

# TRAINING FOR CHANGE

*By Ms. Kanwaljit Deol\**

## I. INTRODUCTION

In a sense women are victims ab initio. Deprived of their share in health, education and economic opportunity due to their depressed position in society they lack both the knowledge and confidence to seek protection from the law. A potential perpetrator of a crime perceives this vulnerability and is encouraged to commit the crime because of it. A rapist can be reasonably sure his victim will be too cowed down and debilitated by shame to approach the law. A man who beats his wife can be equally certain she has nowhere to turn to. Law enforcement officials have essentially to understand this. When a woman approaches the law she is not a victim of the crime alone but has already been doubly or triply victimised in sequence.

With such a perception law enforcement officials would realize that women victims need to be treated differently. Delayed reporting by a rape victim, for instance, would be attributable to her fear and sense of shame and not to the fact that she is not telling the truth. The criminal justice system in its entirety attaches this latter negative interpretation to delays in reporting a crime, while studies and experience show that a rape victim typically goes through many crises of indecision, seeks advice from any source she can trust and does not approach the law unless she receives strong support from a relative, friend or NGO who can accompany her to make a report. There are also the symptoms of the Rape Trauma Syndrome, which are practically ignored by all players in the criminal justice system.

Sensitisation and attitude training are essential for all wings of the criminal justice system, but the need cannot be overstressed as far as police, the first port of call, so to speak, are concerned. It is not acceptable that police personnel continue to profess the attitudes of the society from which they are drawn. But it is natural they do so, and therefore the vital need for training to overhaul attitudes.

The context for this paper is the Indian police and the criminal justice system of India. However, the composition and attitudes of the systems, as also the dominant attitudes in societies, are broadly similar across the world, resulting for instance in domestic violence and child abuse being matters of concern everywhere. An attempt has also been made to generalize issues wherever possible so that the concepts touched upon have relevance across national boundaries, more particularly for developing nations.

## II. TRAINING FOR ATTITUDE CHANGE

Attitudes are not so easily transformed through formal training. Prescriptive training, the norm in most initial training courses for police, is effective only in a certain context: that of making the trainees aware of the laws and giving them the rules of behaviour. The trainees learn what will be expected of them and which behaviour will be rewarded and which punished.

However, this alone is insufficient to equip them with their professional requirements. The training has also to convince them that their existing attitudes cannot be stitched on to the job they are required to perform. Better crafted training modules, with inputs from professionals in training psychology and attitude change, need to be designed and administered at frequent intervals instead of just once or twice in a police officer's career. Additionally, police women should also undergo such training as it cannot be assumed that they are immune to the stain of the prevailing social attitude on gender issues.

At the recruit level, the trainee must recognize what his or her attitudes are and learn where these attitudes are coming from. It is mandatory that every trainee also understand what are unacceptable attitudes.

On the job, the new recruit will face the problems of acting under conditions of stress and overwork, facing sudden and emergent situations for which no training can adequately equip her or him. Looking to

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\* Joint Commissioner of Police, Delhi Police, India.

colleagues and seniors for solutions, the recruit will act as they act, and, not before long, will adopt their unsaid prescriptions that indicate: do what I do, not what I say.

Frequent retraining is therefore essential. Refresher training has the bonus benefit of removing the officer from the stresses of formulating immediate responses to unforeseen situations, providing a breather to reflect and evaluate. The officer can be reacquainted with the values that underpin policing and see how they relate to her or his work from an objective point of view.

Retraining requires more aggressive methods than initial training. By now, the officer is aware that society condones, and even supports in certain situations, many of the attitudes that were explained as unacceptable during recruit training. In the position of mentor to fresher recruits who are looking up to and following the officer's lead, there is the sense of self at stake. The officer is older but not much wiser for the purposes required of him or her. The function of refresher training should be to shake up, to redirect, and ideally to lead to a new understanding, initiating a surging sense of renewed growth after a period of stagnation. The police officer has to be continually lifted above the level of society and out of the static state that makes the individual feel that the limits of what she or he is capable of have been reached.

The above is true for training of the entire criminal justice system, and indeed for the training of all public officials, but it cannot be stressed enough for police officers who are in a constant state of engagement with society and who are looked to for assistance in the most crucial hours of crisis. In internal circles police officers regularly report feelings of dissatisfaction and frustration at not being able to be the protectors that they are intended and expected to be. Society, their peers and superiors, politicians and government are usually held to be the culprits responsible for this inability. It is not the intention of this paper to hold that training is a panacea to all these ills but to argue that police training that does not take these feelings into account is failing both society and the police forces.

### **III. TRAINING CURRICULUM**

In the context of domestic violence, child abuse and other crimes against these vulnerable sections of society a suggested curriculum for training for attitude change can be outlined. That this curriculum is not exclusive to police training needs emphasis, for attitude change is a requirement in the present context in all wings of the criminal justice system. Further there are other agencies of government, specifically those that address issues relating to welfare, development, health and education, which could benefit from both the training content and methodology that is suggested. However this aspect will be addressed in some detail later.

In outline the training curriculum should include the following at both initial and refresher stages:

- (i) Gender awareness and sensitization;
- (ii) Human rights and crimes against women;
- (iii) Where violence is coming from – the roots of gender violence, specific to a particular society and generalized to the world situation; and
- (iv) The crucial role of law enforcement and other elements of the criminal justice system.

The rest of this paper will elaborate on each of these issues suggesting the general content that can be suitably tailored according to the society and the organization being addressed. In addition a final section will address strategies that can be adopted to initiate change.

### **IV. GENDER AND TRAINING**

#### **A. What is Gender**

Gender is not another word for sexual difference, but a socially constructed difference between women and men, a difference that reflects each society's interpretation of biological difference. People are born female or male, but learn to be girls and boys who grow into women and men. They are taught what the appropriate behaviour and attitudes, roles and activities are for them, and how they should relate to other people. This learned behaviour is what makes up gender identity, and determines gender roles.

This conceptual difference between sex and gender was first developed by Anne Oakley<sup>1</sup>. It is a useful analytical tool to clarify ideas that has now been adopted almost universally. Sex is concerned with biology whereas gender is socially and psychologically, and that means also historically and culturally, determined.

Gender relations refer to the socially ordered relationship between women and men, men and men, women and women, at different ages and stages of the life-cycle. Together, these help to turn biologically different males and females into socially differentiated men and women, through the acquisition of culturally defined attributes of masculinity and femininity, as well as through the allocation of resources and responsibilities which are associated with these categories. It is important to note that gender relations vary with society and culture, indeed these two are together the essential determinants of what is referred to as gender.

### **B. Gender Perspectives**

A perspective that often appears gender neutral, in that it does not specify any particular gender, but which takes the life experiences, needs, interests and constraints of the male social actor as the standard one and therefore representative of both genders can be classified as gender-blind.<sup>2</sup> It is not blind in the sense that justice is said to be blind, for one of the scales is invisibly loaded.

As opposed to this we may consider a gender-aware perspective as one that accepts that men and women of the same class, and even within the same house, may have some overlapping needs and interests but that their differing life experiences and the unequal distribution of resources and responsibilities between them will also give them gender-specific needs and interests which may conflict.

### **C. Gender Implications**

The social construct of gender differentiated roles has profound implications for women. In relation to work both men and women may contribute to production of goods and services or to community and public life, but tasks associated with the reproduction of society, such as ensuring basic needs at the family level, are almost always managed exclusively by women. Women have longer working days than men the world over.

Women's work is also devalued so that even a woman who labours all day in the household is likely to say of herself "Oh, I don't work."

The oft quoted UN statistics<sup>3</sup> still hold true:

- women perform 2/3<sup>rd</sup> of the world's work
- women earn 1/10<sup>th</sup> of the world's income
- women are 2/3<sup>rd</sup> of the world's illiterate
- women own less than 1/100<sup>th</sup> of the world's property

Despite national and international human rights laws that guarantee equal rights irrespective of sex, women do not possess equal rights to men with regard to land, property, mobility, educational and employment opportunities, shelter, food, health, over decisions concerning their children or even over their own bodies. In many cultures across the world women's bodies are ritually maimed and mutilated and women are customarily beaten and even murdered in the name of culture and tradition.

Gender oppression takes a multitude of forms and adds another dimension to oppression based on race, ethnicity, religion, class and caste. On the road to social equity, gender is the last barrier, because it involves transformation of attitudes and practices in all societies, for all people: it touches all of us, deep down to our most intimate relationships. For this reason perhaps, it arouses very strong feelings among both men and women and these feelings are often brought out by gender awareness training.

The reality is that legislators as makers of law, and agencies of the criminal justice system as its enforcers, are predominantly male and likely to be imbued with conventional ideas about the rights and

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<sup>1</sup> See 'Why gender is a development issue' by April Brett in Changing Perceptions, Oxfam.

<sup>2</sup> 'Towards a Sensitive Work Culture' National Centre for Gender Training, LBS National Academy of Administration, Mussoorie, India.

<sup>3</sup> Source: The Oxfam Gender Training Manual.

status of women, so it is not surprising that their attitudes and actions are often found to be insensitive to problems affecting women. Quite often, therefore, the laws are deficient from the point of view of women's needs. Many laws intended for the benefit of women, may turn out to have only cosmetic value because they have been framed from a gender-blind perspective. Legal procedures are too complex and protracted and implementation of protective legal provisions tardy and inadequate. Besides, the many infringements of women's dignity and autonomy that are implicit in the realm of personal laws are beyond the pale of public action.

"Women too have their weaknesses," is a comment rather regularly heard from male officers undergoing Gender Awareness training. They will then point to lack of education, legal awareness, confidence and staying power, etc.

"So who's responsible for that?" the trainer will ask.

## V. HUMAN RIGHTS AND CRIMES AGAINST WOMEN

Crimes that specifically target women, such as trafficking, rape, kidnapping, dowry death and domestic violence, sexual harassment and molestation, are all more than crimes because they also assault the human rights of women. They violate the fundamental rights enshrined in our constitution, as each offence deprives a section of the population of security of life and limb and the basic dignity due to them as members of society. This fact that violence against women violates a woman's fundamental human rights has not been so widely recognized and needs to be underlined. It is surprising that even CEDAW, the UN Convention which recognizes the need to eliminate all forms of discrimination – political, social, economic and cultural – against women, makes no mention of eradicating all forms of violence against women.

Among all crimes, the most heinous are perhaps rape and domestic violence. The first, because the threat of rape seriously retards individual potential by clipping the wings of a girl ready to take flight into freedom and achievement. It cripples her mentally and hurts her physically in ways beyond the imagination of anyone. The fear of rape alone makes it difficult for a young girl to share the freedoms her brothers, for instance, may enjoy. It intrudes in numerous ways into the dreams she may dream for herself. The second, because domestic violence provides an entry for fear to creep insidiously through the keyhole of the very last bastion of her security - her home. It denies the woman respect and dignity even in her own most pristine and intimate space. In addition it presents her as a helpless victim in front of her children, diminishes her parental authority and damages the children themselves in many ways that we cannot even begin to assess.

A study<sup>4</sup> based on data on crimes against women maintained by the National Crime Record Bureau of India, which collects crime figures down to the basic administrative unit of the district, reports some important findings. It would appear that early and continuous deprivation of basic rights suffered by girl children is likely to lead to more heinous forms of violence when they become adults. There are indications that states having high rates for domestic violence and dowry deaths also usually have a low female-male ratio, especially in the crucial 0-6 year age group. The state of Punjab in north India, for instance, which has comparatively low rates for all other crimes against women, had one of the highest rates of dowry deaths. This probably explains the high rate of female foeticide in Punjab, which, although successfully evaded in all crime recording, shows itself through the lowest female-male ratio in all age groups and typically in the 0-6 age group where it is most significant, as the author of the study notes.

Most of the districts with high rates of rape seem to have low dowry death rates and vice versa. As the author of the study comments rather chillingly, 'Those women who seek to come out of the boundary walls of domestic life, face violence outside, while those who seek to remain inside, face dowry deaths'.

When a woman approaches the criminal justice system, she does so wearing an invisible badge that we would recognize as a badge of both shame and courage, if we could only see it. Consider that:

- Violence against women can begin even before life begins.
- Violence scars the childhood of girls in the shape of child abuse and incest, child prostitution, and

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<sup>4</sup> See Leela Mehendale, 'Crime, Women and Justice Delivery: Numbers Speak', Mainstream, 12.1.2001.

exploitative child labour.

- It bars her from the street and public places as a teenager and young woman.
- It follows her into marriage and family life. In most cultures only the tip of this iceberg has begun gradually to emerge.
- Finally, it can culminate in murder or suicide as evidenced in dowry deaths, or honour killings noted in other Asian cultures.

The latest advances in medical technology are used to wreak violence on the unborn female foetus (femicide). And, even after half a century of independence, it has not been possible to entirely wipe out female infanticide and abandonment of female new-borns. Indeed, certain districts of the otherwise progressive Tamil Nadu state in southern India, such as the district of Salem, are notorious for the killing of girl babies.

Female foeticide over the last 15 years has distorted male/female sex ratios at birth (SRB) in several Asian countries. Along with East Asia, North Africa and West Asia, the societies in the Indian subcontinent exhibit a strong preference for sons over daughters. China adopted a 'one child family' norm in 1979 and the phenomenon of millions of 'missing girls' was recognised by the early 1990s. A study in 1994<sup>5</sup> reported female foeticide to be a major cause of this imbalance. As fertility rates declined rapidly in east Asian countries (South Korea, Taiwan, Hong Kong), selective abortion of female fetuses increased, leading to rising sex ratios at birth over the last 10 years<sup>6</sup>.

Transfer of reproductive technology to India has resulted in reinforcement of patriarchal values, with parents tending to choose the sex of the next child basing their calculations on the birth order, sex sequence of previous children and the number of surviving sons. Foetal sex determination clinics have mushroomed over the last 20 years from the late eighties, especially in many northern and western cities, as professional medical organizations have seemed to be indifferent to the ethical dimensions. (Indian medical researchers who pioneered amniocentesis in 1975, felt that it would assist those women who keep on reproducing just to have a son, and also aid measures for population control).

The population sex ratio which was 1.03 in the 1901 census rose relatively consistently to 1.08 in 1991. Although there is no reliable data for the incidence of female foeticide, the Central Committee on Sex Determination described it as an epidemic across the length and breadth of the country<sup>7</sup>. A rough estimate of female foeticide and direct infanticide together, obtained by indirect demographic techniques on census data, is 1.2 million 'missing girls' in India during 1981-91. But, as most of the selective abortions occurred during the second half of the nineties, it was predicted that we should expect to see more. In 2000 a national daily<sup>8</sup> reported: "Femicide is gaining in popularity. Banned in government hospitals it is clandestinely available in mushrooming private clinics and is justified even by some family planning officials as an effective method of birth control in a country with a strong son preference. Nearly two million fetuses are assessed by NGOs to be aborted each year. In some states like Bihar the sex ratio has declined to 600 females per thousand males. Demographic surveys undertaken by several research bodies indicate that the issue of female infanticide has been further vitiated by prenatal sex determination shops".

In rural areas access for rural populations to sex determination shops enhanced substantially after sophisticated ultrasound machines, portable by car along untarred roads, became widely available in India from the early nineties. But a comparative study of the 1981 and 1991 Indian censuses was already showing a marked shift towards excess masculinity of SRB in 1991 in the rural areas of north and north-west India. An empirical study<sup>9</sup> reveals that part of the increase may reflect discrimination against girls following foetal sex determination of the place of birth. Male babies may be given the privilege of safer hospital deliveries, while for females, delivery at home in the village is considered adequate.

Some professionals hoped that the national law against Sex Determination Tests (SDT) passed in 1994,

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<sup>5</sup> Coake and Banister, 1994.

<sup>6</sup> Park and Cho, 1995.

<sup>7</sup> National Commission for Women 1994.

<sup>8</sup> The Times of India (P), 6.2.2000.

<sup>9</sup> George, Sabu M; Dahiya, Ranbir, S.: Female Foeticide in Rural Haryana, Economic and Political Weekly, Aug 1998.

will prevent female foeticide. But the experience of the state of Maharashtra, where a similar law has been in place since 1988, does not give much hope. Before the legislation, in Bombay city alone, the number of STD clinics went up from 10 to 248 during the period between 1982 and 87. After the legislation the practice just went underground, and over the last 10 years, not even one doctor has been penalised for breaking the law<sup>10</sup>.

On another plane, the Human Rights Watch, an independent international organization set up in Helsinki in 1978, has gathered evidence of 'epidemic levels of violence against women and rampant sex discrimination' around the world<sup>11</sup>. The evidence shows a striking commonality in women's vulnerability to violence across cultures and countries, with sexual assault being its 'most visible and least condemned expression'. It points out that, while on the one hand sexual abuse is looked upon as a private matter of individual concern, on the other hand the priority given to women's 'purity' and 'honour' make them targets for violence directed, through them, against their families or against the communities to which they belong. How the world can be so 'modern' and so primitive in its ideas about sexual abuse, in the same thought as it were, can never cease to amaze.

## VI. THE ROOTS OF VIOLENCE

When we try to unravel the roots of this gender-based violence, we realize that violence has always been a tool for exercising domination and appropriating control in a particular situation, or at a particular time, or in a particular sphere in life. In the domestic sphere too then, violence must be a means for domination and control – of women's bodies, their labour, their assets and their mobility and on another plane, of their emotions, ideas and attitudes. Male violence generates an over-all climate of fear which then succeeds in imposing the values of male superiority and female subordination. According to one view<sup>12</sup>, 'Far from being abnormal behaviour, the violence of men towards the women they live with, should rather be seen as an extreme form of normality, an exaggeration of how society expects men to behave... it is concerned with the wider issues to do with power and equity and to do with how we perceive manhood.'

A tendency to justify and condone the violence, and thus mitigate criticism and punishment has been noted, at least in the Indian context. The battered woman may be projected as mentally ill, morally depraved, or even some sort of a witch; the man as a helpless victim of poverty or driven beyond his control by drugs or alcohol.

The need to prove the guilt of the offender beyond reasonable doubt, which is the cornerstone of the Indian criminal justice system, can often translate into what is reasonable for the individual judge. Sometimes researchers detect a conscious or unconscious philosophy to be working even in the judgements of the highest court of appeal: that of protecting the privacy of the home and family honour at any cost. In one case<sup>13</sup> in a charge of murder of a housewife the court ruled that the husband's guilt could not be proved beyond reasonable doubt as the woman may well have committed suicide out of depression.

A large body of national and state-level data related to domestic violence became available through the second National Family Health Survey of 1996-98 (NFHS 2). The survey reports that at least one in five of all ever-married women above the age of 15 years experienced physical violence and at least one in nine reported experiencing it in the 12 months immediately preceding the survey. Secondly, the beatings were typically administered by their husbands. Thirdly, domestic violence appears to be 'democratic'- in that it cuts across religion, community, the rural-urban divide, even women's employment status.

The findings of the survey expose some commonly held beliefs as myths:

- That wife battering affects only small groups of the population

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<sup>10</sup> *ibid.*

<sup>11</sup> The Human Rights Watch, Report on Women's Human Rights, OUP, Delhi, 1998.

<sup>12</sup> Elizabeth Wilson, 'What is to be done about Violence against Women?' as cited in 'Indian Women: From Darkness to Light...', Shoma Chatterjee, Calcutta, 2000.

<sup>13</sup> Flavia Agnes, 'Protecting Women against Violence? Review of a Decade of Legislation', as cited in Dr. Mukul Mukherjee, 'Human Rights and Gender Issues', Institute of Social Sciences, N. Delhi.

- Only poor women get battered
- Battered women are uneducated
- Battered women are free to leave home

The NFSH 2 also collected data on women's perceptions about the legitimacy of husbands beating their wives. A substantial proportion of the women surveyed, between 33 to 40%, felt that a husband would be justified in beating his wife if there is a particular lapse on her part, such as neglecting the home or children, going out without informing the husband, being unfaithful, showing disrespect to in-laws or not cooking properly. Over-all almost three out of every five women surveyed, 56%, justified domestic violence on one or the other grounds mentioned above.

The NFHS 2 report<sup>14</sup> comments: 'The experience of violence, and the silent acceptance of violence by women, undermine attempts to empower and will continue to be barriers to the achievement of demographic, health and socio-economic goals.'

Let us look for a moment at this 'silent acceptance of violence' by women. An aspect of the power structures operative in society is explicated by Lukes<sup>15</sup>. "The most insidious exercise of power" he says, "... (is) by shaping perceptions, cognition and preferences in such a way that they can see or imagine no alternative to it, or because they see it as natural and unchangeable, or because it is divinely ordained and beneficial."

Police officers dealing with cases of domestic violence report similar perplexities all the time, such as a battered woman justifying a previous beating as of no consequence with the explanation that she had forgotten to put salt in the food on that occasion.

## VII. THE IMPORTANT ROLE OF THE CRIMINAL JUSTICE SYSTEM

### A. Domestic Violence

Domestic Violence is not a private issue but a violation of the fundamental rights of women. Domestic violence, or its threat, could affect the right to equality, livelihood, life and liberty, speech and expression, mobility, freedom of religion, education and to form associations of the victims. As the state is responsible for the protection of the fundamental rights of the individual, their infringement, and the failure of the state to take steps for its prevention and punishment, would make the state liable for the acts and omissions of its agents. Thus, apart from its role in the maintenance of law and order, the criminal justice system is an agent with liability of rights delivery through social justice and empowerment in cases of domestic violence.

The rising trends in crimes against women, as well as a low conviction rate, at least 10% less for rape, for instance, than for all crimes at the all-India level, both imply constriction of women's human rights.

Some of the reasons for the acquittals in cases of violence against women are attributable to failures in investigation by the police, and a rough check-list can be drawn up to suggest how one should overcome these:

- Initial efforts at counselling should be recorded and documents preserved to be used later if the case takes a serious turn, even in cases where there is a settlement.
- Delays in recording the First Information Report (FIR) should be explained.
- Specific role of each accused should be mentioned
- Statements of witnesses should not be recorded in a stereotypical fashion. The evidence of neighbours is important. Special precautions should be taken while recording dying declarations.
- The quality of photographs and forensic evidence should be improved and the chain of evidence should be meticulously preserved.

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<sup>14</sup> National Family Health Survey: 1998-99 – India, (NFHS2, All-India Report) 2000.

<sup>15</sup> S. Lukes, Power: A Radical View, Macmillan, London, 1974.

On the legislative side we need to look at the gender perspective of laws on Domestic Violence. Critics of the draft Domestic Violence Bill before the Indian Parliament point out that:

- It protects only women related by blood, marriage or adoption but not those in common law relationships or otherwise living in intimacy with the man.
- There is a risk and ambiguity inherent in the key phrase 'habitual violence' that is the object of punishment, and that it may furnish an easy escape route to the accused.
- The self-defence clause which provides for the right to self-defence on grounds of self-protection or protection of property is completely misplaced.

The delivery of justice by the courts also needs to address both attitudes and procedures:

- Judicial standards such as the test of a "reasonable prudent man" reflect the subjective standards of mostly male judges, and there is a need for greater gender sensitivity in dealing with cases of domestic violence.
- There is a crying need for a coordinated approach to both civil and criminal remedies. Civil remedies such as injunctions, perpetual and temporary, preventive and mandatory, can be obtained asking for various relief such as restraint orders against abuse/molestation, ousting the woman from the matrimonial home or creating any third party rights on it and directing the husband to allow entry into the matrimonial home and visitation rights of children, etc.
- Matrimonial proceedings such as divorce, maintenance, judicial separation, restitution of conjugal rights and custody are also relevant. Damages can also be claimed on various counts.
- The difficulties in obtaining such civil relief which are long and time consuming and involve payment of court and lawyer's fees. Protection orders are also difficult to obtain, are not granted immediately and, in case of failure of compliance, need separate contempt or execution proceedings to be filed.

It needs to be pointed out that training of lawyers has hardly ever been addressed and that curricula in law schools, as well as professional councils, should be required to cover gender sensitization and professional ethics.

## **B. Rape and Sexual Abuse**

Rape investigation is one of the most challenging and frustrating responsibilities that a police officer can undertake. The major task is to prove that the sexual act occurred by force and without consent. When the victim has been beaten into insensibility, or otherwise injured there may be not much difficulty in proving lack of consent but it is more usual to find that the victim was threatened with a weapon or was paralysed by fear into submission and no actual physical injury was inflicted on her. Relatively recent studies by behavioural scientists have, however, identified certain stress reactions in victims which may be linked to the crime of rape and thus serve as a basis for corroborating their testimony. It is essential therefore that the investigator be trained to recognize such reactions and be familiar with ways to develop and document such stress related evidence. Other players in the criminal justice system should also be familiarized with such evidence that can substantiate the victim's testimony when more traditional evidence is not available.

The source of most psychological evidence of force lies in the victim's reactions after the incident and presents so specific a pattern that it has been named the Rape Trauma Syndrome by the first mental health researchers who studied the problem. It consists of somatic, cognitive, psychological and behavioural symptoms resulting from an active stress reaction to a life threatening situation and it usually has two phases. The first phase begins immediately after the threat to the victim is over, and is characterized by disorganization with the victim experiencing alternating feelings of shock and fear. She then usually develops one of two forms of coping – an expressed style in which she may display her feelings by crying, sobbing, smiling or laughing and be restless and tense. Alternatively, she may display a controlled style of coping, appearing calm and composed. I have seen both reactions and regret that I was not trained to recognize them at that time.

The second phase is the reorganizing phase when the victim will try to cope with the rape and assure herself that she will not suffer it again, and this phase typically begins two to three weeks after the incident.



Collecting rape evidence should thus entail questioning the victims about her feelings and reactions besides the basic facts and should be followed by a second interview two to three weeks after the incident. A third interview should follow after 45 days before closing the investigation. At all times information consistent with the rape trauma syndrome should be clearly documented.

The Rape Trauma Syndrome is a specific sub-set of the general category of Post-Traumatic Stress disorder. It is characterized by recurrent and intrusive recollections or dreams of the event. As the victim adjusts to the trauma, the theme of the dreams may change to one in which she is able to gain mastery of the situation, or even mutilate or kill her assailant. Further symptoms may involve sudden acting or feeling that the event was recurring because of an association with an environmental or ideational stimulus, markedly diminished interest in one or more significant activities, feelings of detachment or estrangement from others, constricted or withdrawal from life effects, hyper-alertness or exaggerated startle responses, sleep disturbance, guilt, memory impairment, avoidance of activities that arouse recollections of the event, etc. Loss of appetite, depression, excitability and nausea are further symptoms. In the reorganization phase the victim may change her residence, or, as documented in one case, disappear altogether.

While it is not suggested that police officers should attempt to make diagnoses they are not qualified to make, an ongoing consultation with a qualified mental health professional who can testify in court is recommended. However, the need to ensure that training encompasses these behavioural aspects both to ensure sensitive handling of the victim and to not miss essential evidence cannot be overstressed. The police officer should also be aware that the victim may not share his or her priorities and may, in fact, abandon the process of evidence gathering altogether.

While we have had some judgements convicting the accused on the uncorroborated testimony of the victim, applying gender analysis to these always brings out the fact that the judge has held that the victim would not suffer the harm to her honour and future life by bringing a false accusation. While this may be a realistic assessment, one cringes at the implication that rape is still considered as an offence injuring the victim's honour rather than her person and her sense of self. Many victims never recover from the physical and psychological effects, and quite a few choose suicide as an escape.

The position of section 376, the offence of rape, in the Indian Penal Code is illustrative of this attitude, coming at the very end of the chapter on crimes against the body that starts with murder at section 300, and goes through the entire gamut of bodily injury with grievous hurt at section 325. Only two places removed from section 379, the offence of theft, which starts the chapter on crimes relating to property. The mind set of the early lawmakers that women are closely akin to property and that rape damages the property owner: the husband, father or brother, rather than the woman herself, is inescapable. There is no reason why this should not be changed, and sufficient reason to infer that placing it directly after the offence of murder will emphasise its gravity in the eyes of all who study and apply the law.

## VIII. STRATEGIES FOR CHANGE

### **Organizational Change**

The organizational culture of any agency is a strong binding factor that assists each individual member to contribute effectively to the common goal. However, it can also act as an obstacle to change and is a particularly pervasive stumbling block to change of attitudes. Police, para-military and armed force organizations that require a high degree of individual commitment have correspondingly more powerful organizational cultures that are highly resistant to change. Commitment to change at the highest levels is therefore a definite plus. One of the advantages of constant interaction with the community, which most police forces will have regardless of whether definite policies are in place to this end, is that this commitment can be secured more easily if influential and respected members of the community outside the police are also convinced of the need for change.

Almost everyone recognizes the need for more women police officers. Their importance, however, extends beyond the role of reporting and investigating officers with whom women and child victims are more comfortable. It is their ability to foster organisational change in the police forces, a most difficult and crucial task, which is invaluable and which requires to be focused on.

A certain critical mass of agents of change is necessary in an organisation before the culture begins to respond to their influence. Small numbers on the other hand are prone to succumb to the dominant culture, sometimes even supporting it with greater vigour than the majority elements in a bid to gain acceptability and approval. It is for this reason that some women complainants may articulate that they have found more sympathy from male rather than female police officers.

The critical mass recommended is at least a third of the organizational strength. The difficulties in achieving such numbers are not insurmountable, but as they also involve reserving posts that could go to men for women, there is considerable reluctance among police managers to accept modifications in recruitment policies.

One of the results of low numbers of women police officers is that women may be marginalized into 'soft' jobs; the inference that women are unsuitable for tough police duties thus becomes self-perpetuating. Even specialist duties such as handling women and child complainants, or deployment at reporting desks in police stations can become identified as 'soft' in this context. Mainstreaming of women officers and posting suitably trained male police officers to posts like the ones mentioned is an important step towards change in organizational culture as well as in ensuring that the needs of women and children are not themselves marginalized.

It is also essential to improve the environment for women in the police organization so that the situation of carrying women vacancies or not finding suitable women recruits is mitigated.

## **IX. BUILDING PARTNERSHIPS**

Empowerment, the process by which the powerless gain greater control over the circumstances of their lives, has to be seen as a primary stepping stone for the realization of women's human rights. It includes greater control not only over tangible and intangible resources (physical, human, intellectual, financial) but also over ideology (beliefs, values and attitudes). Women's ability to make choices and decisions must extend to all walks of life - family, household, community, and society as a whole.

A National Policy for the Empowerment of Women was announced by the Government of India in 2001. On violence against women the policy states, "All forms of violence against women, physical or mental, whether at domestic or societal levels, including those arising from customs, traditions or accepted practices, shall be dealt with effectively with a view to eliminating its incidence. Institutions and mechanisms/schemes for assistance will be created and strengthened for the prevention of such violence. A special emphasis will also be laid on programmes and measures to deal with trafficking in women and girls". (para. 7.1).

On the rights of the girl child, the policy says 'All forms of discrimination against the girl child and violation of her rights shall be eliminated by undertaking strict measures, both preventive and punitive, within and outside the family. These would relate specifically to strict enforcement of laws against prenatal sex selection and the practices of female foeticide, female infanticide, child marriage, child abuse and child prostitution, etc. In implementing programmes for eliminating child labour, there will be special focus on girl children'.

The relevance of the policy can be judged not just by the comprehensiveness of its objectives but more by the efficacy with which it translates into practice and achieves results in a reasonable time span.

The unfinished task of building a well-extended, responsive and humane infrastructure geared to the needs of women in distress needs to be acknowledged and pursued in a coordinated manner. This includes setting up special courts/judicial bodies and legal aid services for speedy disposal of cases of human rights violations, arrangements for interim relief for affected women such as financial assistance and rescue homes, and arrangements for educational and vocational training so that they can be economically self-reliant and in a better position to access their rights.

A critical point can be made with regard to infrastructural and other support for the lot of victims of crime in general. The criminal justice system is prosecution oriented and has little scope for victim support. Other

agencies, where such support could be based are usually not adequately engaged by the criminal justice system. For women victims, burdened as they are by restricted choices, this issue requires more pertinence, and alternatives have to be created for them. It should not be the lot of victims of domestic abuse, for example, to stay on and suffer because there is nowhere else to go. Law enforcement agencies themselves are often at a loss in the absence of such support.

A victim-centred multidisciplinary approach which enables inputs from police, medical, legal, social and voluntary services would be ideal to fill in this major void. It is surprising how quickly sound partnerships can be forged once common goals and their importance are acknowledged. A common goal of victim support can well lead to other areas of concern, such as the long delays endemic in the judicial systems in the country being highlighted for action. Judicial delays work against the interests of all victims and women victims in particular, and efforts to reduce these would yield the best results when addressed in a coordinated manner. Various initiatives to reduce these delays are underway in India and the need for support from all agencies concerned can hardly be over emphasized.

Another unexpected windfall from forging partnerships can be to find how strong individual organizational cultures can become receptive to change and how the talents and competencies of one organization can flow in to fill gaps in another.

## **X. INNOVATIVE TRAINING STRATEGIES**

Training methodology is almost as important as training content. Creating empathy, i.e. putting oneself in the victim's place is seminal to creating a gender aware perspective. Role play as an innovative form of training that can be very effective in creating this internalization of the victim's needs and teaching the officer the correct way to respond to them. I can do no better than to quote briefly from a report on one such role play exercise.

'He is the woman complainant approaching a co-trainee who is the duty officer in the reporting room. He complains of beating by his (her) husband. The reporting officer, aware that he is under observation, starts off very polite and considerate but things soon begin to go wrong. The complainant is taking her job too seriously and the reporting officer is beginning to lose his temper with her inability to state clearly what it is she desires or expects him to do.

"What did you do to make him beat you?" he finally says in exasperation.'

A video or other audio visual training aid can serve the place of weeks of lectures.

The most effective of these was a training video that contained the simple testimony of an American male police patrol officer who had had the bad luck to be in the wrong place at the wrong time. As he cruised slowly down a main road he observed a garbage can that was lying squarely in the middle of a side road and turned his patrol car up the alley. As he leaned over to remove the can he felt a gun thrust into his spine and two big men abusively order him to remain as he was and lower his pants. He was then raped by both men and forced to perform other sexual acts that he related plainly in the language of his assailants. His feelings at the time and the physical revulsion that he felt are also related in a similar manner.

Eventually he was freed and returned to the precinct where he was allocated to make a report. He then describes his treatment at the hospital where he is called up out of a line up, is sure that everyone present there knows exactly what has happened to him and that they are all staring at him and whispering amongst themselves. The pain of the medical comes next and then the finishing coup.

Returning to the precinct he feels all his colleagues are uncomfortable, will not meet his eye. Finally two of his best buddies come up to him. One of them puts an arm on his shoulder and says, "Hey George, did you know these guys from before or what?"

## **XI. CONCLUSION**

Domestic violence is an issue pertaining to both men and women and has to be addressed with both of them. By this we cannot mean just the victim and the perpetrator, but law enforcement and other authorities

who have a role to play, as well as the community and elements of society who are in a sense the context in which the tragedy of violence plays itself out.

A predilection for tokenism has to be avoided when framing laws and policies towards addressing such issues, no matter what the pressures for quick action are. As a former President of India said, “Before we can address ourselves to legal enactments for the prevention of oppression and the protection of the rights of women, we have to fight the attitude and atmosphere of prejudice against and neglect towards women”.

Of course when legal or other change is mooted in this sphere one has to contend with the difficulty of balancing the need to strengthen social institutions such as marriage and the family with the individual’s rights for justice, equality and recognition. This would bring us full circle to the beginning, the introduction to this paper that observes how women are more heavily victimized because of social attitudes and neglect of their rights. The criminal justice system possesses the inherent power to make a significant difference in initiating gender related changes in social institutions by first changing itself. As a law enforcer I feel we have to understand that and provide, in mitigation and response, a far more humane and sensitive approach to the women among the victims.