



2020

**WHY INDIA IS SILENT ON SEXUAL ASSAULT AGAINST WOMEN: WITH  
REFERENCE TO PRIYANKA REDDY CASE**



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## **WHY INDIA IS SILENT ON SEXUAL ASSAULT AGAINST WOMEN: WITH REFERENCE TO PRIYANKA REDDY CASE**

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### **ABSTRACT**

Person cannot imagine their life without women, they consider women integral and indispensable part of society, they consider women as Devi and many else. But their lust, anger, greed, attachment, ego and anxiety, etc. cannot restrict them raising violence against women. So apart from most common points like patriarchal society, upbringing, etc. this paper will try to include or highlight the root cause of all these problems in all aspects of life. Like role of social media, films, tv shows, government, etc. as they play a vital role in eliminating social evils from society. With recent cases, facts, and analysis my paper will try to pull out the society stand on capital punishment, encounter, etc. and how this effect the concept of natural

justice, equality before law and equal protection of law. Priyanka Reddy case is there to push out our thoughts that even education and various other qualifications are not sufficient to protect women or ensure their safety in society. However, my paper will also focus to clear the facts that asking for new provisions, laws, acts, and policies, etc. are not the solution every time. Main thing is to implement and understood it effectively, and the awareness of the same is also very essential. Therefore, legal aid plays a vital role in safeguarding the rights and providing justice to women. Cooperation, public participation and their act define how much society is concern regarding such violence against women which are of alarming and of serious nature.

Keywords: - lust, anger, greed, attachment, ego, anxiety, encounter, justice,

### **INTRODUCTION**

The most important point which is here to focus on is that society only act after crime gets done, not take any initiative while that crime was taking place. At that time no

support from people around comes. Similarly, that what all happened at the time of Nirbhaya incident.

Most of the time it is pointed out that awareness can secure dignity of women from getting harm but according to my analysis only awareness is not sufficient, with awareness various sureties and support from family, society and other authorities like government are also require. As one who has self-respect, would not shout, that this wrong has happen with me. Person feel like sharing joy and sorrow with only those who will not makes it public. If victim of such harassment don't find comfortable in availing facilities provided by the government than what is the use of such policies, provisions, etc. It substantiates— According to **Manu's code** "A woman should never be independent. Her father has authority over her in childhood, her husband in youth and her son in old age". But still we find women are being ill-treated like.: - what all happens in **Nirbhaya case** in spite of being safeguarded by male. Even employment, various qualification can't safe women from being rape, or from various violence against them. Eg: - **Priyanka Raddi case** she was well educated and serve the society as being a doctor. But nothing helped her or saved her from brutally rape scenario in her life. If we go deep into it, we find that at every time period this had been the main focused

problem of society to eradicate the violence against women .in spite of being independent and powerful women they had face numerous of challenges in their life even though they are not supposed to face. Eg. From our ancient scriptures: - **Ma Sita** from **Ramayana** and **Draupadi** from **Mahabharata**.

**Me Too movement:** - Me too movement is also known as or popular with the #MeToo. It is a movement against sexual harassment and sexual assault of women. This was started by sexual harassment survivor **Tarana Burke** on social media in 2006, On Myspace. This was there for various women across the globe to fight back and it give people the resources to have access to healing, and to advocate for amendments and effective implementation of laws and policies.

## THE CONSTITUTION OF INDIA AND CRIME AGAINST WOMEN

India's constitution drafter's were very conscious or serious regarding women's rights in order to bring them equal to men. Various articles in the constitution safeguard or protect the rights of women. Our Constitutional provisions like the preamble, the fundamental rights, DPSPs

other provisions provide several general and special safeguards to secure women's rights for the upliftment of society and for common good for whole nation.

### **ATROCITIES ON WOMEN** **ACCORDING TO ANCIENT** **SCRIPTURES**

Atrocities on women: with their age, they have been raped, kicked, killed subdued and humiliated since so long and the main cause behind all these which I found is that Culprits alone are not the cause of violence against women but it is the fact that dignity of women is not harm much by the culprit or offender but by the silence of the learned and qualified people who could prevent suffering of the women. From ancient time till now according to me all learned and qualified leaders like Bhishm Pitahma, Guru Dronacharya, Kripacharya and Draupadi spouses were present at the time when Samragyi (which mean queen of Bharata) Draupadi was humiliated by kauravas and they could have saved Draupadi at least according to their conscience or on the basis of humanity and compassion. But they did not come forward because, all considered themselves to be bound by the words of Maharaja Dhritarashtra. Hence nobody spoke against the wrong which was happening in front of

them as all were taking care of their pledge. But according to my wisdom "all those pledge is meaningless or have no value, which can't do good to society." At that time nobody has the power to stop the Adharm which was happening on the name of Dharm.

Similar thing happened in Treta Yug, where the dignity and purity of Ma Sita was in question. And at several times she was made to go through many test to ensure their people regarding her purity. But it was more than enough that after knowing all the sacrifices of Ma Sita still the purity of her was in question by her own people. Thus she was made to leave the Ayodhya kingdom. This clearly reflects the patriarchal or predominantly male dominated Indian society.

Priyanka Reddy rape and murder news really shocked the whole nation. Humiliation of her was really serious and alarming. As she was abducted, raped, brutalized and after all these she was killed on the night of November 27, 2019. This all was done by four young men working as lorry cleaners. By the early morning her charred body was found under the bridge at Shadnagar. Approx. 9:30 pm on Nov. 27, 2019 she phoned her younger sister to inform that she got stuck as her bike's tire was punctured; that night she was really

feely scared due to sinister stares of the men around her.

People rated the encounter of Priyanka Reddy case valid due to the loss of faith of people on judiciary. Slow procedure has misbalance the whole process of maintained of power in country. As when the culprit of Priyanka Reddy was encountered till than the culprit of Nirbhaya case were not punished accordingly. Therefore, it validates the encounter of Priyanka Reddy case. Due to patriarchal society man consider themselves to be free to make choices, but they fail to recognize the consequences of their choices or demand. So there is a need for society specially men to learn how to make those right choices. When men acknowledge to make those right choices than men learn to live a transformed, happy, fulfilled life.

### **DUSSEHRA AS AWAKENING IN SOCIETY**

Although every festival in India directly or indirectly raises the dignity of women and urge the society to respect the dignity of women. but among all these I found Dusshera festival to be most appropriate to relate with. If people especially men learn the lesson from Dusshera festival every time when they celebrate it. It will surely

decrease the violence against women in India.

Indian culture and their festivals are so well formed, but person celebrate it without knowing its importance in life. The Dussehra festival which is celebrate worldwide. The dawn of Dussehra marks the end of Ravan. (Ravan signifies all men who harm the dignity of women) once we burn the effigy of Ravan than what is the necessity to burn it every year but the size of the effigy is made bigger than the last one. What is this symbolizing? The negativity, weaknesses and vices within us, these are increasing, year by year. Since these are increasing within individual, they are increasing in the entire country. As negativity in the country is increasing, the effigy of Ravan is being made bigger compared to the previous year. It is called Dus- hera. It is not called “Ravan Hatya” or “Ravan Vadh” (which mean killing of Ravan) Dus-Hara means cutting off, of the 10 heads. It means that the 10 vices of the person are to be cut off. 10 vices in every person. Their percentage may vary, but all the 10 vices are present in each of us. 1. Lust 2. Anger 3. Greed 4. Attachment 5. Ego 6. Jealousy 7. Hatred 8. Deceit 9. Stubbornness 10. Laziness. These 10 vices represent the 10 heads. We need to cut off these 10 heads. When we invoke our divinity and our powers. These 10 heads get automatically finished. This symbolizes

Dusshera. A beautiful message and learning are to be implemented in our life. “In India Women are worshipped or acknowledged as Goddess, but fail to give them their true position.” There is a great need for social awakening so that society can grow fast and develop more where women find themselves safe and secure. Thus culture importance is very essential, that is why these foundational ethics of spirituality are so crucial in this era of advanced life style.

**POWER OF THOUGHTS:** And the only way to prevent rape in society is while incidents of rape trigger intense outrage anger and pain in society, our responsibility does not end up there. Society must send the vibrations of power and love to heal the victim. We must rise our thoughts above the five lowest frequencies of lust, anger, greed, attachment and ego. A change in us will change the world.

## **SOCIAL AND CULTURAL AWAKENING**

Now questions strike that; - what are the changes we brought about in our lives? So that such an incident never repeats in the society? Do we contribute to what is happening in the society? Are we a part of it or not? There are five vices – lust, anger, greed, attachment and ego. The more we are

using 5 vices in our life in our own ways, accordingly, what vibrations are filling the air around us and the planet? Whenever we watch, read or listen anything because of which we generate feelings or emotions of lust, Today, if we take a pledge that not a single thought of lust that every thought in my mind will only be of purity. Only then we will make a contribution, but if a majority of us create thoughts of lust, anger, greed, attachments or ego. Then the chances of that thought coming into action increases. Whatever has happened – our responsibility does not end just by condemning it and discussing about it, our responsibility begins there. To check what individual is ready to do, to finish the vibrations of lust which is in the air. We must not watch any such scene, not watch any such video, not read any such joke, not think or speak of anything lustful. We will only focus on right thoughts. Isn't it only then, that we do something to change things? The world cannot change merely by what we say. By our criticizing and raising our voice against such incidents, the world cannot change. It can only instigate to capture those 4 people (culprits), which has been done. But what did we do so that not karma, but even somebody's vision should not be polluted. People need to understand that we are collectively responsible for what is happening in the world. Just by

saying they will do it, or we will do that, the world will not change.

## MUSIC ART AS REFLECTION OF TRADITION

Harassment and violence against women are continuously and quickly increasing. In order to eliminate these, we have to set up a higher taste to discard the lower one. As right is right even no one is following it and wrong is wrong even everyone is following it. People often claim the responsibility of others like government, respective authorities but they never hold their personal or individual responsibility regarding victims or crime around. But if we strengthen our culture and values from initial stage of life means from childhood and everywhere around like school, etc. then we may ensure our future generation to be strong enough to eliminate these evil act from society. Annual function and various other programs can be conducted by the school regulatory authority to cultivate good attitude in children towards the society.

But on top of our purity, we have accumulated layers of impurity today. We listen, read and watch so many impure things. We are the land of customs, traditions, values.... for any society its music and art are a reflection of its

traditions, values. And our songs are like.... *Laila teri le legi tu likh ke le le ...nice!* not even companies like insurance would be capable to give such guarantee. Another one is *beedi peekay nukkad pe wait tera kiya re ...khali peeli kullad mai chain bhi toh piya re .... ABCD padhli bohoh, thandi aahein bhar li bohoh .... achchi baatein kar li bohoh .... Abh karoonga tere saath ... gandi baat... gandi gandi gandi baat!!!!* -- it is easily predictable what does it all mean. It basically means that if you don't agree to be with me, I will rape you.... And now as a nation what did we do to this? We made this our Party Anthem....! It all seems to be bit weird but it's a reality of our society. We have been born with hypocrisy it's just in our blood, if a man hits a woman! Than society claim, what kind of a man are you? Hitting a woman! If woman revert than society say what sort of a man are you? Taking a beating from a woman is really embarrassing!! Shame on you! Can't even call you a man! this country is beyond our understanding. A home maker who slogs her ass off 24x7 is always introduced as "... oh! she does not work! she is only a house wife!" if a men busy or involve with 6 girls, he is considered to be a stud! If a girl is found to be with 6 boys she is a slut! All man who want to go out and protect woman and make things safe and comfortable for them.... who constantly watch out for woman! It's a request don't watch woman!

Look away! That will be enough to solve most of women problems! Our society never fails to astound woman. Our logic is quite weird. Eg: 20 yrs. old Gunjan from West Bengal was fighting death in the hospital. Why? What did she do? Why She had worn jeans to college. Society claim her as was she completely out of her mind? She would have taken inspiration from all these women in our country idolize like: - Katrina kaif, Deepak padukone, Priyanka chopra – as they only step out clad in decent sarees. wearing a ghoonghat. correct? Basically such things begin from home and school life. As people use name for the guys like Dude, Bro, etc. and for girls: - pataka, chamiya, phooljhadi, etc. **“If a man thinks about sexual objects, this give birth to attachment about these, from attachment is created desire, and desire gives birth to delusion and delusion leads to confusion of memory. From confusion of memory comes loss of intellect and loss of intellect results in destruction but he who has control his mind is free from attachment and hatred.”** Our half of the problem or crime of country will itself be eliminated. If people understand the simple and most awakening teachings of Bhagavad Gita.

## CULTURE OF JURISDICTION THROUGH POWER

Logic behind fair trial to most dreaded criminals: - fair trials are the only way to prevent unfair and illegal justice. Every person should have right to determine their guilt by a fair and effective legal process or means. It's not only just to protect suspects or defendants. It also necessary to make societies safer and stronger.

Without fair proceedings, accused or victims can have no confidence or surety that justice will be provided. Without fair procedure of judiciary, faith in government and the rule of law collapses.

The right to fair trial is not new; it has long been recognized by the international community as a basic human right. despite this, it's only a right that is being harmed or abused in nations across the globe with critical human and social consequences.

The Universal Declaration of Human Rights (UDHR) key provision in Article 10 states that, “everyone is entitled in full equality to go through a fair hearing by an impartial tribunal, in the acknowledging of his rights and liabilities.”

In the India Constitution article 20 clause 3 determine the right against self-incrimination. Further, after Maneka Gandhi v union of India, (1978) case, constitution article 21 talks about fair and equitable means to be followed up.

The sentiments, emotions, feelings, mood and temper of the society in respect to the maintenance of crime, terror and criminals play a significant role. E.g. public sentiments were high and against the criminals in the Disha murder case of Hyderabad. Thus it effects the concept of Rule of law. Sometimes in our country when situation goes out of control than the “culture of jurisdiction through power” comes into existence. So most of the time judiciary can’t work in their full capacity. for eg: - controversies of the encounters of gangsters in Mumbai.

Therefore, blood lust become the means to serve the justice in society due to slow or weak procedure of judiciary, society start losing faith on judiciary and public initiate the police department and various other authorities to provide them instant justice. And this disturb the whole legal system of country. Due to this concept of natural justice, equality before law and equal protection of law become ineffective. As people appreciate and acknowledge the encounter done by the police. So nobody questions for various other formalities to take place. This is how the concept of right to fair trail which is recognized internationally as a fundamental human right and countries are required to respect it become invalid at such circumstances. People rated the encounter of Priyanka Reddy case valid due to the loss of faith of

people on judiciary. Slow and weak procedure has misbalanced the whole process of maintained of power in country. As when the culprit of Priyanka Reddy case was encounter till than the culprit of Nirbhaya were not punished accordingly. Therefore, it validates the encounter of Priyanka Reddy case.

### **Recent Update: -**

#### 1. National Consultation on the review of Beijing +25

Ministry of Women and Child Development - (MoWCD),

National Commission for women - (NCW)

- BPfA focus on 12 critical areas of concern.
- Worldwide progress in implementation of BPfA is reviewed every five years by **Commission on the Status of Women (CSW)**.
- Global intergovernmental body primly dedicated to the awareness of gender equality and women empowerment.
- This field is not a legally binding, but rather this is only a guide for the U.N.
- It for the first time facilitated the “persistent discrimination against and violation of the rights of the girl

child”, getting included as one of the serious area of acknowledgement conveying problem such as child marriage, female infanticide, genital mutilation and prenatal sex identification.

#### About (NCW) National Commission for women

- It is established in 1992 under the guidance of (NCfWA)National Commission for Women Act, 1990.
  - Study problems faced by women in the recent days, make several recommendations to eradicate these problems,
  - Focus or prime objective or priority is the status of Indian women from time to time.
2. Muslim women (Protection of Rights on Marriage) act, 2019
- Recently, President gave assent to the Muslim women (Protection of Rights on Marriage) Act 2019. It replaces the Muslim women (Protection of Rights on Divorce) Act, enacted after the Shah Bano Case.
  - It quashes the practice of instant triple talaq (talaq-e-biddat) as void and illegal.

- It makes instant triple talaq a criminal offence with imprisonment up to 3 years and fine.

#### 3. About Domestic violence

Recently Apex court held that the brother-in-law will also be liable to pay maintenance to a victim woman.

- The Protection of Women from Domestic Violence Act, 2005(PWDVA); PWDVA enshrines principles of the UN Convention.
- According to this law, women now can seek financial compensation as well as they can get maintenance from their abuser in case they are living apart:
- It provides the Right to secure Housing as well .eg: - right to reside in the matrimonial.
- Magistrate has right to pass a protection order under the Act to ensure the safety of woman and also to ensure that abuser doesn't contact or get close to the survivor.
- Under this act Punishment of one-year imprisonment and Rs. 20,000 each or both can be enforcing to the offenders.

- Harassment of Women at workplace update:

Recently the Apex court held that sexual harassment of women at workplace (prevention, prohibition and redressal) Act was enacted to provide protection against sexual harassment of women at workplace as well as for prevention and redressal of such complaints.

- POCSO ACT

Ministry of law and justice has recently stated a scheme for setting up 1023 Fast Track Special Courts for rape, as a part of National Mission for Safety of Women (NMSW).

### IMPORTANT NGO'S

#### WORKING FOR WOMEN

#### RIGHTS

- Justice for Women
- Khushi Foundation
- Indraprastha Sanjeevni NGO, Naraina
- Masum Zindagi, R.K. Puram
- Women's Political Watch, Hauz Khas
- SHUDDHI NGO, Prashant Vihar

We also have "Naari Suraksha", "Beti Bachao" for the upliftment of women in country.

#### IMPORTANT HELPLINE NUMBERS FOR WOMEN SAFETY

- Delhi Commission for Women - 011-23379181/23370597
- Delhi Police Helplines - 1091/1291/23317004
- National Commission for Women - 011-23237166/23234918

#### Legal Aid Helpline no. for women

- Human Rights Law Network - 011 - 243745501/243746922
- Lawyers Collective - 011-24373904/24372923

#### Shelter Homes/Hostels for Women

- Shakti Shalini - 011-24373737
- Ywca (Hostel for Working Women) - 011-23362779/23362975

#### Counseling /Support Services

- Snehi - 011-65978181
- Sanjeevani - 011-268622221

As per **section 164** of **Criminal Procedure Code** women has right to privacy while recording statement. As per the section woman who has been raped can record her statement before District Magistrate, when case is under proceedings there is no one needs to be present. In this situation woman has the right to lodge an FIR (First Information Report) at any police station under the provision of Zero FIR.

acid attack survivor that every acid survivor can be treated at free of cost in any hospital across country. Minimum compensation of Rs 3 lakh has to be given to the victim of acid survivor.

Another most essential recent case is **Sabarimala case**, where the entry of menstruating women was allowed. Violation of article 14 (right to equality) and article 28 (right to freedom of religion) was challenged.

### **FEW LANDMARK CASES WHICH BROUGHT CHANGE IN SOCIETY**

**Vishaka case**, where few women filed an PIL against state of Rajasthan asking violation of their fundamental rights under article 14, 19 and 21 and this case was related to sexual harassment of women at work place or in any kind of employment where women safety is of prime concern.

Another landmark case is of **Shah bano case**, this case was related to women equal rights in marriage and divorce,

**Shayara Bano** is another recent landmark case where instant triple talaq was abolish.

**Laxmi Agarwal case** is one of the famous case related to acid attack. Where Laxmi Agarwal is the acid attack survivor, and brought several changes for acid sell and

- **Few fundamental rights which give women equal status are: -** right to equality (**article 14**), no discrimination [**article 15(1)**], state to make special provision for women and children [**article 15(3)**], equality of opportunity in public employment (**article 16**).
- Rights of women under **Hindu Succession Act**, right and Hindu Adoption and Maintenance Act,
- Right of maintenance under **section 125 of Criminal Procedure Code**, Dowry prohibition act, harassment of women at workplace, provision under IPC, etc.

### **SOLUTION:**

In this era, it is very essential to raise children with the right values. As until unless they do not have values, they won't be able to respect the women around. To inculcate such values in men for that festivals and days like Durga Pooja, Mother's day, Daughter's day, women's day and all such days, festivals and practices need to be encouraged by society and government to inculcate the habit of culture importance in people where woman is worshipped like a Goddess. Various studies reflect that crime rate during Durga pooja and Navratri goes down and play a significant role in the attitudes of man towards woman.

As getting rights are not sufficient, main thing is to use it well and realization of these rights are very important. As in all area from government side discrimination between man and woman has been eliminated and the one which was left soon going to be taken care of and that was related with the age of marriage of man and woman should be made equal. So now from the government side all the measures have been taken care of so that dignity of woman in society must not be harm by any one. And in present all the responsibilities falls on the parents, guardian and school authority to raise the better human being for the society.

Realizing the importance of anything play a crucial role in our life. Therefore, it is very essential that India social media, films, serials and tv shows must show women in a dignify position and honor rather than cheap objects of lust in all over social media. Today maximum times women are presented as sex objects in all popular Hindi serials and Bollywood films. Than the question arises how will a society respect its women, if they are repeatedly seen as sex objects. Government need to realize that social media, Bollywood films especially, etc. are areflection of society as people easily get influence by these. there has to be high restriction by the government authorities to bring all such thing under control. Various sites like special portals and social media should be brought up where accused found guilty can be listed. This may bring shame on man indulging in such crimes.

Apart from all change outside like new laws, provisions, Acts, policies, authorities, etc. Person must have control on their senses and strengthen the inner power to cope up with the outer world. Women are now proved to be far better than men. As there are number of women across globe from India who has raise the standard of living with their values and culture. Women's are leader everywhere we look. Like: -

- **Shakuntala Devi** known as Human Computer across world.
- **Kalpana Chawla** was the first woman from India to go to space
- **Mary Kom** she won five time the world Amateur Boxing Championship.
- **Sushma Swaraj** (Minister of External affairs of India) one of the finest woman in Indian politics,
- **Mother Teresa** devoted her life to caring for the sick and poor
- **Lata Mangeshkar** legendary Indian playback singer
- **Pratibha Patil** (12<sup>th</sup> President) is the first female president of India.
- **Rani Lakshmbai** she was the Queen of Jhansi and was the famous Indian queen and warrior.

And now woman without man can work but man without woman cannot work as Beside every successful man there is a woman. Today women are the root of the nation so without women cooperation there is no rapid progress in the nation.

**“The role of women in the development of society is of utmost important. In fact, it is the only thing that determines whether a society is strong and harmonious, or otherwise. Women are the backbone of society”.**

## CONCLUSION

It is high time for all of us to acknowledge the importance of woman in our life as they have proven to be the best of best in all fields of the world. They have explained the meaning of true individual. And they shifted the world from competition to cooperation. As we can't do good for every woman but we can think good for every woman. Andre Beteille state that law decides the direction in which the society run and culture decide the way in which the society actually goes. Awareness among people especially woman. Serious punishments and implementation of laws for culprits can be the best solution for this. Prevention must begin early in life, by educating and working with young boys and girls promoting and encouraging respectful relationships and gender equality. Big change only begins from home. Elder male in family must not harm the dignity of woman, especially in front of children. Parent's must treat equally girl and boy child in family. Men should be taught to share the household works like cooking and washing utensils, etc. to make an equality based work ethic even at home. Women education and economic independence should be priority in all developmental activities of the government. Women empowerment schemes should be most effectively implemented. Primary

education especially for girls should be made compulsory. For heinous crime against women fast track court may be introduced.

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