

**“Beyond the Judicial Framework”**

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The recent statistics show a significant rise in crimes against women all over the world. According to the UN report, one in every three women have been subjected to physical and/or sexual violence. Unfortunately our country is not an exception to the trends. Statistics quoted by the National Crime Records Bureau report show a rise in crime against women by 7.3% in 2019 over 2018. Further shocking trends are the increasing cases of sexual violations by the minors on the minors, which is a clear indicative of the lack of parental guidance and supervision, lack of proper communication and children’s unsupervised access to gadgets and internet. These are only the cases which make it to the official statistics. There is no denying of the fact that there are numerous more which go unreported and unaccounted for.

The sad state of affairs is that instances of marital abuse, acid attacks, molestation, rape and some heinous ones like nirbhaya, kathua and hathras rape cases are served to us everyday in the headlines along with the morning tea. These instances are a testimony of the brutal fact that we still have a long way to go in order to realize the idea of gender equality.

We already have stringent laws for such offences which were made keeping in mind that these would suffice to curb the crimes against women. However the statistics suggest otherwise. These clearly indicate that the problem isn’t the lack of a legislative framework for the protection of women. So where does the problem actually lie?

Many a times we tend to neglect the fact that the *khakhi* guardians of the law enforcement bodies are very much from amongst the society and carry the general perception of the patriarchal society we live in. The lack of police apathy, the long and painful legal procedures, years and years of court hearings and the social stigma associated, ensures that a victim loses the courage to seek justice.

There is no denying of the fact that the roots of patriarchy are so deep that we need to deal with the situation on many fronts. However with this argument I would like to highlight various issues and emphasize on the solutions beyond the judicial framework and address the problem by digging deep into its origin and shift the focus to prevention rather than punishment. Every woman has the right to live with dignity and the idea is to give a befitting societal response to those who think otherwise and look for solutions beyond the existing justice system.

The very first factor to be highlighted is our very response to crimes like molestation, rape, dowry etc. One of the major factors which holds back a woman from speaking up is the societal

response and the numerous questions which the society puts up. The ordeal doesn't end here. In cases of abusive marriages dowry deaths etc, women are not financially sufficient to sustain themselves and therefore are left with no other option but to tolerate the violence and abuse. India has one of the lowest divorce rates in the world. Out of every 1000 marriages, only 13 end up with a divorce. Does that mean that Indians have some magic formulas for making marriages work? Unfortunately not!

In India, marriage is a very scared affair and from the very beginning a girl is taught to be submissive, sacrificial and to "adjust" after the marriage. Young girls are taught to endure the mental and physical abuse to sustain the marriage. Separation is considered a matter of social shame and embarrassment. They are discouraged to raise their voice to an extent that they themselves prefer to go through the same trauma every day rather than the taunts of the society. Divorcees are looked down and judged at every step. The social stigma associated with divorce is far greater than the suffocating relationship. And that's why most women prefer the latter one. Another major reason why women refrain from calling off a marriage is the lack of financial independence. Educating girls is still a secondary affair in many parts of the country. This results in women being completely dependent on their spouse after marriage. Many people still believe in saving money for the big fat marriage and the dowry instead of spending the same amount on educating the girl child. The complete dependence in terms of finance, makes it impossible to think about seeking a divorce. When a woman decides to take a stand for her self-respect and call off the marriage, trust me it takes a lot of courage. It's a huge battle against the society.

At zonal levels, we should strengthen the services which the victims could turn to in case of lack of parental and financial support and encourage those who raise their voices and make them feel socially secure.

The idea is to build up a society which has absolute zero tolerance towards anything that goes against a woman's modesty. We should be absolutely unsparing towards instances such as eve teasing which are considered very trivial and ignored by most women. This ignorance act as strong motivating factor in propagating the criminal mindset and result in horrendous extremities which we witness in the headlines from time to time. We shouldn't let the attitude of getting scot-free build up in these miscreants. Their social boycott will send a strong message. As I mentioned earlier, there is no dearth of laws, but it is the lack of fear of law coupled with the slow justice delivery that needs to be addressed. There is lack of awareness about laws. At the school level itself girls should be made aware of their rights and taught self-defense techniques. Boys on the other hand should be brought up with qualities of mutual respect for the opposite gender and made aware of the punishment one is entitled to under the law in case of sexual violations. Laws and judiciary have their own important role to play, but together we can build an ecosystem where women feel more secure and protected by educating girls, making them

aware of their rights instead of teaching them to be submissive and glorifying the sacrificial culture, boycotting molesters and roadside romeos', providing social security to divorcee and raising awareness among both boys and girls at a very young age. These small behavioural changes at personal level will become a norm of the society if more and more people adopt it. We constitute the society and together we have to decide for whom the *laxmanrekha* has to be drawn, the women, men, or both?