

## Rape: Draconian and Dangerous Crime Against Women

**Mr. Ghatage Jayant C.**  
Associate Professor,  
Dr. Babasaheb Ambedkar Mahavidyalaya,  
At. Peth Vadgaon, Tal. Hatkanangale,  
Dist. Kolhapur.

### ABSTRACT:

Globally rape is one of the most humiliating sexual harassment of women among harassment, torture and exploitation from the known history of human life. Nowadays due to the expansion of mass media its magnitude became more and more in the all the countries and as far as the situation of India is concerned it is became most dangerous country in the world. On the other hand the unreported cases about rape or attempt of rape were large due to the cultural traditions and the attitude of society towards the women who gone through such heinous crime against her. Indian government has sanctioned various laws and made changes in the laws according to the recommendations of various commissions. But till today we could not stopped rapes in our country. On the contrary, in some cases the provisions against suspected criminals of rape were became an easy weapon in the hands of abused or her family. So we have to rethink on curbing this shameful crime. We have to change our curriculum right from the primary level to university level, encourage our youth to form more and more NGO's who took this task on their shoulder.

### KEYWORDS:

IPC(Indian Penal Code), NCRB (National Crimes records Bureau), POCSO (Protection of Children from Sexual Offences), NHFS(National Health Financing Scheme), Minor (Below eighteen years) and NGO (Non Government Organization),

### INTRODUCTION:

It is absolutely true that harassment, humiliation, torture and exploitation of women are as old as the history of family life all over the world. According to the United Nations reports that worldwide approximately 15 million girls aged 15-19 have experienced forced sex, while 35% of women have experienced some type of physical or sexual violence at some point in their lives. Of the 87,000

female victims of homicide recorded globally in 2018, 58% were killed by inmate partners or family member. This shows that the problem of rape and sexual harassment of women is not only the problem of rape in India alone, but is a global problem. In India during the ancient times women held a high place of respect and given the status of Goddesses. But later on the social, economic and political changes women lost their status and neglected to the background. Today they are not safe in their own homes and everywhere in the society and India became a dangerous place for them, as we come across the examples of men have raped eight-month-old babies as well as 100 year old women. According to the government data, nearly four women are raped every hour (96 per day), who find the courage to report that they had been sexually violated. We do not know about the rape and sexual harassment of women due to the non reporting about it in police stations, as reporting about it often risks inviting stigma on the victim rather than on the accused.

### DEFINITION:

IPC defined rape as 'A man is said to commit 'rape' who has sexual inter course with a woman in circumstances falling under any six of the following descriptions:

a) Against her will, b) Without her consent, c) With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt, d) With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she believes herself married, e) With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying that to which she gives consent, f) With or without her consent when she is

under sixteen years of age. Thus penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Above definition excluded marital rape, same sex crimes and considered all sex with a minor below the age of sixteen as rape. But after 3rd February 2013, the definition was revised through the Criminal Law (Amendment) Act 2013, which raised the age of minor to eighteen. Article 376B of the law made forced sexual intercourse by a man with his wife-if she is living separately- a crime, whether under a decree of separation or otherwise, punishable with at least 2-year prison term. Forced sex by a man on his wife may also be considered a prosecutable domestic violence under other sections of IPC, such as Section 498 as well as the Protection of Women from Domestic Violence Act 2005. All Sexual acts between the members of the same sex, consensual or forced, remain a crime under Section 377 of IPC, after 2013 Criminal Law reform, with punishment the same as that of rape. But there is one exception about rape which is regarding a medical procedure or intervention shall not be considered as rape.

#### **RAPE STATISTICS :**

India has been ranked number one in 2018, Afghanistan and Syria in second and third place, Somalia is in fourth place and Arabia on fifth place. In 1983, there were 6019 reported cases of rape, which increased to 9,099 and 9519. In 2012 there were 24023 cases in India. The Criminal law Amendment Act was passed in early 2013. Instead of a deterrent that year saw a sharp increase of 8500 cases and a further increase of 3000 cases in 2014, peaking at an all-time high figure of 36,735 cases. A slight drop of 5.7% was seen in 2015 when the numbers came down to 34651 cases. But in 2016, this figure increased to 38,947 cases. Over 34,600 rape cases have been reported across the country in 2017. One rape was reported every 16 minutes in India in 2019. This figure was 15 minutes in 2018. In 2019 the national average rape rate was 4.9, slightly less than 5.2 in 2018 and 2017, but this dip may be attributed to data for West Bengal not being available. As of 2019, Nagaland (0.8), Tamil Nadu (1.0) and Bihar (1.3) had the lowest rape, while Rajasthan (15.9) had the highest rape rate. But these statistics do not take into account rapes ending in murder and attempts to rape, which are counted separately by police in India.

#### **MOST NOTABLE RAPE CASES IN INDIA:**

These includes : a) Rameeza Bee, (1978), in which the girl was gang raped by policemen in Hyderabad, b) Mathura, a 16 year old tribal was gang-raped by policemen in the police station in Maharashtra, c) Bhanwari Devi ( a social worker) d) the gang rape case of a 23-year-old student in a public bus, was gang raped by upper caste men in Rajasthan in 1992, e) one 22-year old photojournalist was gang raped in Bombay in August 2013, f) A 71 year-old was allegedly gang raped in Ranaghat, West Bengal, f) on 17th January, Asifa, a 8-year old minor girl was raped and murdered in Kathua in Jammu and Kashmir, g) On 5th May 2018 a minor girl was allegedly raped by three teen agers at Chokhi Dadra in Haryana, h) 50 year man raped a 10-year minor girl in Andhra on 4th May 2018, i) Nirbhaya gang rape and murder case of Delhi j) a rape and murder case of a 19-year old Dalit girl in Uttar Pradesh's Hathras district on September 14, 2020.

#### **ESTIMATES ABOUT UNREPORTED RAPE CASES:**

But the reality is that the number-probably may higher-never gets captured as many rapes go unreported, buried under shame, confusion and fear. Public data also shows that majority of rapes are often perpetrated by persons known to the victim, including family and neighbors. Reporting this often risks inviting stigma on the victim rather than of the accused because, in our rancid rape culture, some of us also question victim's behavior that brought on predators. As per 2016 NCRB report 95% of the rape victims knew their assailants. A child under 12 does not walk alone to the police station to report the crime. It is the family members who report the crime. In cases of incest, there will be even greater reluctance to report. Issues will be settled through family and neighborhoods, placing the child at even greater peril. Indian parliament have stated that the rape problem in India is being underestimated as a large number of cases are not reported, even though more victims are increasingly coming out and reporting rape and sexual assaults. Few states in India have tried to estimate or survey unreported cases of sexual assaults. A comparison between the data from NCRB and the NHFS in 2005 shows that 5.8% of rapes were reported. It has been estimated that

women who faced sexual violence by their husbands was forty times the number of women who faced sexual violence by men they do not know. Madiha Kark estimates 54% rape cases are unreported. A UN study of 57 countries estimates just 11% of rape and sexual assault cases worldwide are never reported. On the other hand it is also true that for the very few reported cases of rape there are many tribulations to be had from truculent cops, legal cases that go on for months, years and even till death.

#### **ROLE OF SOCIAL MEDIA :**

According to Carrie A. Rentscher social media can become both "aggregators of online misogyny" as well as key spaces for feminist education and activism. They are spaces where "rape Culture" in particular, is both performed and resisted and where a feminist counter public can be formed. Reporters who cover sexual violence say a pervasive attitude of victim blaming, which has implications of consent, often underpins Indian coverage. "If someone comes and claims they have been raped, then the first question, is "what did this girl do wrong?" said former times of India reporter Smriti Singh. An example of this is the 2014 Delhi taxi driver rape case, in which it was widely reported that the victim fell asleep in the back of the car. "The media talk about personal behavior but it is done in a very objective manner. But there is an underlying thought to it. It's always brought up too much when a girl lapses in her security," says Hindustan Times reporter Avantika Metha. Also the press may effects on the public policy. A number of English-language publications used the December 16 rape as an opportunity to pursue their own campaigns to change India's laws. In 2015 against the advice of the Verma Committee, the Indian government amended the juvenile justice law to lower the age of criminal responsibility from 18 to 16 in the case of "heinous crimes" like rape and murder. The Times of India celebrated the success of their campaign with the headline: "Now 16-18-yr-olds won't get off lightly for serious crimes." But Indian Express editor Praveen Swami is skeptical about how much influence the Times actually had on government policy, arguing that the campaign fit with a pre-existing belief about mass urban migration: that young men are becoming lawless and out of control. "One of the great vanities is that what we write actually shapes

public or political discourse, but the fact is, successive governments don't really give a toss about what was said on a whole host of issues," he said.

We had changed the definition of rape and amended our laws to curb this heinous problem against women in India. But In August 2013, Judge Virender Bhat has suggested that the legal provisions of relying upon the sole attestation of the victim became "an easy weapon for vengeance and vendetta" to harass and blackmail their mail friends by filling false cases to exhort money and force them get married. So we have to seriously rethink on other ways for curbing this heinous crime and the ways of potential abuse concerns by the legal provisions against rape. Lastly, I want to suggest some solutions for curbing this heinous crime against women as follows:

- a) An attempt is needed to alter this situation by robust conversion around men, which has to begin in schools, public for and highest officers.
- b) It should be a part of the school curriculum from primary school onwards, where attitudes are shaped. For older students, gender sensitization classes and tests should be made mandatory. And girls must be encouraged to be strong, vocal and intolerant of transgressions, however small.
- c) Workplaces must crack down on men who make sexualized jokes. We should stop taking sexually offensive banter lightly, as it leads to desensitization,
- d) Most importantly, public office bearers and role models need to stop blaming women for their choice of dress or work hours
- e) The government must set up a special unit which recruits and trains officers specifically to deal with sexual offences, rape and create easy access to doctors, forensic experts, rape survivors and psychologists.

#### **CONCLUSION:**

All the above description regarding sexual abuse and rape explains the magnitude of rape and lastly suggests some solutions to curb the rape attempts

and make India as a rape free and safer country for women in the world. For achieve this we have to encourage to form more and more NGO's who took this task on their shoulders and fight for the rights and justice forever.

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