

Sexual violence against women by armed forces in conflict zones of India

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Abstract

This brief examines sexual violence in conflict zones and state responses in India from a feminist and policy perspective. The objectification of the female body makes it the site of difference and the site of violence. On this account, women have suffered sexual abuse, rape, violence and abduction. Caught in the storms of nation-building, religious majoritarianism, and neoliberal globalization, women have too often been rendered insecure in between competing patriarchies. This is far from unique to India. But as an Indian citizen, it is only natural that I concentrate on challenges that I think we currently face in the country.

From the very inception of the Indian State, much like in other South Asian countries, women have been seen as sources of national or community pride. But regrettably the history of consolidation of nation States sees many instances of brutal violence inflicted on women's bodies. A part of the flip side of national security has been bodily insecurity experienced by too many women also in India, in one way or another. Parts of India have from time to time been functioning under the ambit of exceptional circumstances or states of exception. This includes areas within the federal states of Jammu and Kashmir; Manipur, Nagaland, Assam, Meghalaya, Mizoram, Arunachal Pradesh and Tripura (also inaccurately homogenized as the 'North-East'); and West Bengal, Bihar, Chhattisgarh, Jharkhand, Andhra Pradesh, Maharashtra and Odisha. India has responded to violence by armed groups in Kashmir and North-Eastern India through the use of force as well as extra-ordinary laws for long periods of time. The army has consistently denied the occurrence of the rapes over years.

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I. INTRODUCTION.

India is a dangerous place to be a woman. Men in India have raped eight-month-old babies as well as a 100-year-old woman. It is a rape culture, in which girls/women are told how to dress up to avoid 'inviting trouble' and 'slut shamed' and normalising the male predatory behaviour. To change this, Indians must deflect the discourse from women to the real problem: men. In the interim, GOI must swiftly set up a separate law enforcement unit for crime against women.

According to government data, nearly four women are raped every one hour in the country. Realistically speaking, that means only about 90 women/girls each day find the courage to report that they have been sexually violated. The real number probably way higher and never gets captured as many number of rapes cases go unreported, buried under shame, confusion, fear and for sake of family honour.

Public data also shows that the majority of rapes are often perpetrated by persons known to the victim, including family, relatives and neighbours. Reporting this often risks inviting stigma on the victim rather than on the accused because, in our rape culture, some people also questioning victim's behaviour that brought on predators. Few brave people who overcome this social assault, there are more tribulations to be had from truculent cops, legal cases that go on for months, years and even death

II. RESULT AND DISCUSSION.

Sexual violence by armed forces from 2000 to 2020

State/ Union Territory	No. of rape cases
Assam	21
Manipur	18
Chhattisgarh	17
Jammu and Kashmir	16
Tripura	14
Jharkhand	7

Meghalaya	6
Arunachal Pradesh	6
Odisha	5
Andhra Pradesh	3
Maharashtra	1

Source: National Campaign Against Torture (NCAT)

Assam tops the list of sexual violence against women by central armed forces.

Total of 114 cases in which 224 females were victimized. 92 cases were reported from Chhattisgarh, 26 from Assam, 26 from Manipur and 21 from Jammu and Kashmir. List included 42 rape cases, 6 murder, 3 rape cases of pregnant women, 4 rape cases of differently-abled, and 3 cases of being shot dead for resisting rape and molestation, attempt to rape stripping.

The list stated, A total of 74 of the total victims were in the age group of 7 to 17 years and 156 (or 69.6 percent) of the victims were tribal women and girls,

It also mentioned that, as per official figures, a total of 9,448 people were killed in conflict areas during 2009-2019, including 3,747 in Left-wing extremism affected areas, 3,070 in northeast states and 2,631 in Jammu & Kashmir Union Territory.

According to NCAT the acts of sexual violence against women committed by armed militant groups in the conflict-ridden areas but doesn't provide any figure on such instances.

According to a 2019 Armed Conflict Location and Event Data project (Acled) report, there has been in an increase in sexual violence in or out of wartime contexts, with women and girls being the primary victims. The report identified regional political militias and state forces as the primary perpetrators of public and political sexual attacks. In both 2018 and 2019, India was amongst the top countries where women are highly vulnerable against conflict related sexual violence.

Legislations such as the *Armed Forces (Special Powers) Act (AFSPA)*, which gives immunity to the Indian Army from law for human rights abuses, have proved to be a major hindrance against the elimination of sexual violence in conflict in India.

Past incidents of sexual violence in conflicted areas in India

Kunan Poshpora mass rapes.(Kashmir)

On 23rd February 1991, soldiers of the Fourth Raj Rifles of the Indian Army, launched a search and interrogation operation in the Kashmiri village of Kunan Poshpora. Under the guise of a search operation, men and women in the village were separated. While men were dragged out of their homes at gunpoint and taken to military camps, over the next few hours, the soldiers raped at least 23 women in their own homes. The actual numbers still remain unclear. The Army has consistently denied the occurrence of the mass rapes over the years.

Custodial rape and murder of Thangjam Manorama(Manipur)

On July 11, 2004, 32-year-old Thangjam Manorama's brutally mutilated body was found near her house after she was picked up in the night from her home in Laiphorak Maring in Manipur by members of the 17th Assam Rifles unit of the Indian Army. An autopsy later revealed that she was raped and assaulted. According to the army, Manorama was picked up because she was a member of the separatist group *People's Liberation Army (PLA)* and was responsible for several bomb blasts. This was consistently disputed by Manorama's family.

Sexual violence against Adivasi women (Chattisgarh)

In 2015 and 2016, multiple Adivasi women in at least five villages of Chhattisgarh were sexually assaulted and raped by Chhattisgarh Police. After a report by activists was submitted to the *National Human Rights Commission (NHRC)*, it urged the Chhattisgarh government to give monetary relief to the women, but no move was taken to prosecute the perpetrators. Even after this, more reports of large scale sexual violence came out of Bastar and Bijapur in March 2016.

Sexual violence during anti-CAA and NRC protests(Delhi)

There were multiple instances of sexual violence during anti-CAA and NRC protests. During one protest, Police lathi charged multiple women from *Jamia Millia Islamia University*, some of whom reported being hit in their genitals. Reports of similar gendered violence came out of *Aligarh Muslim University* too.

According to the UN, combatting impunity for sexual violence is a 'central aspect of deterring and preventing such crimes.' Additionally, fear and cultural stigma hinder the majority of survivors of conflict-related sexual

violence to come forward and report it. Increased advocacy efforts, reducing stigma around surviving sexual violence, supporting needs and demands of survivors of conflict-related sexual violence, and improving systems of accountability- might be the first steps towards the elimination of sexual violence in conflict.

What does the Indian law say?

India has made wholesale changes to its rape laws in recent years, including expanding the definition of rape to include to include that the absence of a physical struggle does not equate to consent. Another recent reform is the 2012 Protection of Children from Sexual Offences Act (POCSO) which called for the establishment of child friendly courts and practices that would not require a minor survivor to make numerous court appearances to deliver their testimony, and law enforcement officers who fail to register complaints made by sexual violence survivors will also face compulsory jail time.

However, many of the recommendations made by the Justice Verma Committee on Amendments to Criminal Law, made after the infamous Delhi gang rape case in 2013, have yet to be implemented. In particular, the Committee had recommended many systemic and procedural reforms including police reforms, reforms in management of sexual violence cases and education reforms aimed at preventing sexual violence.

III. SUGGESTIONS/RECOMMENDATIONS

1. It is important to rework existing laws and practices that may provide impunity to persons who commit sexual violations, to enable effective investigation and prosecution in cases with clear evidence of sexual violence. Such accountability is necessary for the dignity of the victims of these crimes and to ensure there is a deterrent against future violations. Without proper accountability, it is hard to imagine sustainable reduction in the levels of sexual violence.
2. Public officials in State organizations such as the police, military, medical establishment and government administration should be sensitized towards the concerns of victims of sexual violence. This can be done by conducting training workshops on gender and sexual violence with such officials. This would enable the agencies to respond better to the concerns of the victims.
3. The objective and policy of the government of India should be to ensure justice and to provide holistic rehabilitation and re-integration assistance to the victims of sexual violence. More analysis and research should be done on how victims can return to their lives and society, pursuing education, work and family obligations, despite their traumatising experience.
4. Victims of sexual violence should not be treated as if they are marked for life, unable to assume the normal obligations and opportunities as citizens of India. Cultural and religious factors often play a role after sexual violence has occurred. More emphasis needs to be placed on genuine re-integration into society after incidents of sexual violence so that the injustice of the crimes does not linger on for years, ruining entire lifespans.
5. In order to do this, the State and civil society must come together to provide victims with medical, psychological, social and economic assistance. This would help the victims to eventually become self-dependent and reintegrate meaningfully into society.

IV. CONCLUSION

India has responded to violence by armed groups in Kashmir and North-Eastern India through the use of force as well as extra-ordinary laws for long periods of time. In order to ensure national security, certain groups of populations may in some situations have been seen as a suspect community capable of threatening the security of the Indian State. Dissident movements which have challenged the Indian State ideologically and militarily, such as the Nasal movement, have also been met with a combined strategy of use of force by the State and attempts to reduce the geographical areas that are affected by these movements.

It is important to examine the nature of problems pertaining to sexual violence arising in areas affected by violence and terrorism in India. Women have been sexually abused and raped also by security forces stationed in conflict zones such as Kashmir, and that such crimes regrettably often go unpunished.

Sexual violence survivors who choose to report face many obstacles to justice in India. Families are a source of pressure for survivors to remain silent, and according to IPS News those who come forward may see their families endure harassment, and even be made to flee.

Doctors and other medical professionals sometimes still force survivors to undergo the “two finger test,” further traumatizing women and girls while subjecting them to an invasive and degrading assault with no medical basis and risking increasing psychological harm on top of the trauma already suffered.

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