

# *Chapter- 7*

# *Conclusion*

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### **CONCLUSION**

Women have been subjected to socio-economic and cultural deprivations for such a long time that there is a general indifference and lack of awareness for crime against them. Crimes like murder, dacoity, robbery etc. are universally accepted as crimes and are condemned, but crimes against women are justified and condoned even by the women themselves. Women are reared in an atmosphere which slowly but positively helps in the development of a feeling of inferiority, they become used to the institutional legitimization of their low status and find nothing wrong in some of the crimes that are committed against them.

Simply, gender crimes are based on general attitude of individual and this attitude can be attributed to three factors: a lack of awareness of the seriousness of the problem, the general acceptance of men's superiority over women, and the denial of violence by the women themselves due to their cultural conditioning and social attitudes.

In the causation of these crimes a combination of factors work, mutually stimulating and supplementing each other, e.g. hyper-sexuality of a person by itself may not lead him to crime, unless there is something more, viz. the presence of a submissive and lonely lady, who seems to be seducing him; then it would be like a match applied to gun power. Likewise an environment of an undesirable type would not, in itself be responsible for the causation of crime but the crime may be caused by some weakness of mind or lack of organization of personality traits is susceptible to such environment. It is complex mixture of social, economic, cultural, biological and legal factors that accounts for the rising crime against women.

Crimes against women may have been declared deviant acts by the law of the land but society considers otherwise. Whenever a crime against a woman is committed the judgment is predetermined 'the woman must be at fault.' The society will always have an excuse to blame the woman and absolve the man. The arguments put forward show social tolerance of crimes against women. Our senses have become so used to seeing men committing these crimes that we are not alarmed. Crimes like eve-teasing and sexual harassment of females are considered manly acts. They mostly pass off as trivial incidents, too insignificant even to be noticed. It is amazing truth that years of

established tradition of Indian working women their harassment at place of work is so common. Sexual harassment is assuming new and subtler forms each day but very few organizations have formalized measures to tackle it, fewer even openly acknowledge its existence.

It is strange that in spite of all talks about the improvement in women's status and the laws, eve teasing continues unabated. Incidents of eve teasing, molestation and other several crimes against working women have become a continuing scandal in Lucknow and other places of the country. Whenever any incident gains momentum the authorities seem to wake up for a brief moment. Generally, most of the working women feel a lot of anger, but quite a few have negative experiences. What is worse in these cases is that the public and the people who are present show great apathy. Normally, working women are unable to talk frankly about the details of the harassment. Most of them continue to suffer in silence and hardly anyone goes to the extent of complaining formally to the police or pursuing the case after it is reported.

The present study of crime against working women brought into focus the pathetic condition of law enforcement agencies and the ineffectiveness of the protective laws to curb the growing incidents of crime against working women. Crime against working women increasing day by day and it jolted the law maker agencies to find out the reasons of the failure of the protective legislations. It had forced them to re-examine the laws on crime against working women. Recently, Delhi gang rape case of a medical student girl at 16<sup>th</sup> December, 2012, who later died awaked the general mass protest all over India. The Government had compelled to setup a committee for re-examining the existing laws and strict recommendations related to the women's safely and security under the chairmanship of Former Chief Justice of Supreme Court, Justice J.S. Verma. Delhi Government also setup a committee with the task of re-examining the laws and to suggest measures for making them more effective. A select committee of Parliament was formed to scrutinize the suggestions from women's organization and other enlightened section of the society. As a result of these efforts many new laws were going to pass and old ones were amended.

With all these seemingly positive changes women would seem to be an easy wicket but the present analysed data of empirical survey clearly brings out that despite all hype and hyperbole life of an Indian women is still regulated, less by Constitutional

guarantees and legal measures and more by traditions, customs and unwritten laws of the days of yore. Gender bias is sanctioned by social values and norms. Gender relations are social relations. They reflect how women are disadvantaged in their access to power, personal autonomy and even safety from physical violence. The present study also brought out certain very distressing facts. It reveals the convenient penchant of the Government to sweep under the rug some of the most grotesque or heinous crimes that are committed against women and to connive with other enforcement agencies in protecting the guilty. Many cases that come to the light showed that several women who complained of police atrocities or crimes committed on them were taken to task and treated brutally. The number of such cases is still mounting.

On a comprehensive analysis of the problems, as specialties of each case came to light directly, generalizations became increasingly difficult to make. It is impossible to de-link the problem of crimes against working women from deeper social realities and to analyze the problems of the efficacy of protective laws in seclusion. Phenomenon like sexual harassment, ill treatment of women, eve teasing, superior status of men and bias against working culture have massive social sanction behind them and cannot be removed despite progressive laws.

A critical examination of the legal provisions revealed that most of the protective laws for women suffer from various loopholes or shortcomings. They are complicated and ambiguous, and instead of solving the issues make the situation more complex. Often the provisions of the law are not clear and precise, it makes them the battleground for legal interpretation in the hierarchy of courts. Certain laws remain confined to statue books, because the enforcement machinery is inadequate, or the penalties are not awarded according to the stipulations. Many of these laws like the Act of Prevention of Sexual Harassment of Working Women, 2010, were passed in such a great hurry that there was no time even to think about the various aspects of the enactment. This shows the callous attitude of the executive and the unenthusiastic reaction of the enforcement authorities. Yet after the 60 years of independent of the country there is no any specific law which deals particularly with the crime against working women in India.

Several upcoming crimes, despite the havoc caused by their increasing incidents, are not even perceived as a crime, e.g. sexual harassment, eve teasing and work place crimes were treated with less consideration and still not recognized as specific crimes. Molestation is generally recognized to be a light hearted sport and sexual harassment of women at workplace is treated as something to be taken in the stride without much fuss. The humiliations and insults heaped on women are always treated as a triviality. It is provided for under the general law on assault. The anti women bias is easily perceptible. Several laws were passed after much deliberation and thinking are no better in this regard.

## **7.1 MAJOR FINDINGS OF PRESENT STUDY**

The major findings of the present study pointed out clearly which are as under:

- ❖ Survey conducted for the present study found that nearly 41.6 % working women had experienced sexual harassment by co-workers. 8.4 % respondents experienced the molestation and 62.4 % physically harassed by the co-workers inside the workplace.
- ❖ It was reported that the organization's officers also indulged in the criminal offence against working women. 30.4 % working women claimed that they become the victim of sexual harassment by the officers or bosses inside the workplace. Molestation was also high and 18 % women faced the brutal condition. But no case physical harassment reported. 46.8 % economic harassment cases found through the present study which was related to the higher officials against working women. 2.8 % women punished for social restriction by the officers.
- ❖ Biased signatures of the ex-officials created the big problems for present women employee. But the economic harassment cases found as less as only 0.8 % in comparison other crimes. The study found 34 % physical harassment (torture, attack, threat etc.) by the ex-officials. 24 % sexual abuse cases also found in the study.
- ❖ There were 43.2 % women insulted by the officers in regarding the task criticism as the law described insulting is the part of public order crime.
- ❖ Workplace crimes were not committed only by the office bearers. The offenders were at times outsiders who committed the crime against

working women. The study finds that 32 % customers committed sexual harassment against working women which shows that the safety and security was not provided by the employers at the workplace.

- ❖ Cases of molestation were also high by the customers. 36 % molestation cases reported in this study which was committed by the customers.
- ❖ A very big portion of the respondents agree with the physical harassment at the workplace by the customers. 74 % respondents accepted that they became the victims of physical harassment inside the workplace by customers.
- ❖ The study categorizes the outsider offenders for the sake of convenience. 24 % sexual harassment cases were reported by the client through this study. 32 % working women faced the problems of molestation by the client.
- ❖ 43.2 % working women claimed that they were physically harassed by the clients. Situation is like reported in customer cases. Torture, attack and threat are common inside the workplace.
- ❖ The respondents who belonged to the medical profession were given their views on crime situation inside the workplace. The offenders were recognized as patients or relative to the patients. 2.8 % women workers sexually abused inside the workplace (only medical profession 58.30 %) and 0.8 % become the victims of molestation in same situation (only medical profession 16.60 %). 1.2 % women claimed that they were physically harassed by the patients on some issues (only medical profession 25 %).
- ❖ Female professionals, who were from the education sectors claimed themselves victims of the students. 34.4 % women found victims of sexual abuses by the student community. 30.4 % respondents said that they become the victims of molestation and recognized the student offenders. The physical harassment reported only 6 % in this category.
- ❖ The present study found 76 % cases of sexual abuses by the others which are not recognized in respective categories. All over 80 % women claimed that they became the victims of molestation by others persons.

- ❖ 34.4 % physical harassment cases were found in the study of unknown offenders. The respondents did not recognize them as crimes by others.
- ❖ Study found that 13.6 % working women became the victims of cab drivers or rickshaw puller. Taxi drivers also included in this category. The reasons were related charges of passenger travelling in their taxis.
- ❖ Study found that 2.8 % working women became the victim of criminal offences of security guards. Generally, the security guards are for safety and security but the present study reveals the different situation.
- ❖ 30.4 % molestation cases reported through this study by the outsiders and not related to the workplace.
- ❖ The sexual harassment cases were also high in public places and criminals do not have the fear of the police or public. Total 18 % working women claimed that they became the victims of the sexual harassment.
- ❖ Some criminal offences are common in public places and can happen with anyone. Chain snatching a crime, which is generally targeted to all women. The study reveals that 7.2 % respondents became the victims of chain snatching on road side or public places.
- ❖ Misbehaviour with women also became the reason of lethal crimes and situations become the worst. The study found that 83.2 % women became the victims of misbehaviour by the unrecognized person in the public places.
- ❖ 16.2 % women found in the study as the victims of looting. This included looting of purse or bags etc.
- ❖ 17.6 % women respondents said that they had faced the problems of faithful accidents on roadsides or in public places. The faithful accident is an intentional accident which is generally done by the younger people.
- ❖ Only 0.8 % respondents accepted that they became the victims of rape or attempted to rape considered as heinous crimes in our Justice System.
- ❖ The most surprising cases were of those working women who were kept quiet against crimes. Study found that 42 % women had not complained to any organization and did not believe in legal proceeding. They did not want to tell anyone about their harassment, torture and beating due to the social stigma, shyness, threat to job and several other reasons.

- ❖ Probably women do not have the confidence to complain. They know by experience that reporting will only complicate their problems. Fear of being labeled as psychosis is another reason for not reporting. 14.4 % of the women, instead of reporting the matter to the police had given the stern look on spot and 22.8 % remarked on inconvenience. Only 2 % women called for public support when they became the victims of sexual harassment. 14 % women immediately discussed the matter with someone and only 4.8 % women reported to the women cell or police and sought the legal aid.
- ❖ The study found 56.8 % women had never heard of the existence of any law against sexual harassment. Only 43.2 % of them were aware that they could seek legal redressal in cases of sexual harassment, and that sexual harassment was an offence punishable by law.
- ❖ Study reveals that only 34.4 % women satisfied with the law enforcement machinery. Maximum numbers of respondents, 65.6 % were not satisfied with the legal enforcement machinery because they were feeling the corruption is a main cause for misuse of laws.
- ❖ The survey also reported discrimination in salaries, leave, promotions, work distribution and working hours and finally job satisfaction. Study reveals that gender discrimination at the workplace is leading cause for unsatisfactory job. Total 58.8 % women were not satisfied with their jobs.

## **7.2 SUGGESTIONS**

The crimes against working women are multi-causal and multi-dimensional. They are the manifestations of a very deep-rooted disease which has socio-economic, cultural and political dimensions. The findings of the present study confirm the initial understanding that the role of law in combating these crimes is crucial because a woman against whom a crime has been committed is like a person in great pain, she wants relief, and she wants it immediately. Law is the best instrument to provide that, but for being effective law requires the cooperation of other agencies. Therefore a holistic view of these crimes against working women is essential to enact pragmatic laws and to make their enforcement effective. The endeavors of the legislations and the law enforcers have not succeeded so far because their whole concentration was only on legal measures, moreover, their efforts were superficial and symptomatic,

instead of trying to get at the root of the problem. The legislations concentrated on various symptoms, which are only manifestations of the disease and not the disease itself. With concentrated efforts the symptoms may disappear for sometime but the root cause remains, therefore the disease reappears with greater vigour after sometime.

Crime against working women pose a very complex legal problem and cannot be solved without changing certain social and legal realities; but these realities cannot be changed by a stroke of pen or the enactment of strict laws. The prevention has to be made simultaneously at many fronts keeping in view the various pitfalls and limitations. The present study has proved that most of the existing protective laws are like firefighting measures, they are no solutions. There is a need of mental and attitudinal change of common public. This is probably the reason why the plethora of law that were passed in our country to combat dowry death, cruelty, sexual harassment, rape etc. proved ineffective. The findings of the chapters show that the incidents of crime against working women have not only increased but become more brutal.

An over-view of the crimes established that most of the crimes against women cut across all barriers of religion, race, caste or social strata. Education or economic independence rarely increases the moral courage of the victim to fight against the crimes specially those crimes which have a social stigma attached to them. The process of law is lengthy, cumbersome and expensive. Delayed trials due to the heavy back-log of cases and the other delaying tactics of the offender dilute the case and proofs disappear, it reduces the chances of the victim getting justice.

The legislators must reckon with all these forces while making new or amending old ones only then the laws can be practically sound. Law makers must realize that certain basics cannot be suddenly changed by legislation. Male and female biogrammars are different, any effort to change centuries old cultural heritage by ambitious legislation, however desirable it may be will go against the nature of things. Traditions cannot be changed over-night. So the law should be women centered. There is a need to reform the images of women that have been created over centuries by history, mythology and social customs. Women must be considered as individuals who are equal to men in their own right. The legislators must treat women as participants and not merely as

recipients. Women also have to be assertive and develop a self-identity so that they can lead a life of security and dignity. They must be made economically independent to achieve this aim. Since all the law enforcement agencies, the policemen, lawyers, judges and legislators are drawn from the masses who have rigid and conservative attitude about women's rights and status, lacking experiences of judgment to expect effective enforcement of the protective laws from them. The inherent socialization and the value system of these people create a natural bias against women.

The field survey brought to the notice of the researcher different crimes against working women both inside the workplace as well as outside the work place. The researcher is also convinced that the need of the hour is total revolution in the administration of justice system. What is really called for is a total quick change. Some suggestions were drawn on the basis of findings and evaluation of the present study:

- ❖ The social scientist, jurists, social workers, judges and the police force, all of them will have to co-operate and work in unison with firm strategies for implementing the laws. The social workers will have to be infused with missionary zeal to be able to comprehend the problems of the victims and to give them the required physical, emotional and legal support. The police force has to be sensitized to the appalling trauma that a victim undergoes so that they can investigate the crimes with a sense of purpose and determination. The problem of arrears in courts has to be sorted out, more judges have to be appointed and the legal process has to be simplified to achieve this aim. The pledge of fair and speedy justice for women has to be redeemed.
- ❖ The court should treat sexual harassment of women and girls seriously so that dignity of women can be maintained and decency in public life can be restored. The rules of evidence must be simplified for proving this offence. The offenders who tries to blackmail the victim into silence or adopts a hostile posture should be awarded harsher punishment. Once a complaint of harassment or eve teasing is registered the onus should be shifted on the offender to prove his innocence.
- ❖ A maximum limit of three months should be fixed in the statue for deciding all cases dealing with crimes against women. The maximum time

that can be taken in investigations should also be fixed to thirty days by the procedural law. It should be the responsibility of the investigating officer to finish the investigation within the stipulated time, and the trial should not be permitted to prolong. The Court should make extra efforts to ensure that cases of crimes against women are completed expeditiously within the stipulated time frame.

- ❖ There should be provision only for one appeal in such cases unless regorous penalty is given. The trial courts are better conversant with the facts of the case. The judges have a chance to observe the demeanour of the witnesses. They can appreciate the actual position in a better way. Their findings should not be reversed by the High Court without the existence of compelling reasons. The judges should not be too sticky about the legal technicalities. Their approach should be pragmatic and all efforts should be concentrated on giving speedy justice to the victim. The Supreme Court should take the lead and come forward with speedy path-breaking decisions in exceptional cases.
- ❖ The amended procedural laws should have a provision to fix the responsibility for delaying the case. An explanation should be called from the person responsible for the lapse and appropriate action should be taken against him. The court officials who are found delaying the paper work must be pulled up unless they can explain the delay.
- ❖ Crimes (women) cell, which was created in Delhi on an experimental basis, has proved successful in dealing with crimes committed against women and in getting the culprits prosecuted. A law should be passed to create similar Cells in all the states to inspire greater confidence in women and ensure speedy help to victims of sexual harassment, eve teasing, cruelty, dowry and wife beating. It will act as a restraint on the deviant men. Sexual harassment committee should be established in every department according the Supreme Court guideline in Vishaka case.
- ❖ The administration must respond positively to women's requirements. Whenever some complaint is received against the administration it should be thoroughly investigated and the persons responsible for the lapse should be punished without delay. This will act as a deterrent and create accountability in the administration.

- ❖ Police occupy a strategic position in the prevention and control of crimes against women but they are always overburdened with responsibilities of maintaining law and order and cannot devote themselves fully to their main task. There is vast scope for improvement even within the present manpower constraints and other demands on the police, by more scientific management of the force through better deployment and coordination. The political interference in police work must be eliminated. One proposal that should be immediately implemented is the institution of a high committee in every State to monitor all transfers specially those of the senior police personnel. It will go a long way in reducing arbitrary and politically motivated transfers of officers. The police in the far-flung areas should be made more mobile and better equipped. Stern action must be taken to weed out corruption, inefficiency, indiscipline and lawlessness from the police force.
- ❖ There is a need for scientific investigation of cases of crime against working women. A special wing of the police force should be created for investigating crimes against women. This wing should have more women than men.
- ❖ There should be greater public-police cooperation to create confidence in women about the benign role of the police. General awareness camps and eve eye camps and safety week should be organized for success in bridging the gap between the police and the people. Such camps should be organized more frequently to remove the initial hesitation of women going to the police for help. The police should create greater awareness in the people about the provisions of law and the proper procedure for reporting a crime.
- ❖ There is a need to set up more legal aid cells in every nock and corner of the country to create legal awareness and literacy about legal rights. The constitution confers every citizen a right to get justice and legal protection. The courts and lawyers are there to deliver justice yet very few women understand their rights or have the economic capacity to reach the courts. It is here that the role of legal aid assumes importance. The existing rules regarding legal aid require thorough examination. The advocate provided through the Legal Aid Cell should be as efficient as that of the opposite

party and a system should be evolved to ensure that they work with sincerity and dedication.

- ❖ Since women are not aware of the methods of legal redressal. Setting up Legal Aid Cells alone will not help. Voluntary agencies to help women know about legal aid cells and legal aid should also be enthused with missionary zeal for the cause of the oppressed women.
- ❖ The government must develop a clear policy of gender inclusiveness and become equal opportunity employers. Implementation of the policy must be monitored closely and the data of the women's participation in the organization must be reviewed regularly. This will ensure that the top management remains informed about any gender disparities within the organization, and works consistently to close the gaps. The employers must follow best practices in terms of providing maternity benefit and leave to working mothers. Re-training of women employees and other such measures must be taken to ensure that they remain at par with the male workforce within the organization.
- ❖ The meaning of gender and sexuality and the balance of power between women and men at all levels of society must be reviewed. Combating crime against working women requires challenging the way that gender roles and power relations are articulated in society. In many countries including India women have a low status in reality. They are considered as inferior and there is a strong belief that men are superior to them and even own them. There should be general public awareness for changing the attitudes and mentality towards women and raising awareness to combat the crime against women.
- ❖ The society and the family are two crucial influences that can raise the status of the working women in India. The husband and other family members need to be supportive of the women's work outside the home. They need to share the household responsibilities in order for woman to be able to utilize her skills outside the home. India is a traditionally patriarchal and male-dominated society. Therefore, without the positive and liberal mindset of the average Indian male to encourage the working women, a real elevation of the working women's status in the society is going to remain a distant dream. Overall, a conducive and safe social

environment and a proactive support from the family, corporate, government and other social networks can help to transform the Indian women's status for the better. But above all, the assertiveness and initiative of the working women themselves for their own rights can do more their empowerment than all other forces combined.

From what has been presented above it is clear that the crime, violence and atrocities against working women is endemic in society. The present criminal justice system has not been able to give priority to women's issues and their problems. The enforcement personnel have not come to grips with problem of violence against women. As the system exists today it is a paradise for the offenders, the police is inefficient and corrupt, the courts happily give adjournments, and the cases drag on. At times even the case records and evidence vanish leaving the women totally frustrated and helpless. This encourages the perpetrators and the prospective offenders. The situation seems to have gone from bad to worse, beyond the reach of legal remedies so the vicious circle continues. We should not be cowed down by failure but accept it as a challenging job. The real challenges lies years ahead, it must be accepted. Little can be gained by pointing an accusing finger at the legal system alone. Society needs to take a hard, careful look at itself and values it is promoting. We cannot sit back and pride ourselves on being a religious and spiritually inclined society unless we take the burden of instilling the right values in the masses and taking concrete steps to stem the flood of materialism and disrespect of laws, nothing will be gained.