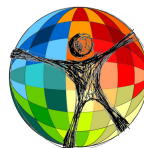


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# **Consent, Creditability, and Coercion: Understanding Violence Against Women in Rural Haryana**

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# ABSTRACT

This paper reflects on the understanding of the normative cultural mindset in the rural state of Haryana in India to counter the narrative of “Rape Culture” in society. The Haryana Crime Record Bureau (SCRB) between January 1st and October 31st, 2019 recorded gangrape almost every second day and at least five rapes every day. Haryana strongly influences a patriarchal society in the community, followed by popular culture with eroding social values against women. Phrases such as ‘Blame the Rape Victim’ and ‘Use and throw women’ are examples that reflect a prevalent mindset. It stands crucial to review the gender norms laid in rural society that shape women’s attitudes and locate the root cause of sexual violence through empirical reasoning. This essay follows a socio-cultural framework to study the reasons for increased sexual crimes against women. Since 2012 the government of India introduced various incentives and amendments in the rape laws after the savage gang rape and brutal murder of a young physiotherapy student known as Nirbhaya. However, the ordeal of Nirbhaya continues even after her death. The paper highlights the current status of women and the distinct reasons for a prevalent “rape culture” in society. A comparative analysis of the national framework with Kolkata highlights the reasons for redesigning the shambolic criminal justice system and, most importantly, accentuates the cultural drivers that promote gender and sexual subjectivity in Haryana, intending to distort the normative cultural mindset.

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## Introduction

On November 1st, 1966, the Union government of India reorganized several states and provinces, and Haryana became a full-fledged state. Haryana is a well-developed state in India and successfully creates a progressive business environment with excelling manufacturing bases of automotive, agro-based industries, and IT hubs. Haryana is one of India's wealthiest states and one of the most economically developed regions in South Asia, with a rich cultural heritage rooted in India's Vedic period and referred to as the "Home of Gods."<sup>1</sup> Famous for its traditions, culture, and customs, Haryana comprises various unique seasonal costumes and religious festivals, and languages (i.e., Haryanvi is the mother tongue of Haryana's people with a dialect of Hindi and Punjabi).<sup>2</sup> Even today, the state is known for preserving their old religious and social traditions, including their traditional customs.

The status of an individual in the state is a matter of great importance for the community. The status factor is dependent on the age of the individual. The higher the age of the person, the more respect is granted by the community. Elders in the family, also known as the Karta (i.e., "managers of a joint family"), make the crucial decisions for its family and is responsible to look after the family and the finances.<sup>3</sup> The status of the family is judged on the basis of their adherence to their strict traditions and costumes. While men usually dress themselves with a plain shirt and a dhoti, women often wear a long skirt, and shirt, and 'orhni' (known as a printed drape used to cover the front face and her body).

## History of Women in the State

The importance of the socio-economic development for women is pursued as a national policy agenda in India.<sup>4</sup> Women

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<sup>1</sup> Sunit Dhawan "Home of God in grip of drug devil", The Tribune (15 December 2020) online:  
<<https://www.tribuneindia.com/news/archive/haryanatribune/-home-of-god-in-grip-of-drug-devil-832501>>.

<sup>2</sup> Sukanya Damodar, "Culture and Tradition of Haryana", Yatra To Wellness (29 June 2019) online (blog): *Yatra to wellness*  
<<http://yatrato wellness.com/2019/06/29/culture-and-tradition-of-haryana/>>.

<sup>3</sup> Nirmala Devi, "Title Khaps and Community in Haryana" (2019) 60:4 Indian J Soc Res 593.

<sup>4</sup> Mamta Mokta, "Empowerment of Women in India: A Critical Analysis" (2014) 60:3 IJPA 473.

are acknowledged not primarily for being the foundation of the basic unit in a society (the family) but also for initiating advancement and growth in society.<sup>5</sup> On one front, women have brought laurels in sports in Haryana. For instance, Babita Kumari Phogat is an excellent example to showcase the honor brought to the region by females. A commonwealth gold medallist in wrestling championship represented her city, but was not initially promoted by her community to choose to play a sport designed typically for 'men.'<sup>6</sup>

Violence against women is a significant concern in India. Apart from the impact of a criminal action on the women itself, the patriarchal cultural norms established in the society, is a fundamental reason for unequal balance of power between men and women. From crimes leading to death of a women such as honour killings, dowry deaths to sexual crimes such as rape, and forced prostitution, women are face an innumerable amount of humiliation and torture for belonging to one gender, female.<sup>7</sup> Unfortunately, the state of women in Haryana is extremely severe no recourse from the Indian public order system is available for being subjected repeatedly to physical, emotional, and mental trauma. It stands crucial to understand the mindset of a patriarchal society where women are treated merely as a commodity, and that, a sexual commodity.

Women in Haryana are subjected continuously to various forms of sexual violence throughout their life. At the pre-birth stage, the practice of female foeticide results in an unequal sex ratio in the state. Suppose the abortion of a girl has not happened during this stage. In that case, she is introduced to various forms of gender discrimination by the community or her family regarding disparity in health care, nutrition, and education benefits. During the adolescent stage, society exposes her to the danger of early marriage, rape, and restrictions on fixed dress codes to limit social involvement in the community.

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<sup>5</sup> Shinimol M K "Socio-economic women empowerment" (November 2016), online:<[https://www.ijrter.com/published\\_special\\_issues/30-11-2016/socio-economic-women-empowerment.pdf](https://www.ijrter.com/published_special_issues/30-11-2016/socio-economic-women-empowerment.pdf)>.

<sup>6</sup> Sakshi Prashar "It's about hard work, not gender: Geeta Phogat", *Economic Times* (08 March 2017), online: <<https://economictimes.indiatimes.com/magazines/panache/its-about-hard-work-not-gender-geeta-phogat/articleshow/57537876.cms?from=mdr>>.

<sup>7</sup> Chandan Mukherjee & Preet Rustagi & Krishnaji N "Crimes against Women in India: Analysis of Official Statistics" (2001) 36:43 *Eco and Pol Weekly* 4070.

She encounters an excessive domestic violence level at her reproductive stage, including marital rape and dowry deaths, and moreover faces the emotional, financial, and physical abuse by intimate partners and family members.<sup>8</sup>

### The Rising Problem – India's Daughter Nirbhaya

On December 16th, 2012, the nation witnessed the most horrendous rape incident in Indian history: the brutal gangrape, and savage murder of a young physiotherapy student by five men and a minor in New Delhi, India.<sup>9</sup> The Indian justice system forbids disclosing the victim's name in public for identification purposes; therefore, the name 'Nirbhaya' was given to the victim, which means fearless. Following this incident, several widespread protests erupted, demanding stringent action against the accused.<sup>10</sup> Seven years later, on January 22nd, 2020, the Supreme Court granted capital punishment to four of the six rapists, while the juvenile justice board convicted the minor for three years and released thereof.<sup>11</sup> The executions brought hope at the end of the tunnel that shook not only the nation but also the globe, with details of its barbarism and brutality.

The government is taking steps to reduce rape offences, however, there appears to be a lack of stringent preventive actions to control the occurrence of such offences. The delay in hanging the convicts highlights the Indian justice system's failure to provide expeditious justice to rape sufferers. Nirbhaya's mother adds her dissatisfaction with the penal system:

*"I lose hope every day, but I stand tall every day. They would have to be hanged. There could not have been a*

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<sup>8</sup> See *Supra* note 3

<sup>9</sup> Timesofindia.com "How Nirbhaya case changed rape laws in India", *Times of India* (18 December 2019), online: <<https://timesofindia.indiatimes.com/india/how-nirbhaya-case-changed-rape-laws-in-india/articleshow/72868366.cms#:~:text=On%20March%2021%2C%20213%2C%20the,death%20for%20repeat%20rape%20offenders>>.

<sup>10</sup> PTI "Chronology of events in Nirbhaya case", *The Hindu* (14 January 2020) online:<<https://www.thehindu.com/news/national/chronology-of-events-in-nirbhaya-case/article30566298.ece>>.

<sup>11</sup> OpIndia Staff "What happened to the juvenile rapist of the Nirbhaya gang-rape case: here are the details", opindia (20 March 2020), online: <<https://www.opindia.com/2020/03/nirbhaya-rape-case-juvenile-cook-sewing-machine-convicts-hanged/>>.



*worse case than Nirbhaya but still I am struggling to get justice. The courts are sitting and watching the drama.”<sup>12</sup>*

Various amendments were brought to criminal laws of India in 2013 after the horrific Nirbhaya incident. The *Nirbhaya Act* made substantive changes to the definition of ‘rape’ under the *Indian Penal Code, 1860*, by including acts other than ‘forcible peno-vaginal penetration’<sup>13</sup>.

### The Nirbhayas of Haryana

Haryana has witnessed many Nirbhaya-like cases of rape and murder. From the gangrape and murder of a primary school girl who first went missing and then was found brutally murdered in the bushes of an alley in Rewari District, to the case of a Sonipat factory employee, first drugged and later raped and killed in a private hotel while on her daily walk to her work. Moreover, following the rape and consequent death of a mentally challenged Nepalese woman outside the Rohtak, Haryana, the doctors found condoms, blades, and gravel inside her body during the autopsy. In a rape case of the Hisar district, a six-year-old was killed and found with a stick inside her private area.<sup>14</sup> In India, the question that is worth asking the country is, “how many times will Nirbhaya die?”<sup>15</sup> Nirbhaya's ordeal continues even after death.

With warped notions of patriarchy and honor, gender subjectivity against Women has intensely promoted the elevation of 'rape culture' in the gangrape capital of India, Haryana. The mindset of society questions the existence of women as nothing more than a “sexual” commodity. This study is crucial to understand the beliefs of the male-dominant society such as Haryana and, through empirical reasoning, demonstrates if there

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<sup>12</sup> PTI “Delay in hanging shows failure of system: Nirbhaya’s mother”, *Live Mint* (2 March 2020), online: <<https://www.livemint.com/news/india/delay-in-hanging-shows-failure-of-system-nirbhaya-s-mother-11583153302776.html>>.

<sup>13</sup> Sahil Sood, “Nirbhaya Case: Do we continue to fail?”, *Mondaq* (7 May 2020), online (blog): *Mondaq* <<https://www.mondaq.com/india/crime/928712/nirbhaya-case-do-we-continue-to-fail>>.

<sup>14</sup> TNN “Nirbhayas of Haryana: 4 cases brutal rape and murder”, *Time of India* (15 December 2017), online: <<https://timesofindia.indiatimes.com/city/chandigarh/nirbhayas-of-haryana/articleshow/62078066.cms>>.

<sup>15</sup> *Ibid*

is a need to redesign the shambolic criminal justice or distort Haryana's normative cultural norms. A review of the gender norms laid in rural society that shape women's attitudes also locate the root cause of sexual violence. Simultaneously, several factors play a role in the elevation of rape culture in Haryana, such as the popular culture itself, with eroding social values, unemployment, as well as the police and public-order system's disinterest in redemptive measures.

## Background

*"If all men are born free, how is that all women are born slaves?"<sup>16</sup>*

Hinduism has always glorified women and represented both men and women as two halves of a divine body. The culture has neither segregated nor formed a distinction of superiority and inferiority among them. According to the rich learning from *Mahabharat*, one learns to cherish women to worship the goddess of prosperity. Amidst of the Rig Veda period, the patriarchal system set its customs and values. Men established rules to favor other men, and the discrimination against women continued to prevail. A male-dominant establishment has led women to inhabit their traditional roles of 'nurturers': as a mother, daughter, or a wife, creating a permanent dependency for happiness on the male sex in their lives<sup>17</sup>.

### Constitutional and Legislative Framework of sexual violence committed against Women in India

The Constitution of India guarantees equality between men and women and implements articles in favor of women's growth. In turn, this further neutralizes the cumulative socioeconomic and political disadvantages they face in society.<sup>18</sup> These fundamental

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<sup>16</sup> Alexandra Galakof, "The Battle over the Figure of Eve: The Advent of a Postfeminist Voice in Early Modern England" (25 December 2015), online (blog) *Buzz litteraire*: < <http://www.buzz-litteraire.com/adame-and-eve-feminist-defenses-early-modern-england/>>.

<sup>17</sup> Sharma I, "Violence against women: Where are the solutions?" (2015) 57:2 *Indian J Psy* 131.

<sup>18</sup> 3D programs org, "Violence against women and girls: Law and policy framework in India" (2018), online (pdf) <<https://the3dprogram.org/content/uploads/2018/09/3D-Program-Laws-and-Polices-in-India-relating-to-VAW-September-2018.pdf>>.

rights guarantee equality before the law, protect life, and prohibit any form of discrimination based on caste, gender, religion, etc.

The Constitution further upholds rights to live peacefully and harmoniously in society with equal opportunities by the state to both men and women. To enforce the provisions enlisted in the Constitution, the government establishes specific legislative frameworks to monitor the rights and counter any form of social discrimination and violence on women such as rape, murder, dowry-death, etc. India's legal system continuously reviews and adds several amendments to its legislative framework. Provisions are included, such as strict laws regarding sexual assault, speedy trials of rape, and murder cases. Examples of the implementation of rules in the Indian legal system to eliminate sexual violence against women include the *Dowry Prohibition Act, 1961*, the *Protection of Women from Domestic Violence Act, 1956*, and the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

### The increase in Crime against Women in Haryana

#### *Low Sex Ratio*

There are multiple grounds for the high rate of crimes, specifically against women in Haryana. The decline of the sex ratio (child sex ratio and at birth ratio) in Haryana is considerably low compared to India's other states, due to society's socio-cultural milieu. In a patriarchal society, women are considered inferior to men in class order and therefore, a strong preference for a boy child is prevalent in the state. There are specific criteria for boys in every village for the 'marriage market' where those are not considered suitable for marriage. They come under the bracket of those who have no land, no government or secured job, who are physically challenged or perceived to be dark in skin completion. These 'undesirable' men often travel in search of brides from other parts of the country or seek support from the human trafficking network in this 'transaction' of brides. This practice is called 'bride buying'<sup>19</sup> in Haryana. The status of these women has been reduced to cheap local songs promoting bride-buying tradition or

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<sup>19</sup> Harpreet Bajwa "Bride buying booms in Haryana, young women sourced from other states" *The Indian Express* (9 September 2019), online: <<https://economictimes.indiatimes.com/news/politics-and-nation/get-us-brides-in-return-for-our-votes-haryana-bachelors-to-candidates/articleshow/33493084.cms>>.

to a political agenda where slogans such as 'get us a bride, get our votes'<sup>20</sup> are voiced prominently during the rallies. This system works with the mutual necessity for both the families. Men need a wife to continue their lineage and look after their household chores, whereas the brides' families are compromised and incapable of paying dowry to their daughters. The dishonourable practice has turned to a prevented joke where "a state is such that a buffalo may cost anything between Rs. 50,000 and a daughter-in-law can only be bought for Rs. 40,000"<sup>21</sup>.

### *Female Foeticide*

The vicious circle of forming a sense of security in society by parenting and giving birth to a boy child in Haryana's rural family has distorted the state's sex ratios at birth. Girl children are not even born or given a chance to live in society. The behavioural mindset of the state correlates a girl child to a burden in the family. The trepidation of protecting the girl from sexual violence and the apprehension of creating financial resources to pay as dowry for her marriage causes a girl child to be unwelcomed in the community. In an informal group meeting in one district of Haryana (Rohtak) on the topic of 'women,' one member of the Jaat Caste comments, "[b]oys are the only support parents have in their old age. Girls are supposed to form their own family and leave the primary setting in the community. If there is a boy in the house, there is hope that family lineage is continued".<sup>22</sup> Another male respondent of the Jaat caste adds, "[a] girl child brings shame to the family." A male-centric society advances the birth of only one gender, thereby causing innumerable amounts of death at birth. The community's choice of staying ignorant continues to allow pregnant women to choose sex-selective abortions or eliminate girl children after birth. Moreover, foetal sex determination clinics established in India are exploited in various state districts to pre-calculate the sex of the child before the due date of the pregnancy.<sup>23</sup>

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<sup>20</sup> *Ibid*

<sup>21</sup> Jyoti Yadav "Mol ki bahuein-the women Haryana's men buy as brides", *The Print* (23 November 2020), online: <<https://theprint.in/india/mol-ki-bahuein-the-women-haryanas-men-buy-as-brides/549641/>>.

<sup>22</sup> *Supra* note 3

<sup>23</sup> George & Sabu M & Ranbir S Dahiya, "Female Foeticide in Rural Haryana" (1998) 33:32 *Eco & Pol Weekly* 2191.

According to the government's Civil Registration System Data, Haryana recorded the country's lowest sex ratios, with only 833 girls for 1,000 boys at birth in 2011.<sup>24</sup> The state has shown steady improvements in its sex ratios (at birth) by implementing stricter punitive action for sex-selective abortion, counselling parents and families, and tracking pregnancies. Moreover, through campaigns launched by the government such as *Beti Bachao- Beti Padhao* (Save the Girl Child and Educate the Girl Child) individuals are encouraged to change the mindset of the community about 'girls'.<sup>25</sup> Frontline workers admit that cultural norms are a more formidable challenge to bring change in the community's behaviour towards females.<sup>26</sup> Maintaining improvement is a task that requires the support of both a shift in cultural norms and the implementation of stricter punitive laws (*Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994*). However, the law will only act as a deterrent if it is strictly enforceable.<sup>27</sup>

### *Early Marriage*

According to the *Prohibition of Child Marriage Act, 2006*, the minimum legal age of marriage for girls in India is 18 years, with no exceptions. In comparison, the legal age of marriage for boys is 21 years of age.<sup>28</sup> Child marriage is a form of violence against women and consequently affects girls disproportionately compared to boys (UNICEF 2009). According to Human Rights Watch, child brides are young and have less or no power to negotiate and settle themselves in their new homes, resulting in domestic violence.<sup>29</sup> Child marriage forms a part of patriarchal traditions that reduce the role of young girls' to wives and

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<sup>24</sup> Sadhika Tiwari & Sana Ali, "Haryana's sex ratio is improving but a lot remains to be done to change mindsets", Scroll (27 October 2019), online (blog): Scroll <<https://scroll.in/article/941128/haryanas-sex-ratio-is-improving-but-a-lot-remains-to-be-done-to-change-mindsets>>.

<sup>25</sup> *Ibid*

<sup>26</sup> *Supra* note 24

<sup>27</sup> Steven Shavell, "Criminal Law and the Optimal Use of Nonmonetary Sanctions as a Deterrent" (1985) 85:6 Colum L Rev 1232.

<sup>28</sup> Apurva Vishwanath & Esha Roy "Explained: The logic of, and debate around minimum age of marriage for women", *Indian Express* (17 August 2020), online: <<https://indianexpress.com/article/explained/pm-modi-74th-independence-day-women-empowerment-marriage-age-6555937/>>.

<sup>29</sup> Human Rights Watch, "Globally Girls Struggle for Rights" (11 October 2017), online (blog): *Human Rights Watch Organization* <<https://www.hrw.org/news/2017/10/11/globally-girls-struggle-rights>>.

mothers, thus reducing their experiences of being.<sup>30</sup> Child marriage continues to prevail in Haryana irrespective of the preventive laws by the government. A recent government policy offers conditional cash transfers to the parents to eliminate child marriages in their families.<sup>31</sup> However, the scheme failed to incentivize families to abandon their traditional rituals.

Haryana's biggest challenge in the battle to restore the girl child's rights is the age-old ritual of exchanging brides in society. As the state witnesses fewer girls in the community, the old practice of *Atta-Satta*<sup>32</sup> generates the possibility of one family bartering their daughters (as young as six years old) to families for their sons (also to avoid wedding costs for their girl child). There are no proper schemes to prevent child marriages in Haryana. *TISS* (Tata Institute of Social Sciences) initiative establishes a particular cell for women and children to integrate social services with the police system to provide in-depth coordination. One protection prohibition officer (PPO) resolves a case of domestic violence in each of Haryana's 21 districts. The police force often establishes an agreement with the offender and his family members to convince the PPO not to disturb the marriage and resist any regulations on their internal manners. The police force's unwillingness to resolve disputes and the temptation of seeking bribery results in no cases or FIR to be registered in the first place. In trafficking cases of child brides, the PPO and police act upon information of the victim. In most of the issues, the police usually ignores framing the girl's buyer, thereby registering them as found or abandoned in the streets. This practice results in the wrongdoers not be bound or being punished. Moreover, there are no rehabilitation centres to support victims of child marriages. In a few cases, if the girl is adamant about not going back to her new house,<sup>33</sup> the magistrate sends them to child care institutions for short-term shelters.

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<sup>30</sup> Jennifer Stith, "Child Brides to the Patriarchy: Unveiling the Appropriation of the Missing Girl Child" (2015) 31:1 JFRC 83.

<sup>31</sup> *Ibid*

<sup>32</sup> Priyamvada Grover "Its 2018, and Haryana is still swapping the girl child for marriage", *The Print* (5 September 2018), online: <<https://theprint.in/india/governance/its-2018-and-haryana-is-still-swapping-girl-children-for-marriage/111633/>>.

<sup>33</sup> Empower People, "Status: Child marriage in Haryana (30 October 2018), online (blog): *Empower people* <<http://www.empowerpeople.org.in/blog/status-child-marriage-in-haryana>>.

## Cultural Drivers promoting gender biasness in Haryana

### *The representation of masculinity in Cinema and on Television*

Indian cinematic text heavily influences and impacts society's culture and is an excellent example of how a society evolves. The specific promotion of one gender in multiple forms, depicted in motion pictures, alters how the audience perceives the world.<sup>34</sup> In India, this industry proves that it is a man's world.<sup>35</sup> The promotion of masculinity has severely damaged the status of women as equal beings in society. It not only indicates what "we" desire but also what "to" desire in life. There are various examples of how cinema distorts the mindset of its viewer and encourages men to continue exploiting women. The films' approach is that either women are shown inferior to men or require their support emotionally, financially, or mentally to recoup from their past damages.

The continuous depiction of women as inferior to men is prevalent in Indian film. The promotion of eve-teasing girls started from the evolution of films in India.<sup>36</sup> The encouragement given to men in winking, whistling, and passing comments at girls in every popular song is considered harmless 'flirting' and satisfies their masculinity. Through her provocative dresses or behavior, a girl who invites eve-teasing by men and boys is popular for the viewers of every romantic movie.<sup>37</sup> A boy should flirt with endless girls but take home a culturally settled girl and wear ethnic clothes. Indirectly, the cinema demonstrates western or modern culture as against the beliefs of India. The most famous encouragement shown in movies is that a woman's greatest happiness lies in bringing up her family and that a man has the right to tell his wife

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<sup>34</sup> University of British Columbia Wiki, "Masculinity in Films" (4 August 2018), online: <[https://wiki.ubc.ca/Masculinity\\_in\\_Films](https://wiki.ubc.ca/Masculinity_in_Films)>.

<sup>35</sup> Special correspondent "Patriarchal beliefs strong in Haryana tier-II towns: survey", *The Hindu* (08 January 2019), online: <<https://www.thehindu.com/news/cities/Delhi/patriarchal-beliefs-strong-in-haryana-tier-ii-towns-survey/article25935833.ece>>.

<sup>36</sup> Aishhwariya Subramanian, "Manuka Gandhi Calls out the Indian Film Industry for passing off 'Eve-teasing' as romance", *The Better India* (10 April 2017), online: <<https://www.thebetterindia.com/95233/maneka-gandhi-indian-film-eve-teasing/>>.

<sup>37</sup> Sharon L Tallboys et al, "What is eve teasing? A mixed methods study of sexual harassment of young women in Rural Indian Context" (2017) at 2, online (pdf): Sage open <<https://journals.sagepub.com/doi/pdf/10.1177/2158244017697168>>.

what she can and cannot do in her life. This attribution of stereotyped beliefs about gender is restlessly reinforced through media such as films.

Fanaticism is immensely popular in India, where every audience will have their favorite hero or heroine in the films. Most of the time, the passion for becoming like their idols makes the fans start 'acting' like their roles in the movies. An example of a newly popular web series, *Mirzapur*, on Amazon Prime Video, attracted every young generation's eye. The show was well-liked by the audience. One of the actors shares his narrative of being scared when few teenagers appreciated him for his work in the front (that of a hot-headed gangster in a town who disrespects women and promotes the elevation of sexual intercourse with prostitution and female servants at homes). The fans told him that they get 'inspired' by his role in the show<sup>38</sup>. The actor comments that he is confused whether his work as an actor or role of the spoilt gangster, inspires the fans in the show.

### *Unemployment in Haryana*

The Centre for Monitoring Indian Economy data shows that although Haryana is one of India's well-settled states, its unemployment rate is the highest in the country at 15.3%.<sup>39</sup> On one front, Haryana has one of the largest alcohol-distribution industries and is one of its most essential industries for capital revenue.<sup>40</sup> With high amounts of ready distribution of alcohol in the state and no regulation on the consumption or the consumer's age, the government leaves the misogynistic community to abuse women and blame the heinous crime on intoxication. The relentless succession of rapes, gang rapes, murders, and sexual assaults has escalated to an intractable point. These crimes depict

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<sup>38</sup> Srishti Negi "Divyenndu Says He got scared when 2 teenage boys told him we get inspired by you in Mirzapur", *News 18* (28 October 2020), online: <<https://www.news18.com/news/movies/divyenndu-says-he-got-scared-when-2-teenage-boys-told-him-we-get-inspired-by-you-in-mirzapur-3011303.html>>.

<sup>39</sup> Subhra Pant "Haryana at the top in rate of unemployment, says CIME data", *Times of India* (8 September 2020), online <<https://timesofindia.indiatimes.com/city/gurgaon/haryana-at-the-top-in-rate-of-unemployment-says-cmie-data/articleshow/77987617.cms>>.

<sup>40</sup> FE online "Why Haryana resume alcohol production at full capacity during lockdown: Deputy CM Dushyant Chautala explains", *Financial Express* (14 April 2020), online <<https://www.financialexpress.com/lifestyle/health/why-haryana-resumed-alcohol-production-at-full-capacity-during-lockdown-deputy-cm-dushyant-chautala-explains/1928114/>>.



the symptomatic treatment of rape culture in India. Various studies prove that the 'unemployment of men' and 'alcoholism' positively correlates to the state's crime rate.<sup>41</sup> Several members of the legislative assembly have blamed unemployment for the occurrence of violence against women in Haryana. The policy recommendation of increasing employment opportunities to reduce rape cases is not a long-term approach.<sup>42</sup> There are countless cases wherein rapes committed on women are by men who are employed and well-established in the state. The necessary change to bring in is to shift the patriarchal mindset of the country.

However, the blame on the unemployed men's idleness and frustration give them the license to abuse women sexually and physically to relieve their 'stress'.<sup>43</sup> The frustration of Indian youths of Haryana is increasingly capable of becoming aggressive towards women, especially towards the sight of independent-settled girls. The frustration pushes them to "teach" these girls a lesson to complement their narrow minds and maintain their supremacy in society. Men seek the support of being unemployed, repeat crimes on women with no fear of punishment by the law. Since there is no sense of securing jobs in the market, these men do not fear losing their employment.

### *Technology and Pornography*

*"Pornography is the theory – rape is the practice"*

India ranks third globally, followed by America and Britain, in terms of consumption of pornographic content on the Internet.<sup>44</sup> With the production and distribution of sexually explicit

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<sup>41</sup> Sanya Dhingra "Patriarchy, popular culture, unemployment: Why Haryana is India's rape capital", *The Hindustan Times* (25 June 2018), online: <<https://www.hindustantimes.com/india-news/patriarchy-popular-culture-unemployment-why-haryana-is-india-s-rape-capital/story-MGXBCioEeVZ9yNYEXmKsFJ.html>>.

<sup>42</sup> Prashansa Srivastava, "Crime, Unemployment and Society in India: Insights from Rape Data" (2019) 6:2 *Indian J Soc & Pol* 65.

<sup>43</sup> Y P Bhalerao, "Blame Unemployment for Rape, But not for our misogynist mindset" (17 September 2018), online (blog): *She the people* <<https://www.shethepeople.tv/blog/even-blame-unemployment-rape-misogynist-mindset/>>.

<sup>44</sup> Priyanka Chandani "Pornographic websites may be banned in India, but consumption of porn has only spiked", *Deccan Chronicle* (30 August 2020), online: <<https://www.deccanchronicle.com/sunday-chronicle/cover-story/280820/pornographic-websites-may-be-banned-in-india-but-consumption->

materials such as videography, photography, literature, and audio clips, New Delhi was the city with highest worldwide percentage of searches for “porn” in 2012, while Dallas was the second highest.<sup>45</sup> The literature of Kamasutra in the 2nd to 5th century introduced eroticism and sex culture in India.<sup>46</sup> The excessive consumption of the pornography industry increases at a high rate, especially by the young generation of India, as there stands a positive relationship between internet usage and crime against women in the country.<sup>47</sup> Sexuality is a dynamic phenomenon and varies heavily within the community and across the city. In a patriarchal society where men rely on their sexual aggression to complement their manhood, pornography cannot protect women and children without proper governance and community monitoring.<sup>48</sup>

According to experts, widespread crimes such as murder, rape, and sexual assault on women are due to various underlying factors such as anger, pervasion, the assertion of power, sadism, and sexual gratification in men.<sup>49</sup> The experts add that the lack of sex education and awareness of sexual-“consent” is particularly essential in a country following India's patriarchal values. While the community's knowledge of porn is mandatory, there are various categories in pornography, such as ‘revenge porn’ that glorifies aggression and domination over women by men. Another type, such as ‘gang-rape porn’ desensitizes viewers towards rape and sexual harassment, and on the other hand, intensifies their attitude of sexual coercion. In a patriarchal society, establishing moral norms that favour men prevents healthy relationships with women.

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porn.html#:~:text=The%20Indian%20administration%20has%20to,note%20experts%20in%20the%20field.>.

<sup>45</sup> Neha T B & Heather T “India Considers Banning Pornography as Reported Sexual Assault Rises”, *The New York Times* (22 April 2013), online: <<https://india.blogs.nytimes.com/2013/04/22/india-considers-banning-pornography-as-reported-sexual-assault-rises/>>.

<sup>46</sup> Math SB et al, “Sexual Crime in India: Is it influenced by Pornography?” (2014) 36:2 *Indian J Psychol Med* 147.

<sup>47</sup> *Ibid*

<sup>48</sup> See *Supra* note 46

<sup>49</sup> Rajitha S “Is pornography to blame for increase in sexual crimes?”, *Indian Express* (15 May 2018), online: <<https://www.newindianexpress.com/cities/hyderabad/2018/may/15/is-pornography-to-blame-for-increase-in-sexual-crimes-1814804.html>>.

## National and International Framework

Women in India are promised with legal security to secure their economic, social, and cultural lives. The Indian government extends these efforts by implementing various acts that support women to improve the living standards in the country, and consequently aim to safeguard women's lives in India.<sup>50</sup> There are examples of few acts in India set to prohibit dowry and securing maternity benefits for employed women and to protect women from violence in the domestic setting. Moreover, other provisions safeguard women from sexual harassment at workplaces and prohibit the child's determination of sex before birth in any clinic.<sup>51</sup> This section discusses the current national framework set to protect women from sexual crimes in the country. The research will demonstrate the improvement in women's status in the country and the promotion of safeguarding the lives of women by national organizations. This section also discusses the developments in Maharashtra's new rape laws and draws on an example of death penalty rape laws to convicts in Bangladesh.

### Promoting the Right of Women

The principle of gender equality is enshrined in the Indian Constitution and empowers the States to adopt positive discrimination measures in favor of women.<sup>52</sup> In contrast, society witnesses several plans and programs and development policies to advance the rights of women. India ratified various international conventions and human rights instruments with a commitment to secure equal rights for women (such an example is the Convention on Elimination of All Forms of Discrimination against Women – CEDAW, 1993).

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<sup>50</sup> See Ministry of Women & Child development, "National Policy for the Empowerment of Women (2001), online: *Ministry of Women & Child development* < <https://wcd.nic.in/womendevlopment/national-policy-women-empowerment>>.

<sup>51</sup> See National Commission of Women, "National Commission of Women", online: < <http://ncw.nic.in/important-links/List-of-Laws-Related-to-Women>>.

<sup>52</sup> See Legal Services India "Important Constitutional and Legal Provisions for Women in India – Women's right", online: <[http://www.legalserviceindia.com/helpline/woman\\_rights.htm](http://www.legalserviceindia.com/helpline/woman_rights.htm)>.

The constitutional privileges guaranteed to women include the obligation of the State to ensure the protection of the rights of women. Through several articles in the Constitution of India, the State is provided to promote women's rights. For example, the Constitution prohibits the State from discriminating against citizens on the grounds of sex (Article 15 (i)). To promote and secure justice for women, free legal aid is provided by suitable legislation or schemes (Article 39A). The State initiates the promotion of the spirit of brotherhood amongst all the people of India and to prohibit practices that are derogatory to the dignity of women (Article 51(A)(e)) and reserves seats for women in different constituencies of Municipality and Panchayats in India. The State enacts various legislative measures to ensure equal rights to women and protect women from multiple forms of violence and discrimination in society. The crimes that are explicitly directed against women are categorized as 'Crimes against Women.' The crimes are broadly classified under two categories; crimes identified under the Indian Penal Code (i.e., rape, sexual harassment, molestation) and crimes identified under the Special Laws (SLL) (i.e., *Prohibition of Child Marriages Act, 2006* and *Protection of Women from Domestic Violence Act, 2005*)

In 1992, the Government set up a statutory body with the specific mandate to study and monitor all matters relating to the constitutional and legal safeguards for women known as the National Commission for Women (NCW).<sup>53</sup> The purpose of the Commission is to review existing legislations to suggest amendments and provisions in the Constitution. The National Commission for Women constitutes state commissions that further investigate the conditions for women as a civil court to ensure protection and promotion of women's rights. The author's experience as an intern at the Delhi Commission for Women<sup>54</sup> under the Rape Crisis Cell, is an excellent example to describe as a unique initiative introduced by the Government. Rape Crisis Cell is another program for women in 2005 to provide immediate assistance to rape victims. The program aims to offer free 24-hours legal services exclusively for rape victims. The Commission comprises a team of supervised individuals with assisted, experienced lawyers that provided legal services to victims.

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<sup>53</sup> *Supra* note 43

<sup>54</sup> See Delhi Commission for Women, "Delhi Commission for Women", online: < [http://dcw.delhigovt.nic.in/wps/wcm/connect/Lib\\_DCW/dcw/home/](http://dcw.delhigovt.nic.in/wps/wcm/connect/Lib_DCW/dcw/home/)>.

The Commission holds regular campaigns to advocate the rights of rape victims and educate the participants with the constitutional and fundamental rights guaranteed to women. The "Stop-Rape Movement"<sup>55</sup> is another example that demonstrates rape prevention campaigns to create a place to inform others about the root causes of rape to redefine masculinity. Lastly, such campaigns promote the prohibition of victim-blaming in society. The actions were taken by the Commission broaden the understanding of rape culture in the State by underpinning rape culture and the myths that surround it.

### Analysis of India and Bangladesh for Capital Punishment

In February 2020, the Maharashtra court in the Parbhani district awarded a death sentence to the perpetrator of a savage rape and brutal murder of a five-year-old girl, observing the crime "crueler than the act of most dreaded animal."<sup>56</sup> On December 19th, 2020, the State of Maharashtra in India approved the draft Bill for Death Penalty for heinous crimes against women and children, including provisions for strict punishment such as the death penalty, award life sentence to convicts, and lastly, enforce speedy trials of the perpetrators.<sup>57</sup> The name of the Bill is proposed as the *Shakti Act* (meaning "power"). The Act provides the completion of the probe within 15 days and a trial in court within 30 days. The Bill also aims to introduce special police teams and separate courts exclusively for investigation and trial cases against women and children. This Bill introduced in Andhra Pradesh seeks capital punishment in a state. In India, the judicial system grants the rarest of rare cases with the death penalty.<sup>58</sup>

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<sup>55</sup> As a part of my internship experience, we indulged in promoting awareness regarding prevention of rape cases in Delhi. In the demonstrations, we actively participated in educating the public with women's rights and promote gender equality within the state. I also researched on the amendments proposed in the rape laws in India. The victims at Delhi Commission of Women were facing domestic violence, sexual harassment, molestation etc.

<sup>56</sup> PTI "Mumbai: Man gets death sentence for rape-murder of minor girl", *Times of India* (19 February 2020), online: <<https://timesofindia.indiatimes.com/city/mumbai/mumbai-man-gets-death-sentence-for-rape-murder-of-minor-girl/articleshow/74209234.cms>>.

<sup>57</sup> PTI "Maharashtra Bill Proposes Death Penalty for Heinous Crimes Against Women, Children", *The Wire* (10 December 2020), online: <<https://thewire.in/women/maharashtra-bill-proposes-death-penalty-for-heinous-crimes-against-women-children>>.

<sup>58</sup> Taran Doel "Rarest of rare – History of death penalty in India and crimes that call for hanging", *The Print* (19 March 2020), online:

The last capital punishment in India occurred for the Nirbhaya rape-case convicts.

A Human rights group, Ain o Salish Kendra, states that nearly 1,000 women were raped in the first nine months of 2020 in Bangladesh.<sup>59</sup> For the first time, the region witnessed a widespread scale of protests against the increase in rape cases. The government of Bangladesh approved an amendment that allows the death penalty in rape against victims. The cabinet secretary stated, "The people who intend to commit rape will think twice if death is the punishment for the crime"<sup>60</sup> with a hope that such a punishment will decrease rape cases across the country. Comparatively, the state proposes a speedy trial tribunal for hearing rape trials against convicts to announce the decision and award punishment within 180 days. There are mixed protests against the decision of awarding death penalty punishment to rape convicts by the citizens. The government responds by stating that the law requires serious amendments to combat the rape crisis. Moreover, it believes that the situation in the country demands strict punishments enforced against convicts.

The analysis from both the regions depicts that lawmakers hold up the death penalty as a symbol of their resolve to tackle crimes. What is needed is long-term solutions that aim to prevent and protect mechanisms and consequently, reduce gender-based violence and improve investigations and support the victim's families. The provisions require permanent procedural and institutional reforms. However, many international non-governmental organizations have opinionated on the issue of the death penalty. Amnesty International states that there is no evidence that such stricter punishments will eradicate violence against women in India.<sup>61</sup> Maharashtra and Bangladesh have

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<<https://theprint.in/theprint-essential/rarest-of-rare-history-of-death-penalty-in-india-and-crimes-that-call-for-hanging/383658/>>.

<sup>59</sup> PTI "Bangladesh approves death penalty for rape cases after protests", *Aljazeera* (12 October 2020), online: <<https://www.aljazeera.com/news/2020/10/12/bangladesh-approves-death-penalty-for-rape-cases>>.

<sup>60</sup> Ali Asif Shawon "Bangladesh clears death penalty for rape", *Dhaka Tribune* (12 October 2020), online: <<https://www.dhakatribune.com/bangladesh/government-affairs/2020/10/12/cabinet-approves-inclusion-of-death-penalty-in-rape-law>>.

<sup>61</sup> Amnesty International, "Death Penalty doesn't end violence against women" (20 March 2020), online (blog): *Amnesty Organization*

introduced new ways of combating the increase in rape cases in the region. However, the State must look into the root cause of the issue to eradicate sexual crimes against women. Several cities have high sexual and gender crime rate against women. As in the case of Haryana, it is pertinent that the cultural mindset of society is one of the reasons for the perpetuation of rape culture. Consecutively, the government needs to focus on determining the root cause of the community that promotes violence against women in India.

## Comparative Analysis of Haryana And Kolkata

As per the recently released data of the National Crime Record Board (NCRB), Kolkata, West Bengal, is announced as the safest city for women. In the NCRB survey for the year 2019,<sup>62</sup> zero cases for 'attempt to commit rape' were registered in the town. A reduction in very few complaints lodged in number for 'sexual assault,' and all of the complaints were eighteen years and above.<sup>63</sup> The country lauds the level of policing and management of the authorities for this city. In 2019, the town introduced 67 more vehicles to patrol the metropolis to ensure its women's safety and security.<sup>64</sup>

Moreover, the city has improvised protection measures by installing CCTV cameras at strategic points to cover the streets near schools, colleges, and busy intersections. The authorities introduce sensitization programs in the all-boys and co-ed schools that share the importance of educating men to respect women. The force works with the cybercrime investigation agencies to improve monitoring online crimes committed against women. The Kolkata Police officers follow a zero-tolerance policy in crimes against women and focus on seeking intense legal action against every culprit. In 2019, the authorities took various initiative

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<<https://amnesty.org.in/news-update/death-penalty-doesnt-end-violence-against-women/>>.

<sup>62</sup> TimesOfIndia.com "Kolkata is one of the India's safest cities for women, says NCRB report; solo women travelers take note", *Times of India* (7 October 2020), online: <<https://timesofindia.indiatimes.com/travel/travel-news/kolkata-is-one-of-the-indias-safest-cities-for-women-says-ncrb-report-solo-women-travellers-take-note/as78535139.cms>>.

<sup>63</sup> *Ibid*

<sup>64</sup> PTI "Kolkata Police gets 67 more vehicles to ensure safety of women", *Times of India* (23 December 2019), online: <<https://timesofindia.indiatimes.com/city/kolkata/kolkata-police-gets-67-more-vehicles-to-ensure-safety-of-women/articleshow/72940380.cms>>.

projects such as *Respect Women* and self-defense drives like *Tejashwini*<sup>65</sup> to sensitize society towards women and consequently promote women to become self-reliant. The West Bengal state government introduces initiatives to curb the increasing problem of crime against women. It recently designed 65 women-only police stations. The female police officers primarily attend to crimes against women. The police authorities have introduced video conferencing systems in the police stations and various booths to provide face-to-face solutions immediate consultation. The government acknowledged the most crime-prone areas in the country, and regular policing at night is regulated. Furthermore, the city launches another initiative, *Sukanya*, that teaches self-defense training to high school girls. The government embraces various methods and initiatives to embrace womanhood and honor to protect its women from any form of violence.<sup>66</sup>

The chief minister of West Bengal, Ms. Mamta Banerjee, maintained women's safety and introduced various successful initiatives to control the crime rate against women.<sup>67</sup> The approach that the government follows in West Bengal is to improve the regulation of the police authorities and constant monitoring of their actions. The government promises a secured environment to its public, and especially to women. Numerous initiatives by the state towards women's empowerment has instilled fear among wrongdoers. For example, the latest initiative called *The Winners* contains a squad of 28 strong women constables, patrolling daily to grab the eve-teasers on the streets who have an intent to outrage the modesty of the women. In her leadership, there are also judicial changes such as the proper controlling of courts, have speedy trials against the wrongdoers in violence committed on women.

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<sup>65</sup> TNN "Kolkata: CCTV cameras, crack cyber cell to ensure women safety", *Times of India* (4 December 2019), online:

<<https://timesofindia.indiatimes.com/city/kolkata/cctv-cameras-crack-cyber-cell-to-ensure-women-safety/articleshow/72355787.cms>>.

<sup>66</sup> NK Realtors, "What steps are being taken to ensure Kolkata is safe for its citizens" (17 January 2018), online (blog): *NK Realtors* <<https://www.nkrealtors.com/blog/steps-being-taken-to-ensure-kolkata-is-safe/>>.

<sup>67</sup> All India Trinamool Congress, "Mamta Banerjee keeps her promise on women's safety" (15 October 2013), online (blog): *AITC Official Organization* <<http://aitcofficial.org/aitc/mamata-banerjee-keeps-her-promises-on-womens-safety/>>.



The government's effective participation in reforming equality in society also requires society to be receptive to such an approach. The example of four priestesses at the helm of *Shubham Astu* has surprisingly gathered more love than resistance for shattering gender stereotypes in a manner that empowers women.<sup>68</sup> These priestesses inculcated the bride and groom's equal participation in their weddings, unlike witnessed in many Brahma weddings in India. According to them, for any ancient scripture, the process of evolution remains continuous. A byproduct of our patriarchal society in India, an infamous ritual, known as *Kanyadaan* (means to give-away one daughter in the process of marriage) is predominantly conducted by priests and the bride's families and groom. However, in Kolkata, these priestess officiated weddings without performing the official ritual of *Kanyadaan* by the bride's family's approval. In one incident, the bride's father requested not to conduct the ritual of *Kanyadaan* because he professes his daughter not to be a "commodity" that the family wishes to give away in a ceremony. Another ritual of the groom includes applying *sindoor* (traditional vermilion) on the bride's forehead as a sign for concluding the wedding. The modern egalitarian weddings now apply *sindoor* on the groom's forehead, thus symbolizing the union of marriage as equal partners.

Another successful approach in Kolkata improved the state of women in local communities through the support and collaboration of an international non-governmental organization. Soroptimist International (of Calcutta)<sup>69</sup> followed a multi-pronged and problem-solving approach to foster women's empowerment in the city,<sup>70</sup> thereby supporting women to seek education in schools, with proper monitoring healthcare and financial independence to sanitary hygiene. This non-governmental organization, with the assistance of the government, creates a cohabiting environment with equal opportunities provided to the members of the community. Such an approach works effectively

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<sup>68</sup> The Better India, "Weddings Sans Kanyadaan: Meet the Kolkata Priestess shattering Gender Stereotypes", online (blog): *The Better India* <<https://www.thebetterindia.com/172256/kolkata-priestess-wedding-without-kanyadaan-india/>>.

<sup>69</sup> See Soroptimist International of Calcutta

<sup>70</sup> Sayantani Nath, "Kolkata 's best sisters' juggle jobs while empowering 1000+ deprived women and girls" (14 November 2019), online (blog): *The Better India* <<https://www.thebetterindia.com/203020/soroptimist-kolkata-ngo-women-professionals-women-empowerment-education-healthcare-livelihood-inspiring/>>.

in cases where the government cannot decrease the crime rate in the state. In Haryana, primarily the rural society should shift their collective norms towards sensitizing women. International organizations can educate the community by creating such initiatives that allow them to understand the importance of promoting women empowerment. Furthermore, Kolkata is an urban society with a high literacy rate for both men and women; there, the possibility of liberalization for women is predominantly more elevated than any other part of India. Collectivity and engagement in the state for urban women are swifter than for rural women (Haryana) to gain equality. Education and promotion of women's rights in Haryana should stand as a definitive objective of the government. By promoting equal opportunities and healthcare facilities, women will live in a safe environment by gaining the knowledge of the rights constitutionally guaranteed to them by the federal government. More so, most women in rural Haryana are imposed with society's collective norms because they are unaware of their rights and believe the discrimination they face is justified and reasonable. Education allows women to be financially independent and reject the abuse of domination by their male partners.

As seen above, the government of West Bengal understands the importance of women's empowerment in society and, therefore, successfully creates an environment for women to be equal to men. On the other hand, Haryana's government has failed to create a safe environment for its women because their normative mindset promotes the rape-culture in Haryana. There are many instances where the community leaders and members pass comments that promote misogynist society. For example, one of the community organizations in Haryana blames the consumption of noodles for the increased cases of rapes in the state.<sup>71</sup> The organization members comment that eating spicy food leads to hormonal imbalance in the men invoking the urge to indulge in sexual acts. Another community leader advocates for lowering the age of marriage for girls from eighteen years to sixteen years, because young girls are vulnerable to rapes and thus should be married off earlier. Lastly, a political leader's most infamous comment on rape is that 90% of the rapes case were

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<sup>71</sup> Manveer Saini "Haryana Khap blames consumption of chowmein for rapes", *Times of India* (16 October 2012), online: <<https://timesofindia.indiatimes.com/india/Haryana-khap-blames-consumption-of-chowmein-for-rapes/articleshow/16829882.cms>>.

consensual.<sup>72</sup> A political party leader comments that “Boys and girls love each other, later they have differences, and the girl goes and gives a statement that she has been raped. And then the poor fellows are sentenced to death. Should rape cases lead to hanging? Boys are boys, they make mistakes.”<sup>73</sup> All the above instances clearly depict that the state as well as its community members blame the victim for the heinous crimes faced by men.

### The Quint Documentary – Understanding Rape Culture

*“Everything in Haryana can be blamed for rape except the rapists and the rape culture”*

As discussed earlier, due to the opinions of political leaders and the high rate of sexual crimes against women, it is pertinent now to understand the concept of “rape culture” through the lens of the rural community in Haryana. Rape culture is known as “[a] society or environment whose prevailing social attitudes affect normalizing or trivializing sexual assault and abuse.” In 2018, The Quint shared a famous documentary, “Rape is Consensual: Inside Haryana’s Rape Culture.”<sup>74</sup> The research shows the community discussing how a woman consents to be raped. And consecutively, if the community acknowledges the action of rape, then they blame the victim of the crime. The study further shows that the village prefers to punish women for inciting the men for rape. Consequently, they favored the Panchayati Laws that benefitted the men and penalized the women; however, the state law criminalizes the man. The research shows that the “rape culture” in Haryana is related to preserving “honor” in the community. In the name of “honor,” the community tends to diminish women’s agency by always make their decisions and controlling their lives. Honour-killings occur when a woman

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<sup>72</sup> Agencies “Haryana CM Khattar sparks controversy with rape remark”, *Times of India* (18 November 2018), online:

<<https://timesofindia.indiatimes.com/india/haryana-cm-khattar-sparks-controversy-with-remarks-on-rape/articleshow/66675908.cms>>.

<sup>73</sup> Swati Mathur “Mulayam’s shocker on rape: ‘Boys make mistakes, why hang them?’”, *Times of India* (11 April 2014), online:

<<https://timesofindia.indiatimes.com/news/Mulayams-shocker-on-rape-Boys-make-mistakes-why-hang-them/articleshow/33561516.cms>>.

<sup>74</sup> Meghnad Bose & Asmita Nandy “Documentary: Why do Haryana’s Old & Young blame women for Rape?”, *Hindustan Times* (1 October 2020), online:<<https://www.hindustantimes.com/india-news/patriarchy-popular-culture-unemployment-why-haryana-is-india-s-rape-capital/story-MGXBCioEeVZ9yNYEXmKsFJ.html>>.

marries someone out of love without the consent of their families to preserve their prestige. Honour is ingrained deeply in the minds of people<sup>75</sup>.

Shockingly, the documentary also showcases that even young girls studying in school believe that women give consent to rape. Moreover, it is observed that wearing jeans in society or using mobile phones is enough to incite men towards women. While exploring this rationale, a Haryana Khap member states that girls often wear “provocative clothes” and invite the attention of their male counterparts, which ultimately leads to an increase in crime against women. The Sarva Khap Jatt Panchayat proposed that girls should be married at the age of sixteen to have husbands to satisfy their needs and prevent the requirement of “getting raped.” The documentary covered the opinions of young children, middle-aged men, and women, and the elderly in society. Most importantly, all of them stated that women give consent to men to rape them.

The above research further demonstrates that Haryana’s Rape Culture is a culture developed by society itself. The normative cultural norms prevalent in the community relates to the increase in sexual crimes against women in Haryana. Therefore, in the case of Haryana, to protect the women against sexual crimes, it is crucial to primarily shift the deeply enrooted cultural norms that categorize women as the problem of sexual crimes.

## Conclusion

With violence against women as a burning issue in Haryana, the cultural drivers simultaneously promote the elevation of “rape culture” in the state. As the government attempts to amend laws per the interests of women, it is observed that the individual and the community mindset needs to shift to promote women in society. The government introduced various amendments, such as the latest effort of adding Capital Punishment in the judicial system of India. It stands crucial to understand through the above research that the implementation of such laws may impose stricter punishments. Still, these measures may not reduce the rate of sexual crimes committed against women. Notably, in Haryana, the change in the normative cultural mindset can end the rape culture and male dominance in

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<sup>75</sup> *Ibid*

society. The other angle of the research is that the government needs to introduce more strict police administration regulations in Haryana that regularly practice diverse roles and responsibilities, such as registration of a FIR regarding sexual violence crimes against women and, consequently, investigating the case and arrest of the perpetrators. Such an example is demonstrated through the comparative analysis between Haryana and Kolkata. The Government of West Bengal implements policies, incentives, and programs that promote zero-tolerance towards crimes against women. The people are promoted to support women's rights in the state.

In a situation where the community and the political leaders themselves engage in promoting sexual violence against women, there is minimal scope for effective promotion and safety regulation. More so, the values and culture are so profoundly rooted in society that it is difficult for the community to address this concern and reform their ideologies. In such a case, Haryana's women can seek international non-governmental organizations such as *Gender at Work* to build inclusive cultures and end discrimination against women. The partnership will help activists worldwide produce new knowledge on inequalities structures to effectively counter discriminatory societal norms by introducing innovative approaches and tools to transform the communities' mindset. Moreover, the international organization Promundo promotes gender justice and prevents violence by engaging men and women in partnership. The campaigns conducted will engage the community in local activism to build community support and advocate for the government to adopt policies that reinforce social change in Haryana. Lastly, organizations such as Human Rights Watch will help women in society by producing detailed reports with extensive coverage on international media regarding the human rights violations globally in Haryana. By enforcing international organizations' pressure on the community, there are likely more chances of countering the male-dominant cultural mindset. The pressure by international non-governmental organisations will vocalise and advocate more predominantly in favour of women rights. The organisations can provide a new vision to the community members of rural Haryana to respect and value women as equal beings.

Through empirical reasoning, this research shows that Haryana comprises deep-rooted old rituals and cultural norms and strongly requires a shift of social norms that promote gender

sensitivity and equality for women. Education plays a vital role in exposing new knowledge and ideas, including gender equality. The association of society with promoting education can reduce discriminatory and harmful practices, including child marriages and sexual crimes such as rape. Political activists with the support of media can mobilize the need for change in gender norms that allow individuals' introspection towards its behaviour and attitudes and support law reform to amend legal and policy towards women. Moreover, media and activists can give women in Haryana an opportunity to communicate their situation at the national and global levels. Economic change can significantly support the anti-gender equality agenda by encouraging young girls to work outside their domestic setting in the family and lead a suitable job and life.<sup>76</sup> It is the duty of the members of the community to acknowledge the requirement of shifting gender norms to promote women rights. As Ban Ki-Moon states, "[a]chieving gender equality requires the engagement of women and men, girls and boys. It is everyone's responsibility."

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<sup>76</sup> Overseas Development Institute, "How do gender norms change?" (2015), online (pdf): ODI organisation <  
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