

The trauma of the Delhi woman who was raped has ended with her death. The atrocity roused middle class anger all over the country. Emotions ran high around this atrocious act of some drunken men and the demonstrators made demands such as death penalty for rape and castration in public. This outburst is understandable given the cruelty of the perpetrators of the crime. However, one can ask whether this will become one more case of reacting to a single case without taking cognizance of the malaise that leads to such crimes. It became a high profile case because it happened in Delhi. That does not reduce the atrocity of the crime. But for change to occur in favour of women one has to go beyond this single case and deal with the issues involved. One has to remember that what happened in Delhi is not an exception. It received publicity because it happened in the capital but many more cases are hushed up regularly or are not reported. According to police records during 2011 India witnessed 228,650 crimes against women, 24,206 of them of rape and 35,565 of kidnapping and abduction.

These are reported cases. Probably a much bigger number goes unreported because of the stigma attached to it. Secondly, according to police records around 90 percent of rapes are committed by persons known to the victim, most of them family members. Thirdly, a large number of victims belong to voiceless communities. For example, in an article in Counter-currents, Cynthia Stephen quotes a dalit girl from a village in Tamil Nadu as saying “there is no girl in our lane who has not been coerced or raped by the dominant caste men when they go to the fields to fetch water or for work.” Men from the dominant castes threaten the dalits with dire consequences if they dare complain to the police. So these cases go unreported. Finally, often the police add to the trauma. For example, an 18 year old girl in Badshapur village in Patiala committed suicide on December 26, six weeks after being raped by three men. Her mother reports that when she went to complain to the police they humiliated the girl with lewd question such as “how did they touch your breast? Did they open their jeans or coat first?” The criminals were arrested only after her suicide. Or take the case of the police officer in Haryana who was elevated to the highest rank though a budding tennis star had accused him of raping her. She too committed suicide because she was unable to bear the harassment. The officer was given a six month jail sentence some years after his retirement.

These and other cases are symbolic of the attitudes of our society. The middle class stages demonstration in high profile cases and ignores the rest. Also the so called national media do the same. For example, when on December 23, 2005 some university students got into a railway compartment at Kokrajhar not knowing that it was a military wagon. All of them were raped by men paid to protect the citizens. But it did not become national news. Even in Assam it remained a Bodo women’s issue, not of all women. In other words, crimes against women are a result of the strong patriarchal values of our society but are also conditioned by ethnic and caste attitudes and in many cases by a false sense of patriotism. For example when the security forces rape women people are told to protect their honour and not report those cases. The victims do not matter. Even laws such as the Armed Forces Special Powers Act protect such criminals in uniform.

Given these attitudes, one can ask whether new laws, even death penalty, can prevent such crimes. One does not deny that police reforms and strong laws are required. But they alone

Rape, the Law and the Middle Class

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cannot solve the problems that are deep rooted in our culture which is visible in actions such as a few lakh female foetuses aborted every year because women are considered a burden. If all rapists were to be hanged, the victims would have to lose some of their family members who are perpetrators of these crimes. Moreover, the acceptance of the value of male superiority by most women ensures that abuses are kept secret often on the pretext of protecting the girl's or family honour. Or take the case of the tribal customary laws in the North East that give all social power to men alone. The leaders refuse to change the laws. For example, Nagaland has not been able to hold elections to the municipal councils because of the tribal leaders' opposition to 33 percent reservations for women. They claim that their customary law does not allow women to have political power.

It is clear then, that laws cannot change this system. Dowry, child labour, caste-based discrimination are banned by law. But they cannot be implemented without changing the attitudes that give birth to these abuses. It is as true about women's status as about corruption, caste and ethnic attitudes. No law can become effective without a social infrastructure to support it. But the temptation of the middle class that leads the demonstrations against rape, corruption and other abuses is to take up an event in isolation and ignore the attitudes and the social systems that cause it. For example, this class rightly took up political corruption as a cause to fight against but very few of them asked whether the hands of those who protested are clean. Similarly, this class also protested against the unjust arrest and jailing of Dr Binayak Sen and that was required. But they did not question the Sedition Act or the middle class needs for which the tribals are displaced. Their impoverishment is at the root of the Maoist rebellion in Central India.

One needs to ensure that also the issue of rape does not end with one case. The gender, class and caste attitudes that cause such abuses have to be tackled. One cannot stop at condemning the politician and the police departments. That step is required but new laws can only give one peace of conscience and cannot solve the problem. One has to look inwards and examine the social and cultural values that are behind such crimes. If the Delhi rape case leads to such self-examination, the 23 year old para-medical will not have laid down her life in vain.

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