took place against Muslim women.

Communal violence is again a site of contestation which also takes place on women's bodies. Not only are the bodies of minority women targeted, the rumors regarding cutting of the breasts of 'our women' by the others has been a standard rumor used to instigate the people to attack the others. The matters have gone to such horrific extent that women themselves have helped 'their' men folk to commit such atrocities on the women from other religion. This has been the experience of Mumbai 1992-93 Mumbai violence and 2002 Gujarat carnage. Rape has also been used as a weapon against the weaker sections of society where Dalit or Adivasi women are subjected to this ignominy to punish that community; Khairlanji will always be etched in memory as an example of this.

The association of rape with clothes of women has been propped up by various police officials and communalists at times. The Khap psychology of controlling the lives of women in the name of Gotra is another aspect which we need to eradicate from our society. Many of these things have become stronger during last few decades and some contribution to patriarchal thinking has been promoted by the serials like the Saas bhi Kabhi... or films belonging to this genre of values. The cultural and religious space is also dominated various expressions, which promote the same. This is an outcome of retrograde politics and in turn further corrupts the political-cultural space to promote the obscurantist gender equations.

All this emerges from the patriarchal value system, which is an accompaniment of sectarian politics. While demanding for strong punishment against the criminals, one hopes the issues raised by this upsurge will be channelized to go to the deeper causes of this phenomenon and will also come to challenge the politics which is based on caste and gender hierarchy, the communal politics. This politics, which can come in the garb of any religion, is detrimental to the rights and status of women. The need is not to look at women as someone who need protection and respect as the subordinate being, but to work towards a society where women have control over their lives, where women are not the weaker sex, but one amongst the two equal sexes. One wishes the infinite pain and anguish of this upsurge will come to challenge the deep set norms of patriarchy in our society. Lets hope we don't have to hang our head in shame again.

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