

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

Police: Protector or perpetrator?

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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 safe 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

Police statistics on crime reported in Year 2012 and Jan-May 2013

Nature of crime	Case reported during 2012	Case reported from Jan. to May 2013
Rape	706	641
molestation	727	2714

News from Delhi national papers

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

six such cases reported in 4 months

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

- 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”

Girls perception on their safety and police role (percentage)

Perception	Agreed	Do not agree	Not sure
It is safe for women to go alone outside home in late evening	30	60	10
Presence of police on road assures your safety	60	20	20
All police staff need gender training	90	--	10
Will your parent allow you to stay out of home with friends beyond 7PM	40	40	20
Girls dress, gesture and free socialization with their boy friends is a cause of increased VAW	30	50	20

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 trail, 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 trail, 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 exists**
- 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 perpetrator”*

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

- | <u>Statements agreed to</u> | <u>percentage</u> |
|---|-------------------|
| 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 effectively
- 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

