

A Survey on The Efficacy of Institutional Infrastructure Created in the Country for the Delivery of Justice to the Victims of Rape in the Union Territory of Jammu and Kashmir

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ABSTRACT: Every war causes us pain...wars concentrate the greatest destructive capacity of human kind...but there is another war. There is an invisible war, a war more difficult to name, which is the one that women suffer in those closed spaces called our homes and from which some of us survive and other don't.¹ Sexual violence apart from being a dehumanizing act is an unlawful intrusion of the right to privacy and sanctity of a female. It is a serious blow to her supreme honour and offends her self-esteem and dignity, at the same time it degrades and humiliates the victim.² Experiences of violence in women's lives are all too personal a reality. The emotional and psychological scars remain deep and need to be understood and analyzed within the socio-economic, political and cultural dimensions, having interconnections with development, human rights and peace in women's life. The worst impact of sexual violence is manifested in the absence of 'human security' for women. The experience and fear of violence are threads in women's lives that intertwine with their most basic human security needs at all levels – personal, community, economic and political.³ The harsh reality is that the most pervasive form of sexual violence is the rape, Rape is a crime, not only against the person of a woman but against the whole society. It destroys the entire psychology of a woman and pushes her into deep emotional crisis. It is the most hated crime, that violates the victim's most cherished human right, namely, right to life, which includes right to live with human dignity as contained in Article 21 of the Constitution of India. ⁴ It is the manifestation of institutional coercion that flows from the structure of economic, social and political relations between men and women in general, a type of structure that discourages women for asserting themselves physically, emotionally, socially and financially.⁵ This paper is an attempt to collect data relating to the reasons for the commission of the offence of rape in the Union Territory of Jammu and Kashmir, for that four districts have been selected namely, Jammu and Samba, in Jammu Division; and Srinagar and Budgam from Kashmir Division. For the present study, the researcher had opted for the 'stratified random sampling technique' as in this type of sampling the universe was known and it was possible to select a sample by taking sub-samples usually proportional to the size of the significant elements of sub-divisions in the universe and comprised of Police officials, Judges, Prosecutors and Defence counsel. Besides, researcher had also used Purposive Sampling technique in collecting data from victims and people belonging to different socio-economic strata of society. The researcher had studied a sample of nine hundred and sixty respondents comprising of four hundred and eighty members of general public, four hundred officials and eighty victims.

Key Words: Sexual Violence, Rape, Victims of Rape, Rights of the Rape Victims.

Objectives of the study: It is pertinent to keep in mind the objectives before entering into the immeasurable depths of an unknown area. Since the present study is concerned with socio-legal dimension of the legislative and judicial response with regard to the rights of the victims of rape to live with dignity, where an attempt has been made to find out and analyze the profile of the perpetrator of the crime of rape, to find out the extent to which rights of victims of rape have been taken care of, to find out the nature and extent of the involvement of juveniles in rape cases.

A survey on the efficacy of institutional infrastructure created in the country for the delivery of justice to the victims of rape in the Union Territory of Jammu and Kashmir.

Rape is a crime, not only against the person of a woman but against the whole society. It destroys the entire psychology of a woman and pushes her into deep emotional crises. It is the most hated crime and it violates the most cherished right of victim, viz., right to life, which includes right to live with human dignity, as contained in Article 21 of the Constitution of India. Rape is the most terrifying, humiliating and traumatic event in the life of a woman, which leads to fear for existence and a state of powerlessness. Right from the childhood, the fear of rape is infused in the mind of every woman, which conditions the personality of the woman and her choices regarding her conduct.

Rape is an expression of the need to illustrate that power of supremacy, which men enjoy over women and the exercise of that power is condoned and encouraged by existing social attitudes and practices. It is the manifestation of institutional coercion that flows from the structure of economic, social and political relations between men and women in general, a type of structure that discourages women for asserting themselves physically, emotionally, socially and financially. As a consequence of myths related to rape, the victims may already/in advance hold negative and prejudicial attitude towards sexual violence, which affects their interpretation of rape, undermine their self-esteem and has detrimental consequences for their psychological health. On the basis of interview schedules administered to three different categories of respondents, viz., victims, officials including police, prosecutors, judges, defence counsels and advocates and general public belonging to different socio-economic strata of society, an attempt had been made to examine the involvement of juveniles in commission of offence of rape, frequency of reporting of rape cases to police, response of police towards the victim, the measures taken by the government or any non-government organization to provide post-trauma treatment to the victims of rape, efficacy of institutional infrastructure created in the country for the delivery of justice especially in rape cases, the role played by different stakeholder to prevent and control the ever increasing crime of rape. The findings of the study are as follows:

1. Frequency of reporting of rape cases to police:

The data collected with respect to the frequency of reporting of rape cases to police (Table-1) depicted that majority of the respondents (60.75 per cent) believed that reporting of rape cases to police was very rare; 23.25 per cent respondents stated that the reporting of rape cases to the police was adequate; while the remaining 16 per cent had no idea about the frequency of reporting of such cases to police.

Table-1
Frequency of reporting of rape cases to police

S.No.	Reporting frequency	Officials		Total	
		R/F	%age	R/F	%age
1.	Very rare	243	60.75	243	60.75
2.	Adequate	93	23.25	93	23.25
3.	Cannot say	64	16.00	64	16.00
	Total	400	100	400	100

2. Reasons for low reporting of rape cases:

When asked to the respondents about the reasons for the low reporting of rape cases (Table-2), 40.11 per cent of the respondents believed that the reason for the low reporting of rape cases was the concern for the honour and dignity of the family; 18.40 per cent stated fear of life as the reason for the low reporting of rape cases; 11.25 per cent mentioned that sufferers did not report the rape cases because of the weak, tardy and dilatory justice delivery system working in our country; 10.22 per cent of the respondents stated the lack of financial resources for low reporting of rape cases; 8.75 per cent blamed inadequacy of law to deal with such cases and punish the perpetrator of rape as the reason for low reporting of rape cases; while 7.95 per cent of the respondents stated that victims seldom reported the rape cases to avoid public humiliation. The remaining 3.29 per cent respondents mentioned that it was protection of the honour and dignity of the family besides an effort to avoid public humiliation which prevented the victims to report such cases to the police.

Table-2
Reasons for low reporting of rape cases

S.No.	Reasons for low reporting	Common man		Officials		Total	
		R/F	%age	R/F	%age	R/F	%age
1.	Honour and dignity of family	203	42.29	150	37.5	353	40.11
2.	Fear of life	109	22.70	53	13.25	162	18.40
3.	Lack of financial resources	60	12.51	30	7.5	90	10.22
4.	Inadequacy of law	42	8.76	35	8.75	77	8.75

5.	Weak, tardy and dilatory justice delivery system	14	2.91	85	21.25	99	11.25
6.	To avoid public humiliation	40	8.33	30	7.5	70	7.95
7.	1 and 6	14	2.91	15	3.75	29	3.29
	Total	480	100	400	100	880	100

3. Who lodged the report with police?

When asked about the identity of the person who lodged the report with the police (Table-3), an overwhelming majority of the respondents (58.95 per cent) stated that it was the parents of the victim who generally lodged the report with the police; 11.87 per cent mentioned that it was the victim herself who lodged the report about the commission of rape with the police; 11.25 per cent of the respondents believed that non-governmental organizations or other such social organizations had lodged the report in rape case with the police; 10.83 per cent of the respondents stated that it was the relatives of the victim who had lodged the report with the police while the remaining 7.08 per cent mentioned friends of the victim who lodged the report with the police.

Table-3
Who lodged the report with police?

S.No.	Lodging of report with police	Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age
1.	Victim herself	53	13.25	4	5	57	11.87
2.	Parents of the victim	213	53.25	70	87.5	283	58.95
3.	Relatives of the victim	48	12	4	5	52	10.83
4.	Friends of the victim	32	8	2	2.5	34	7.08
5.	Social Organizations or NGOs	54	13.5	-	-	54	11.25
	Total	400	100	80	100	480	100

4. Response of police after lodging of report and during investigation:

The data collected with regard to the response of police towards the victim of rape after lodging of First Information Report and also during the conduct of investigation in the case (Table-4), 28.22 per cent of the respondents stated that the attitude of authorities towards victim of rape was discouraging and another 22.18 per cent respondents vigorously pointed out that the attitude of the police towards the victim was very discouraging; While interacting with the other group of respondents, 26.04 per cent of them opined that the attitude of police towards the victim of rape was cooperative; and another 16.66 per cent of them believed that the response of authorities towards the victim of rape was very cooperative. Castigating the role of police in rape cases after the lodging of First Information Report and during investigation, the remaining 6.87 per cent respondents lamented that the police authorities did not know how to deal with such a case.

Table-4
Response of police after lodging of report and during investigation

S.No.	Attitudes of police towards victim	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Very cooperative	83	17.29	73	18.25	4	5	160	16.66
2.	Cooperative	103	21.46	127	31.75	20	25	250	26.04
3.	Discouraging	124	25.83	113	28.25	34	42.5	271	28.22
4.	Very Discouraging	122	25.42	71	17.75	20	25	213	22.18
5.	Police did not know how to deal with the case	48	10	16	4	2	2.5	66	6.87
	Total	480	100	400	100	80	100	960	100

5. Outcome in the trial of rape cases:

The data collected with regard to the outcome in the trial of rape cases (Table-5), depicted that 27.08 per cent of the respondents stated that the trial ended in compromise between the parties; 26.87 per cent of the respondents mentioned that because of the lack of evidence or the witnesses turning hostile, the trial ended in the acquittal of the accused; 24.79 per cent of the respondents stated that the trial ended in conviction of the accused; 12.60 per cent respondents pointed out that the accused used his clout to escape conviction; while another 5.6 per cent of the respondents stated that the accused escaped conviction by playing with the technicalities of law. The remaining 3.02 per cent of the respondents stated that the cases were still pending disposal in the concerned court.

Table-5
Outcome in the trial of rape cases

S. No.	Outcome in the trial of rape cases	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Trial ended in conviction	53	11.04	156	39	29	36.25	238	24.79
2.	Lack of evidence or witnesses turning hostile, ended in acquittal of accused	136	28.33	110	27.5	12	15	258	26.87
3.	Accused used his clout to escape conviction	121	25.21	-	-	-	-	121	12.60
4.	Trial ended in compromise	116	24.17	128	32	16	20	260	27.08
5.	Accused escaped conviction under technicalities of law	54	11.25	-	-	-	-	54	5.6
6.	Case pending in the court	-	-	6	1.5	23	28.75	29	3.02
	Total	480	100	400	100	80	100	960	100

6. Post-trauma treatment of the victim by any government or non-government agency:

When asked about the post-trauma treatment provided to the victim of rape by any organisation or agency in the government or non-government sector (Table-6), 34.06 per cent of the respondents responded that post-trauma treatment was provided to the victim of rape while 65.93 per cent of the respondents vehemently denied that any post-trauma treatment was ever provided to the victim of rape by any organization or agency working in the government or private sector after the reporting of the case to the concerned authorities.

Table-6
Post-trauma treatment of victim by government or non-government agency

S.No.	Post-trauma treatment provided	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Yes	218	45.42	93	23.25	16	20	327	34.06
2.	No	262	54.58	307	76.75	64	80	633	65.93
	Total	480	100	400	100	80	100	960	100

7. Nature of treatment/support offered to the victim:

When asked about the nature of treatment/support offered to the victim of rape (Table-7), 43.11 per cent of the respondents stated that both medical and psychological counseling was provided to the victim; 28.44 per cent of the respondents mentioned that only general medical treatment was provided to the victim; 25.68 per cent of the respondents affirmed of special treatment was provided to the victim; while the remaining 2.7 per cent of the respondents pointed out that periodic medical checkup of the victim was done till her full recovery.

Table-7
Nature of treatment/support offered to the victims

S.No.	Nature of treatment/support offered to victims	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	General medical treatment only	66	30.28	19	20.43	8	50	93	28.44
2.	Special medical treatment	66	30.28	18	19.35	-	-	84	25.68
3.	Both medical and psychological counseling provided	79	36.23	54	58.06	8	50	141	43.11
4.	Periodic medical checkup of victim done till her full recovery	7	3.2	2	2.15	-	-	9	2.7
	Total	218	100	93	100	16	100	327	100

8. NGO or other agency in J&K for the rehabilitation of victims:

When asked about existence of any voluntary agency or Non-Governmental Organisation in Jammu and Kashmir to provide help to the victims of rape in their rehabilitation (Table-8), 64.79 per cent of the respondents forcefully denied the existence of any such agency in Jammu and Kashmir for the rehabilitation of rape victims; whereas 35.20 per cent of the respondents mentioned that such agencies/Non-Governmental Organisations did exist in Jammu and Kashmir which provided services for the rehabilitation to the victims of rape.

Table-8
NGO or other agency in J&K for the rehabilitation of victims

S.No.	NGO/agency for the rehabilitation of rape victims	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Yes	229	47.71	101	25.25	8	10	338	35.20
2.	No	251	52.29	299	74.75	72	90	622	64.79
	Total	480	100	400	100	80	100	960	100

9. Nature of support provided by such agency/NGO:

In response to the query regarding the nature of support provided to the victim by such agency or non-governmental organization (Table-9), 31.65 per cent of the respondents mentioned that such agency or non-governmental organization had helped the victim in getting reintegrated into the society; 27.81 per cent respondents stated that the concerned agency or the non-governmental organization had provided psychological counseling to the victim to overcome the trauma suffered by her; 26.92 per cent of respondents pointed out that that such agency or non-governmental organization had provided financial support to the victim to triumph over the trauma; 10.05 per cent of the respondents said that the victim was provided with skill development training to help her start a new life; 2.95 per cent of the respondents denied any support from that such agency or non-governmental organization; while the remaining 0.59 per cent respondents had stated that such agency or non-governmental organization had provided skill development training to the victim to help her start a new life and to get reintegrated into the society.

Table-9
Nature of support provided by such agency/NGO

S.No.	Nature of support provided by such agency/NGO	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Offer psychological counseling	53	23.15	39	38.6	2	25	94	27.81
2.	Help in getting the victim reintegrated into society	63	27.51	42	41.6	2	25	107	31.65
3.	Provide financial support	89	38.86	-	-	2	25	91	26.92
4.	Provide skill development training to help the victim start a new life	24	10.48	10	9.9	-	-	34	10.05
5.	2 and 4	-	-	-	-	2	25	2	0.59
6.	No support	-	-	10	9.9	-	-	10	2.95
	Total	229	100	101	100	8	100	338	100

10. Attitude of victim’s family towards her after the commission of rape:

The data collected with respect to the reaction or attitude of victim’s family towards her after the commission of rape (Table-10), depicted that 33.95 per cent of the respondents stated that the attitude of victim’s family towards her after the commission of rape was sympathetic; 30.31 per cent pointed out that the victim was advised by the family members not to tell about the incident to any one; in 18.75 per cent cases the respondents mentioned that the victim of rape was shunned by the family after the incident; in another 15.20 per cent of cases the attitude of parents turned apathetic towards the victim. In the remaining 1.77 per cent cases the respondents mentioned that though the attitude of the family members towards the victim was sympathetic yet she was strictly advised not to tell about the incident to the others.

Table-10
Attitude of victim's family towards her after commission of rape

S.No.	Attitude of victim's family	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Sympathetic	152	31.66	140	35	34	42.5	326	33.95
2.	Apathetic	102	21.25	42	10.5	2	2.5	146	15.20
3.	Shunned by the family	92	19.17	78	19.5	10	12.5	180	18.75
4.	Advised not to tell about the incident to others	128	26.67	129	32.25	34	42.5	291	30.31
5.	1 and 4	6	1.25	11	2.75	-	-	17	1.77
	Total	480	100	400	100	80	100	960	100

11. Type of support provided by the family to the victim:

When asked about the nature of support provided by the family members to the victim after the commission of rape (Table-11), the majority (33.12 per cent) of the respondents stated that the First Information Report was lodged with the police by the family members of the victim; in 21.87 per cent cases the respondents mentioned that the family members followed every step of the investigation process with the police; in 17.60 per cent cases the respondents pointed out that the family members were always present at the trial proceedings in the case; in 14.16 per cent cases the respondents pointed out that the victim was never left alone by the family after the happening of the incident; other 11.97 per cent of the respondents mentioned that victim was allowed by the family members to meet the investigators or to attend the court proceedings only when it was required; whereas in 1.56 per cent cases the respondents mentioned that the victim was provided all kinds of support mentioned herein above. In the remaining marginal 0.10 per cent cases the respondents stated that the victim of rape left alone by the family members to manage everything on her own utilizing her own strength and resources.

Table-11
Type of support provided by the family to the victim

S.No.	Support	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Report lodged with the police by the family members	154	32.08	148	37	16	20	318	33.12
2.	Family members followed every step of investigation	120	25	88	22	2	2.5	210	21.87
3.	Family members were always present at the trial	85	17.70	49	12.25	28	35	169	17.60
4.	Victim allowed by the family to meet investigators or attend court only when required	59	12.29	44	11	12	15	115	11.97
5.	Victim never left alone by the family	62	12.92	66	16.5	8	10	136	14.16
6.	All of the above	-	-	5	1.25	10	12.5	15	1.56
7.	Doing everything all alone	-	-	-	-	1	1.25	1	0.10
	Total	480	100	400	100	80	100	960	100

12. Attitude of society, friends and relatives towards the victim:

In response to a query relating to the treatment meted out by the society, friends and relatives to the victim after the commission of rape (Table-12), a majority of respondents, i.e., 26.25 per cent, mentioned that the attitude of the society, friends and relatives was sympathetic towards the victim; 24.58 per cent of the respondents pointed out that the victim was castigated for being responsible for what had happened to her; 22.60 per cent of the respondents replied that the society, relatives and friends of the victim severed their relationship with the victim and her family permanently; another 19.27 per cent of the respondents stated that the attitude of society, friends and relatives towards the victim was very apathetic and they did not bother about her plight. The remaining 7.2 per cent of the respondents stated that attitude of society, friends and relatives towards the victim after her rape turned apathetic where after they did not bother about what she was going through and instead they kept on castigating the victim for being responsible for whatever had happened to her and consequently all of them permanently severed their relationship not only with her but also with her family.

Table – 12
Attitude of society, friends and relatives towards the victim

S. No.	Treatment	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Sympathetic to her plight	138	28.75	94	23.5	20	25	252	26.25
2.	Apathetic and do not bother about her plight	92	19.16	81	20.25	12	15	185	19.27
3.	Relationship with the victim and her family severed permanently	121	25.20	83	20.75	13	16.25	217	22.60
4.	Castigated for being responsible for what had happened to her	98	20.41	112	28	26	32.5	236	24.58
5.	2, 3 and 4	31	6.45	30	7.5	9	11.25	70	7.2
	Total	480	100	400	100	80	100	960	100

13. Nature of loss suffered by the victim after the commission of rape:

The data collected with regard to the nature of loss suffered by the victim after the commission of rape (Table-13), clearly indicate that a majority of the respondents (40.83 per cent) pointed out that the most important loss suffered by the victim after the commission of rape on her was the permanent damage and injury to her reputation and credibility in the society; 17.60 per cent of respondents stated that the victim underwent severe and tremendous physical suffering after the commission of rape on her; 16.25 per cent respondents mentioned that the victim suffered intense psychological trauma because of the rape; 10.62 per cent of the respondents answered that the damage which the victim suffered in addition to other traumatic experiences was in the form of loss of job; while 8.95 per cent of the respondents referred to financial loss which the victim suffered besides harrowing inconveniences she had to go through. The remaining 5.7 per cent respondents referred to all the factors mentioned herein above as the losses suffered by the victim after the commission of rape on her.

Table-13
Nature of loss suffered by the victim

S. No.	Nature of loss	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	/F	%age	R/F	%age
1.	Loss of reputation and credibility in society	184	38.33	174	43.5	34	42.5	392	40.83
2.	Financial loss	63	13.12	23	5.75	-	-	86	8.95
3.	Loss of job	81	16.88	19	4.75	2	2.5	102	10.62
4.	Physical suffering	105	21.88	46	11.5	18	22.5	169	17.60
5.	Psychological Trauma	47	9.79	83	20.75	26	32.5	156	16.25
6.	All of the above	-	-	55	13.75	-	-	55	5.7
	Total	480	100	400	100	80	100	960	100

14. Impact of rape on the victim:

When asked about the impact of the crime of rape upon the victim (Table-14), 31.87 per cent of the respondents pointed out that the commission of rape had left permanent physical and psychological scars on the persona of the victim; 19.37 per cent of the respondents stated that the victim had developed trust issues, she no more trusted any one and had problem in socializing with people; 17.70 per cent respondents mentioned that the victim of rape suffered very deep psycho-social trauma and because of which she had suddenly developed suicidal tendencies; 14.16 per cent of the respondents stated that the commission of rape on the victim had impacted her so seriously that she developed a strong feeling of low self-esteem in her persona; 7.81 per cent of the respondents opined that as a rare occurrence the victim of rape had fully recovered from psychological trauma of rape; 7.70 per cent of the respondents replied that the victim often entertained a longing for getting the culprits awarded the severest and exemplary punishment for the wrong done to them. The remaining 1.35 per cent of the respondents mentioned all the factors mentioned herein above which had impacted the victims after the commission of rape on them.

Table-14
Impact of rape on the victim

S. No.	Impact of rape	Common man		Officials		Victims		otal	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	It leaves permanent physical and psychological scars on victim's persona	144	30	128	32	34	42.5	306	31.87
2.	Victim no more trusts anyone and has problem in socializing with people	87	18.13	85	21.25	14	17.5	186	19.37
3.	Psycho-social trauma of rape develops suicidal tendencies in the victim	89	18.54	63	15.75	18	22.5	170	17.70
4.	It lowers her self esteem	85	17.70	47	11.75	4	5	136	14.16
5.	Victims sometimes fully recover from the psychological trauma of rape	27	5.63	46	11.5	2	2.5	75	7.81

6.	Victim often entertains a longing for getting the culprits awarded the severest punishment	48	10	18	4.5	8	10	74	7.70
7.	All of the above	-	-	13	3.25	-	-	13	1.35
	Total	480	100	400	100	80	100	960	100

15. Adequacy of existing institutional infrastructure for the delivery of justice in rape cases:

When queried about the adequacy of existing institutional infrastructure created in the country for the delivery of justice in rape cases (Table-15), 26.77 per cent of the respondents declared the existing infrastructure to be inadequate to render justice to the rape victims; while another 8.5 per cent of respondents considered such infrastructure to be highly inadequate for the delivery of justice to such victims. On the contrary, 19.16 per cent of the respondents mentioned that institutional infrastructure was adequate; while another 15.31 per cent of respondents pointed out that the existing infrastructure was fairly adequate to deal with rape cases. It was interesting to note that a majority of the respondents (30.20 per cent) expressed their inability to say anything about the adequacy of or deficiency in the existing institutional infrastructure for the delivery of justice to the rape victims.

Table-15
Adequacy of existing institutional infrastructure for the delivery of justice in rape cases

S.No.	Adequacy	Common Man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	Fairly adequate	95	19.80	40	10	12	15	147	15.31
2.	Adequate	77	16.04	77	19.25	30	37.5	184	19.16
3.	Cannot say	161	33.54	99	24.75	30	37.5	290	30.20
4.	Inadequate	83	17.29	166	41.5	8	10	257	26.77
5.	Highly inadequate	64	13.33	18	4.5	-	-	82	8.5
	Total	480	100	400	100	80	100	960	100

16. Role of stakeholders to prevent and control crime of rape:

The data collected with regard to the role of stakeholders to prevent and control the ever increasing crime of rape (Table-16), depict that 35.31 per cent of the respondents stated that it was the Judiciary which could play a dominant role in the prevention and control the ever increasing crime of rape; 17.81 per cent respondents were of the opinion that it was the government which could play an important role to prevent and control such incidents; 17.08 per cent of the respondents put the responsibility upon the shoulders of society too control such crimes whereas 8.43 per cent respondents shifted the burden to control the crime of rape on media. The remaining 21.35 per cent of the respondents narrated that all the above mentioned entities could together play a vital role in their respective areas of influence to the control of cases of rape in our society.

Table-16
Role of stakeholders to prevent and control rape

S. No.	Role of stakeholders	Common man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	F%
1.	Government	104	21.66	61	15.25	6	7.5	171	17.81
2.	Judiciary	151	31.45	126	31.5	62	77.5	339	35.31
3.	Society	101	21.04	59	14.75	4	5	164	17.08
4.	Media	59	12.30	22	5.5	-	-	81	8.43
5.	All of the above	65	13.55	132	33	8	5	205	21.35
6.	Total	480	100	400	100	80	100	960	100

17. Measures for the prevention of incidents of rape:

When asked about the measures by which the incidents of rape could be prevented or minimized to protect the dignity and honour of women in our society (Table-17), a majority of the respondents (44.16 per cent) suggested it was only by prescribing a very severe and strict punishment that the incidents of rape could be prevented to protect the honour and dignity of women in our society; 19.06 per cent of the respondents were of the opinion that the existing laws needed to be amended substantially to prevent or minimize the incidents of rape; 15.41 per cent of the respondents were of the responded that there was urgent need to educate people right from the school level of education about the equality and protection of the dignity of women to stem the steadily rising tide of incidents of rape; 13.64 per cent of the respondents mentioned that the incidents of rape could be minimized or prevented substantially by creating awareness among people about its ill-effects on the persona of the victim and the society as well. The remaining 7.70 per cent of the respondents stated that measures mentioned herein above could be used in tandem with one another for the control and prevention of the crime of rape in our society.

Table-17
Measures for the prevention of incidents of rape

S. No.	Prevention of incidents of rape	Common Man		Officials		Victims		Total	
		R/F	%age	R/F	%age	R/F	%age	R/F	%age
1.	By amending the existing laws	101	21.04	72	18	10	12.5	183	19.06
2.	By providing strict punishment for rape	241	50.20	127	31.75	56	70	424	44.16
3.	By creating awareness among people about its ill-effects on victim and society as a whole	67	13.97	58	14.5	6	7.5	131	13.64
4.	By educating people about equality and protection of dignity of women	62	12.92	78	19.5	8	10	148	15.41
5.	All the above	9	1.87	65	16.25	-	-	74	7.70
	Total	480	100	400	100	80	100	960	100

Conclusion:

Therefore, the major findings of the field survey, deduced from the data analyzed herein above depict that the frequency of reporting of rape cases to the police was very low in our society because of the misplaced concept of honour and dignity of the family and also of the victim was considered more important than bringing the culprit to book. Fear of life also dissuaded the victim and her family from reporting the case. In most of the cases, it was the parents of the victim who had lodged the First Information Report with the police after the commission of rape on their daughter. But in most of those cases the response of the police and the concerned authorities was very discouraging and even in some cases the police did not know as to how to deal with the case so reported. Because of the tardy investigation done in the case and the pressure built on the victim, most of the cases would result in compromise or because of the lack of evidence or the witnesses turning hostile, the trial would end in the acquittal of the accused.

In Jammu and Kashmir, there was no agency or organization in the government or non-government sector to provide post-trauma treatment to the victims of rape for their recovery and rehabilitation. General medical treatment and some psychological counseling was the only support which the victim received after the commission of crime on her. Though the attitude and stance of the family members towards the victim of rape remained sympathetic as they followed the case of victim patiently from the start of investigation to the end of trial in the court of law with the hope to receive justice yet it was the relatives, friends and members of the society who always castigated the victim for being responsible for whatever had happened to her leading to the permanent severance of ties with the victim and her family.

The nature of harm and damage suffered by the victim of rape was the loss of her reputation and credibility in society, besides physical suffering and psychological trauma. Permanent physical and psychological scars left on the persona of the victim were so deep that she would no more trust anyone in the society leading to the problem of socialization with the people. One could not say much with confidence about the adequacy of existing institutional infrastructure created in Jammu and Kashmir for the delivery of justice in rape cases but most of the people pinned their hopes on the judiciary, the only worthwhile stake holder, to prevent and control the ever increasing crime graph of rape in our society. Furthermore, the incidents of rape could be prevented or minimized by imposing strict and exemplary punishment on the guilty so as to protect the honour and dignity of women in our society.

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