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**The fear of the known**



The brutal gang rape and murder of a 23-year-old physiotherapy student on a moving bus in Delhi in 2012 triggered large-scale angry street protests and forced the government to enact stricter laws for sex crimes. The spotlight gradually shifted to inadequate police response systems and poor security in public places.

But the number of rape cases reported in Delhi has been going up every year. If there were 706 cases in 2012, 2013 saw 1,636. In 2014 and 2015, the numbers were 2,166 and 2,199, respectively.

Part of the spike may be attributed to better registration of cases as a jump in media reports, government campaigns and civil society programmes increased public awareness of women's rights and emboldened victims to register abuses.

But a scrutiny by DNA of rapes reported in 2015 — the latest year for which government data is available — shows that more focus is needed on tackling sexual violence in homes, neighbourhoods and work places.

As high as 96.58 per cent of rapes in Delhi in 2015 were committed by people known to the victims such as relatives, neighbours and employers, the National Crime Records Bureau (NCRB) has said in its latest annual report. A total of total 2,199 cases were registered. The accused were known to the victims in 2,124.

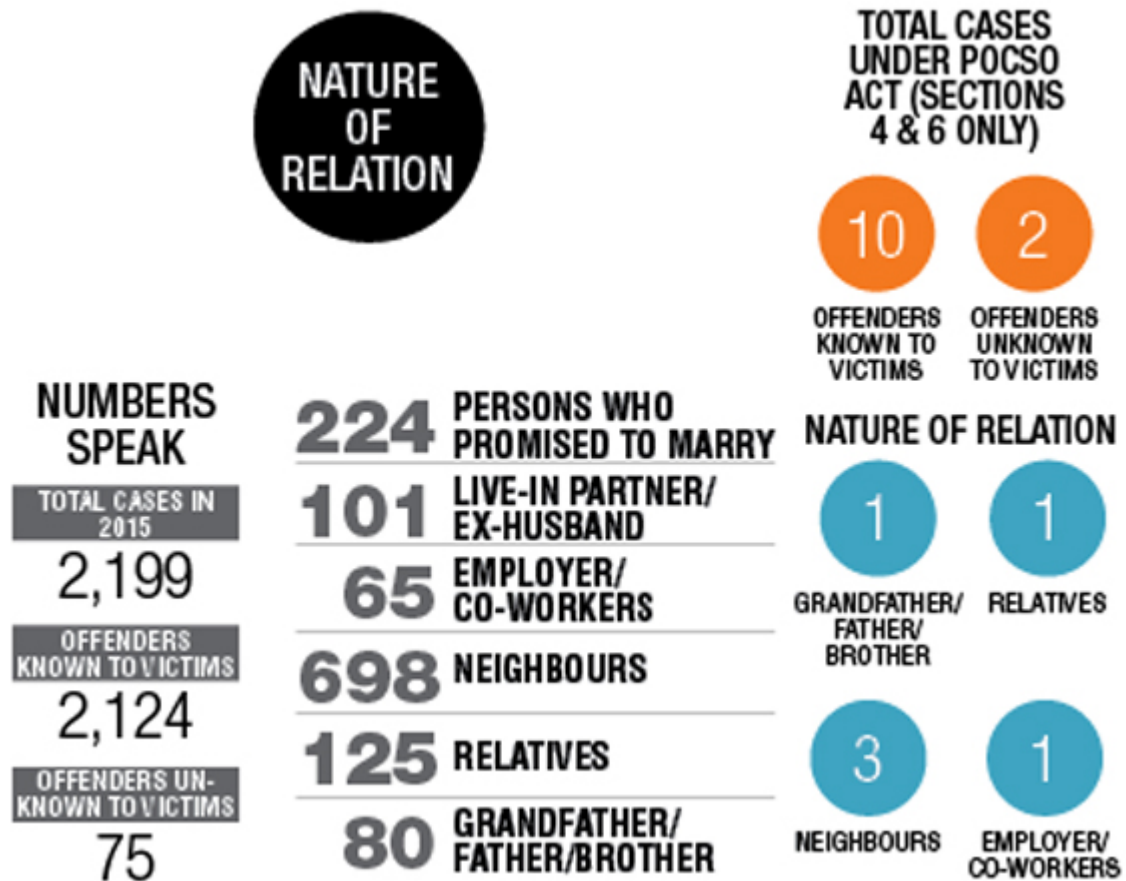
Experts say stranger rape is not really the problem and everyone needs to work at all fronts. In 80 cases, the offenders raped their daughters, granddaughters and mothers. In 94 cases, the perpetrators raped their close relatives.

Neighbours have been the largest offender category. They were accused in 698 (31.74%) cases.

Most children were attacked by their immediate family members. According to the NCRB data, 12 cases under Sections 4 & 6 of the Protection of Children from Sexual Offences Act (POCSO) were registered in 2015. The offenders were known to the child victims in 10 of these cases.

Advocate Indrani Lahiri, who deals with cases of sexual harassment at work places, says that women are often abused by those they work with or report to. "Crimes are also committed within the four walls of a secure home by domestic servants, family friends or distant relatives".

She says the figures are still gross underestimates, as many victims remain reluctant to report such crimes for fear their families and communities will shun them. Delhi Commission for Women Chairperson Swati Maliwal says the Delhi police has been giving excuses that since the accused are known to the victims, nothing much can be done. "I agree with the data. There have been lapses on the part of the Delhi police as well," she says.



The police, however, says that it is focused to prevent such crimes but there is a need to create a deterrence to keep potential offenders away from children. "Such cases are a result of perversion. Immediate family members need to take care of their kids and be vigilant. Lack of education in a family also leads to such crimes... relatives and friends shall be concerned and report any suspicious behaviour of the child or accused family members to the police without any delay," says Deependra Pathak, Delhi's Special Commissioner of Police.

Increasing cases mean strict punishment against the perpetrators. But according to the DCW chief, there have been only 146 convictions in the 31,446 cases registered in the last few years.

"Sajayein hone ki jarurat hai (There is a need for punishment). Otherwise there will be no fear in the hearts of culprits. The accountability of the police should be increased.

On one hand, we talk about digitisation of the criminal justice system, and on the other, we can't even bring criminals to justice," says Maliwal.

On July 26, a four-year-old was allegedly raped by a van driver who dropped the child to her school. The family has pledged to fight the case till the man is given the maximum punishment.

"We will fight till the end. My husband even said that he would bring the accused to justice even if he has to go to jail," says the mother. However, in most cases, it is seen that societal pressure leads to the withdrawal of cases after the initial one-two years of fight. The parents or complainants turn hostile because of the ordeal they have to go through and judgment from relatives and the society during trial.

Former bureaucrat and founder of NGO Prayas, Amod Kanth, says that both the parents of victims and the accused at some stage know about the assault but no one wants to speak about it.

"It is because of the concept of the so-called dignity of the people in the society. No country in the world has such sanctity of relationships which India has and this becomes a cover for the crime," says Kanth.

Advocate Chandra Suman mentions the taboo child victims have to face in incest cases (sexual assault cases in which the accused are fathers, brothers or close family members). "I have 35-40 cases in which the offenders are fathers and brothers. Now these people are considered as protectors. If such people turn perpetrators, who are the victims going to confide in?"

"Most such cases are highlighted only when the victim is taken to the doctor on complaints of sickness. In such circumstances, the victims are seen confiding in their friends, doctors and teachers. It is a trauma and the children cannot even confide in the immediate family members," Suman says.

Another issue is the peer pressure. "I have several such cases in which the father, the sole bread earner of the family, is behind the bars. Following this, the siblings of the

victim are suffering and the assault survivor is subjected to pressure and continuous taunting by the family members leading to the collapse of the case," he says.

The DCW chairperson slams the Delhi police and the Ministry of Home Affairs (MHA) for lapses in probing cases. "The Delhi police always complains about the lack of resources and manpower. There are no CCTV cameras installed to monitor such incidents of crime. The old cases are forgotten because of several new cases are piling up and there is no mechanism to maintain a record of crimes reported in the past," she says.

## **CASE STUDIES**

A 22-year-old man was sentenced to life in prison for raping his then four-year-old niece in 2014. The victim was lured with a packet of chips. The court held that "the convict took advantage of the tender age of the child and the fact that she could not have protected herself. He exploited the piousness of their relationship. These facts do not demand a lenient view". The incident took place on February 28, 2014. An FIR was registered at the Delhi Cantonment police station and a chargesheet filed on March 19, 2014. The accused, Ashok Kumar, though, had claimed that the victim's mother was trying to implicate him due to a monetary dispute.

A 35-year-old man was sentenced to seven years in jail by Additional Sessions Judge Shail Jain for repeatedly raping his sister-in-law. The mother of the convict was also given the same jail term for abetting the crime. The woman, who got married in 2003, had lodged a rape case against her brother-in-law. He was arrested but her in-laws pressured her to get him out on bail. On his release, the convicts decided to teach her a lesson. They confined her to a shanty for a month, where she was raped again.

A man was sentenced to 10 years of rigorous imprisonment for committing aggravated penetrative sexual assault upon her niece. Additional Sessions Judge Ruby Alka Gupta also imposed a fine of Rs 10,000 on the convict who was found guilty of raping his bhanji (niece) when she was alone in the house. The incident happened on January 25, 2013 when the accused, the uncle of the victim, was alone in the house.

He offered the victim food following which he removed her clothes and assaulted her.

However, the accused denied all the and contended that he was being implicated

A Delhi court sentenced a man to 10 years in jail for raping his domestic help brought from Jharkhand to Delhi in 2012. The victim was working through an agency and got employed at Kumod Mishra's house where she was raped when she stayed back one night. In February 2013, two months after the incident, the victim narrated her ordeal to another employer who helped her in lodging a complaint with the police.