

BOOK REVIEW

SEXUAL VIOLENCE AGAINST WOMEN WITH SPECIAL REFERENCE TO RAPE (2015). By Sukumar Ray. Eastern Law House Private Ltd., 54 Ganesh Chander Avenue, Kolkata, West Bengal. Pp. 29 + 288. Price Rs. 395/-

Sexual violence and rape occur in every society and cut across every social class. Gender violence is a term for wide range of violations, which consist of both the physical and the sexual, from example ranging from sexual assault in society to sexual abuse in prison. Women are disproportionately the victims of gender violence, which happens in different forms in different social contexts through the world. The book under review aims to tell the story of these forces that have shaped the meaning of sexual violence in India. The author of this work being associated with the judiciary himself, has lent his juristic experiences in the writing by analysing and observing the subject and the issues of sexual violence, thereby determining the causes, historical retrospective, remedies, compensation of sexual violence and prescribed its punishment, proposed amendments and so on.

With hasty legislations made in the post- Nirbhaya years and even lesser number of books being written on this serious issue, the author has done a laudable work by bringing up this book. The book, though not voluminous, studies intensively and extensively, all the aspects of sexual violence, and hence, it captures the attention of interested readers.

The scope of this book is the first impressive thing about it: Ray begins in the colonial era and finishes in the twenty-first century. Across that period, the definition of rape — what acts constituted rape, who could be raped, who rapists were — was almost continually in flux, shaped mostly by changes in ideas about race and gender and the distribution of power along those axes. Mr. Ray's book synthesizes a tremendous range of secondary literature, much if not most of it produced in the last twenty years, but it also is grounded in extensive primary source research, especially newspapers and legal cases.

The book comprises of eleven (11) chapters apart from the introduction. In the introduction, the author has focussed on historical retrospective. He has delved into the history of rape, Muslim criminal law and rape, rape by soldiers during war and the evolution of the definition of rape.

The author classifies rape under five categories in Chapter 2 as Marital rape, Rape in uniform, Gang rape, Statutory rape and Date rape. He defined each category and illustrates the various causes of rape. Ray's account is not one of progress, or even just change, in a single direction over time. Across the nineteenth century, rape was constructed, in the legal system and in popular culture, in such a way that only the elite could be protected and men escaped through the loopholes of law. The process by which this situation changed tracks the development of the women's rights movement. Attempts to prevent the crime of seduction expanded the definition of rape to include men who promised marriage or acquaintances who coerced women into sex. They also put greater emphasis on chastity and vulnerability, a framework for protection that accepted inequality between the sexes. Suffragists sought to solve the problem by empowering women with the vote and jury service, so that legal debates about rape would involve women in roles other than mere victims. They also raised the contentious issue of marital rape, though that would not ultimately be reformed until the late twentieth century. As with the earlier debate on seduction, women's sexuality continued to be seen as a commodity which men had rights to.

Chapter 3 of the book deals with Rape and Allied Offences. Rape is an inhuman offence. The form of rape depends upon the manner it is committed. Sometimes extreme force or torture is applied upon women. The allied offences committed along with the offence of rape are hurt or grievous hurt, kidnapping, abduction, dacoity, trespass or house breaking, murder etc.

In the recent past the Criminal Law (Amendment) Act, 2013, the Protection of Children from Sexual Offences Act, 2012 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 were enacted to shield women from offences like sexual violence and rape. Chapters 4, 9 and 12 of the book respectively looks into the matters concerned. The author has endeavoured to portray the laws as under various enactments by using tables which enables us to have a glimpse of the summary instantaneously.

Rape is a crime not only against the person of a woman but against the entire society. It destroys the psychology of a woman and pushes her into a deep traumatic state. When a woman is ravished, what is inflicted is not only limited to her mental or physical injury but imbues her with a deep sense of deathless shame. It is thus a crime against the basic human right to live with human dignity guaranteed under Art. 21 of the Constitution. The offence has direct nexus with the human rights as discussed under Chapter 5 of the book. The author has also viewed that the duties of the court in respect of rape trial are not only heavy but also full of responsibility. The judges are the symbol of social justice and last resort of the hundreds and thousands of innocent and hapless and helpless victims. (Chapter 6).

One of the telling aspects of this book is the pointer it provides to the law relating to sexual harassment at work place in Chapter 12 of the book. The author liberally describes each incident of sexual harassment at work place as violation of Fundamental Right to gender equality and the right to Life and Liberty. The author shows his scholarly qualities by analysing each section of the enactment, i.e., Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and discusses judgments from Vishakha to Medha Kotwal Lele in this chapter.

A very distinctive feature of this book is that the author has tried to critically examine at length the rape law of as many as 27 countries. The author also provides several suggestions for the continued vitality of our rape jurisprudence. The “Crime Clock” included in the beginning of the book adds to its uniqueness. However, improvements could have been made while arranging the chapters for the convenience of the readers.

The level of research, effort and the quality of critical evaluation of the court and its work is remarkable. This book is well written and provides quality insights into the dynamics of rape jurisprudence in the country; though at places the grammatical errors could have been avoided. It is simple to read and accessible. The book being hard bound, special mention is due to the publishers for making it presentable in the eyes of the readers.

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