

**CRITICAL ANALYSIS OF THE LAWS RELATING TO PROTECTION
OF WOMEN FROM SEXUAL OFFENCES:
AN EMPIRICAL STUDY IN THE STATE OF GOA**

**A THESIS
SUBMITTED TO THE GOA UNIVERSITY
FOR THE AWARD OF THE DEGREE OF**

**DOCTOR OF PHILOSOPHY (PH.D)
IN
LAW**

BY

Ms. MARIA GORETTI SIMOES MORAIS
Assistant Professor
G.R. Kare College of Law,
Margao-Goa

RESEARCH GUIDE

DR. G. SHABER ALI
M.A., LL.M., (NLSIU), M.L., PH.D
Coordinator for PG & Research Centre
at
V.M. Salgaocar Research Centre
Miramar, Panaji-Goa

**AFFILIATED TO
GOA UNIVERSITY, TALEIGAO PLATEAU,
PANAJI-GOA**

SEPTEMBER 2020

CHAPTER VII

CONCLUSIONS AND SUGGESTIONS

“Stay open minded; things aren’t always what they seem to be”

...George Bernard Shaw²⁹⁰

7.1. INTRODUCTION:

Women in India occupies an important and a dignified position. The Vedas have glorified her as the mother, the creator , the shakti, or the Goddess. However, in the Indian society, women today are becoming easy targets of their preparators and ADR thus the most vulnerable sections as far as their safety and security is concerned. Violence against women can fall into several categories like for instance, domestic violence, sexual harassment, female infanticide, rape, etc. If we analyse, the present position, in India there are large number of laws that are enacted to benefit the women. Similarly, the Indian State being a welfare state have time and again implemented and taken measures to secure their welfare. The Indian Constitution have given a sanctified place to her in the document but in spite of all these , the condition of Indian women is seen improving only at a snail's pace.

7.2 A BRIEF OVERVIEW OF THE PRESENT RESEARCH STUDY

Women, in the 21st century are not considered as objects of lust and greed. They are empowered now and are fighting for raving a niche for themselves in spite of the continuous struggle for equality with men. They have today ²⁹⁰overcome their social and religious shackles and are ever ready to balance their family and social life despite the barriers. Yet, there is a dark side to this so- called ‘women empowerment’. They are sometimes victims, without their fault, to the continuous and persistent commission of crimes of varied nature violating their basic human right to life and outraging their modesty, dignity, thereby putting them on a back foot and infringing the core values that find its abode in the concept of ‘ women empowerment’. These violations are

²⁹⁰ <https://www.goodreads.com> accessed on 3rd November 2019

unfortunately prevalent in various forms all over the world. Some refer it as ‘sexual offences’, others have termed it as ‘molestation’, and ‘sexual assaults’. But the truth is that they have been deep rooted in our Indian society.

It is often said that, ‘Prevention is better than cure’, to prevent these series of injustices that have to be faced by women from time to time, and from eons, various measures have been taken from time to time. The Universal Declaration of Human Rights (UDHR) have brought about a range of International instruments aiming to protect the vulnerable sections like the women and children from various offences and have in turn articulated a new charter of rights for them.

International instruments such as CEDAW and many other International Covenants have upheld the Women’s right to live free from violence. It is believed that any form of sexual violence is one of the most unsettling of women’s rights violations and as such, has been made the subject of dedicated international legal instruments aimed at protecting women against its multiple forms.

The Indian Constitution, which is the supreme law of the land and being so, it does not deal with or prohibit discrimination on the grounds of sex but it also lays down and implements positive actions through a plethora of laws and legislative provisions by virtue of amendments. The Nirbhaya Act is one such illustration to substantiate the fact that the public outcry have resulted in the amendment of the criminal laws relating to rape. Like these, there are many other laws that have been passed under this head of the Constitution. These laws sometimes create an illusion that women are enjoying a privileged position in the Indian society but this illusion cast is destroyed the moment we look at the plethora of facts and figures indicating all is not well with the laws and its implementation.

Despite these International instruments, constitutional mandates and protective laws the fact still remains that women are the oppressed class in our society and

suffer from exploitation of varied nature including sexual exploitation which is no doubt gender based. More often than not, some women drive the courage to go and seek recourse to the courts of law whereas other faint hearted fearing the torture at the hands of the perpetrator first and the society next just decides to live with that trauma which possibly haunts them throughout their lifetimes.

There is ample of evidence which suggests that women are encountered with hurdles and are made to go from pillar to pose to access justice which although within their reach is sometimes impossible to achieve. Many of the victims (women) complain of an unempathetic attitude shown towards them by various law enforcement authorities to enable her to achieve justice. Many of them claim a bias attitude by the police, judges, public as they are deemed to be a part of the larger male-dominated society- a society which is biased towards the cause of women and still believes that it's the fault of the women and thus should be confined to the four walls of their houses. This is one of the reasons probably that the law enforcement authorities have failed in their efforts miserably. Due to these reasons, it has forced those who give voice to these women to consider their plight and re-examine the laws and the defects in the system regarding crime against women and to find out reasons for its ineffectiveness.

This research is focused on the sexual offences against women in the state of Goa and aims at examining the problem after having projected the larger problem on the basis of statistical data and to suggest effective measures to curb these offences/ crimes against women in what is considered to be a safe place for the women in the state of Goa.

The increasing crime against the women is more often than not, attributed with their low social status. It is on account of the male dominion throughout the ages that have deprived them a position of integrity and have reduced them as servants of the man.

In her historical evolution, we have seen that at certain times they are praised and worshipped as Laxmi and Saraswati and at certain other times they are extremely harassed and degraded and treated as an ‘animal’ beaten up within the close doors of her abode.

During RigVedic period, the women enjoyed a much better position yet suffered discrimination from the male heirs in her own house. Though a male child was preferred over a female, yet female was given the utmost liberty and freedom during this time.

During Post Vedic period the position of the women saw a downfall. This could be on account of the Aryan’s who ruled India during that period of time. Thus began an era where women saw insubordination at the hands of their male counterparts and many rulers who treated them like slaves.

The greatest epics of Ramayana and Mahabharata also have a different story to tell.

It can be seen that during this period, as to what the evidence tells us, various forms of crimes such as bride burning, sati, child marriages , rape were rampant in the Indian society. During the Mughal rule also women lived a secluded place and were subject to discrimination. Education was denied to them. However, this position changed during the rule of Akbar.

During the British rule however, her position improved on account of the westernization brought in by them, but it was again short lived as during this period, again her status deteriorated and was in a pitiful state towards the dawn of the British rule.

In Goa, during the Portuguese rule, also women were legally entitled to an equal share of both paternal as well as maternal property. Their position was similar like it had prevailed during the British rule . However, they adopted a policy of religious and racial discrimination. Mass conversion, colonization of

Goa and inter-racial marriages among the local women and Portuguese soldiers were the order of the day

7.3 VERIFICATION OF THE HYPOTHESIS

The problem under the present study was pertaining to women and the researcher had formulated the following hypothesis namely, that:

1. Majority of the cases pertaining to sexual violence goes unreported due to the non-implementation of the law dealing with the sexual offences against women and most importantly the law is inadequate to tackle the incidence of sexual offences.
2. The rate of acquittal is on the rise and the rate of conviction has seen an unfortunate downfall.
3. Rape is a mental agony and a perpetual social trauma associated as the offence is difficult to prove and cannot effectively sail along with the legal provisions.
4. The Enforcement agencies more particularly the Judiciary have to a certain extent come to the rescue and have in its judicial pronouncements accorded maximum protection to the women, victims of sexual violence.

Keeping the problem and the hypothesis of the thesis in mind, the following were the conclusions that were arrived at in the present study

With respect to the first hypothesis that a majority of the cases pertaining to sexual violence goes unreported due to the non-implementation of the law dealing with the sexual offences against women. This hypothesis has been conveniently and effectively proved by the researcher. It is a recorded fact that out of the various statistics that the data was obtained, the data was from the reported cases only. It is seen that in most of the cases the victim of sexual violence, however big or small, rich or poor, famous or infamous, they would

prefer not to report it to the next person, leave alone reporting to the Police to take timely action. Sometimes, people do not know that the news about a sexual assault that has taken place in the locality or in the city is of the person who happens to be the next door neighbor. This is how bad reporting of sexual offences is.

Secondly, the fact that there being laws and much variety of laws both civil and criminal, these laws are of ornamental value only as there is a major problem of law enforcement by the authorities. As is rightly said, the law lacks teeth to kick the violence against women out of the system, and Goa is not an exception to it. Being a tourist destination, the fascination is more to the women here than the monuments, beaches and food. Drastic measures are required to be taken to enable the authorities to tackle this problem of reporting and root out the deep-seated gender bias that have become the modern trend today. Thus the law is definitely inadequate to tackle the incidence of sexual offences. They are on an all-time increase as seen from the chapter six which have analysed the statistical data by comparing it at times with the national data.

With respect to the second hypothesis, which states that the rate of acquittal is on the rise and the rate of conviction has seen an unfortunate downfall. This hypothesis is also been proved effectively as can be seen by the famous case of Scarlett Keeling. The offence took place in the year 2008 but unfortunately took over a decade to have it decided and to convict the person accused of this offence. If the Judiciary takes so long to decide on one case of rape, then the other cases have to be kept in abeyance and justice delayed here would definitely amount to justice denied. In most of the cases it is seen that the accused is acquitted and conviction rates have seen a downfall. There are a number of reasons for this, as has been analysed in the study by the researcher. The age of the victim is one such reason, where ‘consent theory’ fails to prove itself. When a rape is committed on an infant or toddler, who is unable to give consent, why should the accused be convicted? Only on the basis of

circumstantial evidence, is the question that haunts most of the cases of acquittals and thus a total failure of the law enforcement system.

With respect to the third hypothesis which states that rape is a mental agony and a perpetual social trauma associated as the offence is difficult to prove and cannot effectively sail along with the legal provisions. It is true that the offence of rape cannot be effectively proved. However, the changes that are brought about by the Criminal Law (Amendment) Act, 2018 is a respite to this problem, IT has enlarged the ambit of the offence of ‘sexual offences’ by adding many other offences under its ambit and by bringing the concept of ‘sexual assault’ within its domain. Now by virtue of the Amendment, this hypothesis could be disproved as many other things are excluded to be effectively produced as evidence and are therefore not required to be proved. The changes made to the Indian Evidence Act establish this proposition.

Coming to the last hypothesis in the study that states that the law Enforcement agencies more particularly the Judiciary have to a certain extent come to the rescue and have in its judicial pronouncements accorded maximum protection to the women, victims of sexual violence. This hypothesis is proved successfully as the so called judicial activism has suddenly being activated. Judges would always exercise ‘*cassus omissios*’ which means fill in the gaps laid down by the legislature. But this was true in civil cases, but now it is more prevalent in the criminal cases also, wherein Judges have become the law makers and by virtue of their precedence, taken the burden on their shoulders to ensure that the victim gets justice in toto. The recent illustration being the implementation of Criminal Law (Amendment) Act 2018 and the Bill of 2019 which is in the pipeline. Thereby, proving the problem under study. Likewise, the many case laws that have been cited by the researcher establishing this fact where the third organ of the Government has suddenly become pro-active, proves this contention.

7.4. Conclusions:

Crimes against women are as old as the human civilization. Many of the olden texts such as the *Vedas*, *Smritis*, *Puranas* lay down a detailed account of such crimes in the earlier society which were a result of the onslaught of religion, customs and traditional influences. Today crimes are committed in the same way they were committed earlier, however, their intensity has increased over a period of time and there is dearth of new crimes taking place such as acid attacks, hacking, sexual harassment, stalking and so on which were unheard of in the past.

It is rather unfortunate to note that there is a general indifference towards such sexual offences and it is observed that the Indian society in general and the Goan society in particular is not in a position to eliminate them wholly, making one to ponder that such offences are rather here to stay.

It is being drilled right from the childhood in the Goan culture that girls are inferior to boys as can be seen from the fact that when there is birth of a baby boy in the family, sweets like *pedas* are being distributed to the relatives and neighbours and when a baby girl takes birth, sweets such as *jalebis* are given. This itself is the starting point of all forms of discrimination which eventually leads to this preconceived notion that the girls are lower in dignity as compared to boys. This is conditioned in her mind right from the time they enter the domains of the family. So due to this social conditioning of her mind, she sometimes gives in and accepts the fact that she is inferior to men.

The most important question in this context is that despite such powerful International instruments and covenants, and the protective laws favouring the women in every field, why is that the trend has shown an increase rather than a downfall?

It is not that the women are not aware about the sexual offences that affect her. Various Non-governmental organizations have suddenly taken the initiatives

and are fighting against this plight of the women. These organizations have come out in support of such victims of sexual offences/violence not only in India and Goa in particular but across the whole world. Minimizing such offences against women is constantly on the agenda of the government which devises effective and progressive policies towards their protection. But how far are they effective only time will tell.

In this research, there are only two types of sexual offences that have been looked into by the researcher namely, sexual assault and rape as these two are rampant in the Goan society. Secondly only the criminal laws are perused in order to arrive at a concrete solution to the problem before hand rather than the provisions in the civil laws.

To eradicate such sexual offences against women, there is no single legislation and to curb the problem, the legislature has enacted two very important enactments such as the Indian Penal Code and the Code of Criminal Procedure which constantly aims to meet the ever increasing demands of protecting the women by way of several amendments , the latest being the Criminal law (amendment) act 2018 which have laid down stringent punishment for an offender who commits rape on a child below the age of 12 years. This amendment is a welcome remedy especially after the enactment of the Criminal Law (Amendment) Act, 2015 popularly called as the Nirbhaya Act.

The increased instances of rape establishes the presence of unabated violence against women in Goa and also some kind of male dominance in a state which has a very high standard of living and high per capita income along with an increased level of education that is prevalent. It is also seen that many victims of rape suffer silently and a large number of perpetrators not only go unpunished but sometimes earn respect in this politically induced society to the extent that such people are elected and emerge as law makers.

The reasons as can be seen from this study are manifold.

Firstly, there seems to exist certain norms like absence of injury on the private parts of the victims, non-resistance by the victim, non-corroboration of evidence and significance of age appears to be the main cause of the low rate of conviction which many a times encourages the commission of the offence.

Secondly, the essential prerequisite that women have given their consent often proves fatal to the prosecution of the perpetrator.

Thirdly, when the Judges acquit the accused, he/she focuses on the part of conduct of the victims that she is a women of ‘easy virtue’.

Fourthly, the attitude of the prosecution and the Judiciary is what matters in most of the cases of punishing the offenders in heinous cases of rape.

Many victims of sexual offences have claimed in the course of the study that the justice delivery system is completely biased and there is no sympathy nor empathy at all that is shown towards them. Due to the presence of such a gender bias and insensitivity towards such victims, most of the victims are forced not to invoke the jurisdiction of the courts and to live with this trauma throughout their lifetime. There is also deep rooted corruption seen everywhere and that is how delivery of justice is biased in this sense also.

It is also observed that there is a lot of gender bias which seems to appear in the trial of cases relating to sexual offences. It is also stated by the victims that some Judges seem by and large biased towards such women victims in trial of rape cases.

Bias is seen at every stage of trial of rape cases such as appreciation of evidence, the interpretation of laws and the conviction of the offender. This bias sets out on account of various factors like the caste, religion, political influence, to please persons in power, corruption and the like.

It is seen that the courts used to acquit many offenders on the basis of ‘inferred consent’ and it is usually inferred from the non – resistance and absence of

injury. Fortunately, the courts now a days have accepted the fact that induced consent is no consent at all. Therefore, the consent given on the basis of false promise of getting married is not at all a free consent.

Another common thing that surrounded most of the rape cases was the easy virtue of the victim in question. It is a general tendency among all the sex offenders to shift the blame of his crime onto the shoulder of the victim as an easy excuse to which there is no legal sanctions but the so called modern contemporary society and the traditional independent judiciary helps the accused in such crimes. Sometimes the judges have also shown undue sympathy and a sense of leniency towards young and first time offenders which eventually leads to denial of justice to the innocent victims. Though the offence of rape implies a severe sentence by the courts there have been various instances wherein the higher courts in appeal have drastically reduced the quantum of sentence that has been awarded by the lower trial courts, further adding to the agony of the victims.

It can also be perused from the findings that there is a lot of insensitivity towards the victims of rape cases. This can be noticed from the fact that there has been undue delay in prosecution and trial of accused, unnecessary embarrassment and humiliation of victims during the stage of examination particularly cross examination and giving great and undue importance to procedural technicalities.

It has been observed by the Supreme Court that a criminal trial cannot be said to be a mock scene from a movie/film. The trial is normally a way of finding out the truth and ascertaining the guilt or innocence of the accused in question, as it is a fundamental principle of criminal jurisprudence that an accused is innocent until proved guilty. Therefore, such technicalities and a utopian imagination should not come in the way of the court's prime responsibility of arriving at the truth on the basis of the evidence before it.

It is aptly observed that the attitude of the Judiciary towards sexual offences against women have seen a drastic change in the recent past. It may be on account of various socio-political transformations of the liberal society and more due to the initiatives and steps taken by the government to protect the rights of the girl child through its '*BetiBachao, BetiPadao*' campaign. The women's movement have become proactive and have highlighted the plight of the women. The judiciary also in the absence of a concrete provision of law introduced reforms as can be seen from its various judgments in dealing with the sexual offences against women.

Now a days the response of the Judiciary towards the issue of woman have been more positive and pro women. It can also be concluded from various judgments of the Supreme Court that the courts have reached to the problems of sexual offences in cases where the state/municipal law lacks teeth. Sometimes by virtue of application of the international standards ,they have made attempts to mitigate the women's issues. But as is rightly said by Lord Acton² , ' power corrupts and absolute power corrupts absolutely', there are limitations to the role of the Judiciary in the exercise of its discretion and sometimes excessive Judicial activism may do more bad than good and create an imbalance between the other two important wings of the Government. Thus a harmony is maintained by the courts in respect to dealing with matters pertaining to women.

7.5 SUGGESTIONS:

Crime in any form is a known fact and it is the final responsibility of the State in particular to plan effective measures and fruitful ways to combat it. Sometimes offences against the body of women cannot be avoided as no two individuals are alike in their thinking and working.²⁹¹

However, it becomes the need of the hour to take steps to keep such offences in abeyance so that the ultimate realization of gender justice is brought about and an effective system is put in place. Crime that takes place against the women can be attributed to a number of factors. Therefore, under the present study, any suggestions given have to be more practical and should lead to a consistent outcome. The researcher vide this research suggests the remedial measures in order to combat sexual offences. These suggestions are given to all the stakeholders involved in the present study

7.5.1 Suggestions to the Victims

The researcher intends to propose the following suggestions to the victims of sexual offences so that they do not have to report the matter to the authorities and know the law applicable:

- 1) Report such offences. Keeping silent is not the answer. It is seen on many occasions that such offences are not reported due to public shame and embarrassment. If Justice has to be given, it is high time to break the silence and punish the offender, or else if left free the offender may repeat the same thing with different victims.

- 2) Speak about the problem to a trusted aide, who is ready and willing to help. Before approaching the legal authorities, the victim may decide to narrate the incident to her close family member or a person in whom she reposes trust. Thereafter she can decide what course to take.

²⁹¹ <https://en.wikipedia.org> accessed on 3rd November 2019

- 3) Face the problem with strength not by being a coward. Many a times it is often the case that the victim feels that she has lost the race. She is helpless, infact she should have a positive attitude and face the consequences with strength and vigor. She should make a focused and a determined decision.
- 4) Forget the society. Stand for the truth. Many a times, society spreads false rumors about the victim. In fact it is often said that half knowledge is dangerous, character assassination under such circumstances should be avoided.

7.5.2 Suggestions to the Lawyers/Legal Counsel

The following suggestions may help the lawyers to deal with such offences whenever they take place and guide the victim accordingly. Likewise to ensure that the accused is also duly punished:

- 1) The legal services are normally imparted in the metropolitan cities. Through this medium if efforts are made to spread awareness through street plays, showing documentary on the importance of protecting the women and what an ordinary person can do under such circumstances, becomes necessary.
- 2) Help the person in distress by counseling her. Explain the procedural aspects and time taken for the disposal. Infact it is often said that the lawyers are the best counselors. So, this skill should be used tactfully.
- 3) Explain the possibility of success or failure in such cases so that the person knows that he/she stands a chance to win or lose. Winning all the time does not serve the purpose. Sometimes the main duty of a lawyer is to stand for the truth irrespective of the consequences.

- 4) Keep the information confidential and avoid discussing it with other members of the Bar. As is often the case, the character of the party should be protected under every circumstances

7.5.3 Suggestions to the Judges/Judicial Members

The Judges have a wider role to play in the entire episode. Suggestions are to ensure that justice prevails and they take less time to make sure that justice is sought to be done:

- 1) There has to be time bound trial of criminal cases pertaining to sexual offences. It is often seen that the time taken by the Courts to try such cases causes hindrance in the entire process of investigation as longer the time longer would be the mental agony caused.
- 2) Punishments are the conventional form used by the courts now. Rather than punishing the offender refer them to a registered counselor and facilitate to arrive at an amicable settlement like the offender could be made to contract marriage with the victim. Punishment in such cases do not always help. Also try to encourage reformation of the offender, sometimes this method helps also.
- 3) Regular training of the Judges from time to time is the need of the hour inorder to acquaint them to handle such cases and to facilitate them to act judiciously. Sometimes Judges indirectly make a mockery of the entire process and this is one of the reasons why most of the rape cases are not reported and if registered do not move forward.
- 4) Visiting the Police stations on a regular basis to check the conditions of the offenders is also required. Female prisons to be checked by female judges and male prisons by the male judges. Sometimes the plight of

the inmates, be it a man or woman is not always known to the outside world.

7.5.4.Suggestions to the Non-Governmental Organisations(NGOs)

The protection officers to the victim per se, suggestions are give to them to make sure that they act judiciously and help the victim get justice:

- 1) Intervene only if the victim is ready to depose. Sometimes there is a lot of tutoring that takes place and sometimes inorder to settle personal scores, the victim becomes a target. There should be a limit to intervene and if the victim does not want the services of the NGOs, then better to avoid.
- 2) Do not make the issue a political one or to satisfy one's own political Vedanta. It is seen in cases where the son of a politician is the culprit, the NGOs become pro active in such situations.
- 3) Encourage some form of settlement. Punishment is never an answer to any offence. The NGOs should not resort to revolt always, sometimes peacefully things can be settled without making any noise.
- 4) Act as a mediator between the victim , police and the offender. For instance , with the establishment of ‘one step centre for women in distress” in Margao, the NGOs can work in perfect harmony with the authorities to provide real justice to the victims
- 5) Make the victim aware of the provisions of law and proceed further only if the case demands . They have to be told what the law is, as is seen from the data collected that most of the victims do not know the law so the NGOs can help accordingly.
- 6) The NGO’s should act as counselors at all times for the whole system to effectively work. Apart from this duty, everything else is taken care of by them. They have to show empathy rather than sympathy.

- 7) Generate awareness in schools and colleges by being part of the various committees like the Internal Complaints Committee, Grievance Committee. If norms do not permit such membership, creating awareness through various interactions and programmes on a regular basis.

7.5.5 Suggestions to the officials of the Police Departments

The following are the suggestions that are proposed for the Police department so that they can make sure that they perform their duty with utmost care and sensitivity.

- 1) Examination of the victim has to be done at an identified place within the premises of the Police station rather than making the victim run from pillar to post and thereby reduce the possibility of making the report public.
- 2) Avoid bias in the investigation. Treat the accused as a person and not as a male or female accused. The victims also feel uncomfortable to approach the police station to file an FIR, sometimes there is no female police person to assist the victim.
- 3) Avoid using language that is derogatory to the person reporting. Use of abusive language should be refrained. As is often the case in most of the police stations in Goa, the police does not understand the seriousness of the case and therefore at the time of reporting, inquires with things unconnected with the matter.
- 4) Investigate without any political intervention. Treat the offence as an offence rather than treating it as a personal problem. It is seen that whenever there is a political agenda in the case, they try to hush up the case on irrelevant considerations.

- 5) There is a need to have continuous police surveillance at isolated places during the day as well as night. This time is the most vulnerable time and they have to be ready all the time.
- 6) Police should be given armory of high standard and should be well equipped all times. This is generally not the case in most of the police stations in Goa, as is seen from the study.
- 7) Greater awareness must be created among the various departments of the police to handle such type of cases when they occur and act on the spot rather than waiting for directions from the superiors which takes a lot of time.

7.5.6.Suggestions to the members of the Public

Finally, suggestions are also made to the public so that they do not contribute to defaming the victim but rather help the system to fight against such offences:

- 1) Reading the news and concluding is never an answer to anything.. Reality is what really matters. So try to find out the reality if interested or silence is golden in such cases.
- 2) Do not disown the person or treat her with arrogance, more so if she happens to be your colleague at workplace. The attitude and the mindset of the people around should be changed
- 3) The Employers to grant leave to such a person to recuperate from the trauma. This is also provided under various statutes, also so practically it has to be enforced. They should encourage the victim under all the circumstances and effectively take part in the investigation if required by the police.

7.6 Recommendations to the State Government

The state Government is the major facilitator to prevent an offence in cases of sexual assault. The government should take steps to see that a ‘*susegad*’ place like Goa remains within its shell and is not projected in a bad light to the Nation. There is no doubt that the Government is doing whatever best it can to prevent such violence, but the problem just refuses to end.

Therefore, in the light of the aforesaid suggestions to the major stakeholders involved, the following are some of the recommendations that are made to the Government to prevent sexual violence in a small place like Goa.

- 1) A stringent criminal law to be made effective so that harsh punishment is given to the person found guilty of sexual offences. Codification of the central law is time consuming. Thus a model state law to be in place to tackle such incidence of crimes in Goa.
- 2) Provide a separate police station manned exclusively by lady Inspectors and Investigating officers for the purpose of investigating in such crimes. Usually a victim is not very comfortable in narrating her plight before a male police officer and thus in absence of this, there may be gender bias which may set in, the process of investigation. An ideal place could be identified for the North and South like for instance at Altinho, Panaji or at Dona Paula in the North or Monte Hill in the south which is away from the hustle bustle of the vicinity of the city. The BailanchoEkvottor South Goa have recently set up a ‘**one-step center for women in distress**’ having its temporary premises at Junta quarters . This could be merged with the Police stations in Margao for the purpose of investigating such cases.
- 3) There shall be a separate forum/institutional premises within the courts to try such cases and dispose them off at the earliest. As the trial pertaining to sexual offences are held in camera, this becomes the need

of the day. The trial should not be merged with all other civil cases. This rule applies for North and South Goa victims.

- 4) The Government should make efforts to spread the awareness through all medium of communication, example All India Radio, Goa Doordarshan , projections at bus terminals, railway stations, screening at airports, etc. Normally only the tourist destinations in the state are projected, in addition they could also facilitate the foreigners who are sometimes easy targets to call a toll free number in cases of exigencies.
- 5) The Government of Goa have recently enacted a legislation, titled, "*The Goa (Right of Citizens to Time Bound Delivery of Public Services) Act, 2013*". Trial of sexual offences cases should be brought within the domain of such a legislation to enable the authorities to dispose of the matter in a time bound manner.

The Indian women in general and the Goan women in particular have had an extremely difficult time to survive from the clutches of a male dominated society. But now the time has come to break the silence and speak up for her rights. Unless the society's attitude changes towards such crimes, there would be no end to them. Rather than showing the victims sympathy, it is necessary to develop in society a sense of empathy. Also, if every parent teaches their sons to respect the women in their own homes, a day would come when the parent would never have to fear about the safety of their daughter. This would be the achievement of the real education.