Police: Protector or perpetuator? Some observation from Delhi, India

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The context

Incidence of rape in South Asia is high.

- Situation in India
  - One VAW every 3 minutes
  - One rape every 25 minutes
  - Less than 2% cases are reported to Police.
  - Reported cases are not always tried in courts
  - When tried, convictions are delayed and
  - The conviction rate is only around 26 percent
  - 82% of rape cases remained pending in courts
Objectives of the presentation

• To assess how save women in Delhi feel while go out of home in evening alone
• What is the impact of recent judicial and administrative reforms to manage VAW
• Role of police in making Delhi safe
• Practices follows at the police station when a rape survivor register her case
• Are police gender sensitive?
Methodology

- Diverse sources for data collection have been used

- Press audit for four months of three largest circulating national news papers with focus on VAW, role of police and news on reforms related with VAW

- In-depth interview of 17 police station in-charge on procedure followed to register a case of rape survivor and their attitude on the subject

- A survey of 200 girls from Delhi colleges on their perception of safety in city and role of police
Changing legal and administrative procedure for rape case in India

- In 16th December 2012 a young girl Nirbhaya was brutally gang raped by four persons including one Juvenile in bus and murdered. This incidence shocked the nation and a series of reforms have been made including:
  - Constituting 6 fast track courts
  - Passing of **Nirbhaya Bill** by Parliament which besides stringent punishment for rapists and repeat offenders includes capital punishment if the act causes death for the victim or leave her in a permanent vegetative states
  - More lady police at each police station
<table>
<thead>
<tr>
<th>Nature of crime</th>
<th>Case reported during 2012</th>
<th>Case reported from Jan. to May 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape</td>
<td>706</td>
<td>641</td>
</tr>
<tr>
<td>molestation</td>
<td>727</td>
<td>2714</td>
</tr>
</tbody>
</table>
Cop among 4 held for raping girl
New Delhi: A Delhi police constable, along with three other has been arrested for his alleged involvement in kidnaping -cum gang rape of an 18 year old girl in Vikaspuri area in West Delhi.
Police said ...........

Women raped in Noida, two Cops among five accused
Noida: A women in her 30s was raped assaulted and robbed in Noida ---two of them policemen.... Four of the accused have been arrested while one is absconding.
The police says the rape survivor ........

six such cases reported in 4 months
• In May 2013 Ms. Shila Dixit, the Chief Minister (CM) of Delhi state during her lecture said
  - “Delhi has become an unsafe place for women. They cannot even go to police to seek help because of fear of harassment which they may face from Police.”
• When the CM herself is unsure about role of police for protecting women, how much young women would believe in police and see them as protector?
Perceiver insecurity of women in Delhi

Walking down on street after dusk is scary for Delhi women. As a women puts it:

“For women commuter the walk to home and the wait on a pavement are as much part of the harrowing journey as the ride in the bus and auto-rickshaws”.

According to another informant:

“I cannot go out wearing shorts unless I am accompanied by others who are able to protect me”
<table>
<thead>
<tr>
<th>Perception</th>
<th>Agreed</th>
<th>Do not agree</th>
<th>Not sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is safe for women to go alone outside home in late evening</td>
<td>30</td>
<td>60</td>
<td>10</td>
</tr>
<tr>
<td>Presence of police on road assures your safety</td>
<td>60</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>All police staff need gender training</td>
<td>90</td>
<td>--</td>
<td>10</td>
</tr>
<tr>
<td>Will your parent allow you to stay out of home with friends beyond 7PM</td>
<td>40</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td>Girls dress, gesture and free socialization with their boy friends is a cause of increased VAW</td>
<td>30</td>
<td>50</td>
<td>20</td>
</tr>
</tbody>
</table>
Courts on fast Track: Not fast enough

- Six fast track courts were set up in January to exclusively try cases of SVAW
- Court to ensure speedy justice
- Daily trail with minimum adjournments
- Result between January to August 15 is not very promising
- Total reported case 2050
- cases disposed 380 30 percent
- This is the same percentage of case disposed in earlier years without any fast track court
SC judges suggest radical law change

Delhi: Perturbed and anguished over the lack of initiative to fast track rape case trial, a supreme court bench of justice Gyan Sudha Mishra and Pinaki Chandra Ghose on Saturday came up with radical proposal such as eliminating police’s role in recording of statements by rape survivors and witnesses and assign the job to magistrate. The statement should be kept in a sealed cover and put to test during a trial, SC said.
Judge also need gender sensitization

- Inaugurating a fast track court a Tamil Nadu high court judge advised women and said:
  - "Women should avoid sexual assault by not being at a wrong place at wrong time"

- "No amount of fast track courts and special courts will deliver justice to women if those who hold high offices of a judge of HC holds and expresses such male chauvinistic views"

- ---First woman additional solicitor General of India
Findings from interview of the In-charge of police stations
Gender training and management of rape survival

• Only 6 percent had received formal training on managing rape survival

• 47 percent expressed willingness to attend training on rape survivor’s management
Attitude as care giver

• None of the 17 police stations covered had guideline of managing rape survivors
• They were not even aware that a guideline exits
• Officers perceived their immediate role only to file FIR and send the victim to hospital
  - “We are not doctor or social worker to provide care to the women. These services are for hospital. We do investigation and try to catch the perpetuator”
Practices followed at police station in case of Rape survivor

- Case is always attended by lady police 29
- Waiting period before FIR is written
  - 30 minutes or less 88
  - 1 hour or more 18
- Interview with survivor in private room 77
- Interview is done after
  - Counseling on arrival 40
  - No counseling - wait for survivor to calm down 40
  - No counseling, begin interview in present state 7
- Counseling during/after enquiry
  - Yes, always 20
  - Yes, if needed 40
  - No 40
When Rape Survivor comes to Police Facility

- She sits in **public waiting place** and comforted (41%); few are counseled.

- History taken by inspector (47%) in a private room (76%).
  - If no female inspector, a female constable is called to be present. If minor, parents/relatives give history and record the event. FIR is registered.

- Sent to health facility for examination with a lady police.

- Report given to accompanying police officer.
Police attitude towards rape survivors

- **Statements agreed to**
  - A woman who is raped is a serious medical problem 63%
  - Some women lie about rape to punish men 50%
  - Sex workers cannot really be raped 31%
  - Provocative dress/ gestures are often cause of rape 50%
  - Raped women bring shame to family 75%
  - Rape leaves obvious injury 56%
  - If a woman is drunk, one cannot say that she did not agree to sex 63%
Conclusion and Recommendations

- Major reforms in judicial and administrative procedure are taking place in India to manage VAW more effective
- Implementation is slow and need close monitoring
- Gender sensitization of all key departments including police, judiciary/ Judge, health care providers and key policy makers is needed
- Confidence in police because of few who acted as perpetrator has shaken but majority of girls believe that presence of police ensures safety
- More women police officers need to be recruited
- Advocacy and open debate in public on gender issues need to be initiated
- Reducing stigma among community against rape survivors to enhance reporting of rape cases.
Thanks