

RAPE (Repulsive Atrocious Pummel on Emotions)

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Abstract: 73 years of Independence but the reality remains the same- Dark and Furious. Every five years during elections one agenda remains the same "Protection of women". India consists of 48% population of women but issues related to women remain the same. Many laws have been framed for this purpose but, all in vain. Even in millennial era, women are afraid to travel alone during odd hours. The purpose of this paper is to discuss the condition of women and the problems faced by them and how men see them as just flesh and bone.

Keywords: Women, Protection, Rape, Assault, Unlawful.

Introduction: The English word "Rape" is gotten from Latin word rapere. The Merriam Webster word reference characterizes assault as "unlawful sexual movement". Anyway there can be a few sorts of rapes like penetrative, non-penetrative, consensual, conjugal, and the wrongdoing of assault fluctuates socially. Rape is certainly not a cutting edge wonder. Rape has been portrayed in early strict messages in the western world. Greek fanciful god Zeus assaulted ladies including Hera, Io, and Phoenician princess Europa, and the mainland Europe is an eponym of the Princess. In old Rome assault had been accounted for example the Rape of the Sabine Women. Rape was considered as a less wrongdoing for a specific young lady than with the other young lady like Rape of a nonvirgin was less wrongdoing than rape of a virgin. Around three centuries back in France, wedding without parental assent was viewed as Rape.

"I just want to sleep. A coma would be nice. Or amnesia. Anything, just to get rid of this, these thoughts, whispers in my mind. Did he rape my head, too?"
— Laurie Halse Anderson

This is what happens when a girl gets raped. Not just her body also her mind, her soul, her heart gets tinted. Its too easy to say "oh! She got Raped" but unimaginable to face. The Indian society is hard enough to fit in, on top of it victim of rape who does not get the support she needed, instead gets a shameful eyes. A person who is already a victim of this heinous crime not only faces the society but the court, media, police etc.

Rapes in India are not new. The very first incident that has been reported was in 1972 known as Mathura Rape case, where a tribal minor girl, was raped by two policemen in custody. Since then a lot of protest, reforms, and amendments have been made. Various suggestions have been made like Justice Verma committee, 2013; for the betterment of society and for the strict punishment to the rapist.

The word rape; is derived from the Latin word rapier, which means “to snatch”, “to seize or carry away by force”. Rape is indeed an evil done to a woman which takes away her dignity and respect.

In Indian constitution sex correspondence is revered with arrangement of positive separation for ladies. In present day India ladies possess position of initiative in many fields. Indeed, even in old India ladies delighted in status equivalent to men or stunningly better. The celestial embodiment of female power was and is known as Shakti.

“I can explain myself: If you want to be safe, walk in the middle of the street. I’m not joking. You’ve been told to look both ways before crossing the street, and the sidewalk is your friend, right? Wrong. I’ve spent years walking sidewalks at night. I’ve looked around me when it was dark, when there were men following me, creeping out of alleyways, attempting to goad me into speaking to them and shouting obscenities at me when I wouldn’t, and I suddenly realised that the only place left to go was the middle of street. But why would I risk it? Because the odds are in my favour. In the States, someone is killed in a car accident on average every 12.5 minutes, while someone is raped on average every 2.5 minutes. Even when factoring in that, one, I am generously including ALL car-related accidents and not just those involving accidents, and two, that the vast majorities of rapes still go unreported [...] And, thus, this is now the way I live my life: out in the open, in the middle of everything, because the middle of the street is actually the safest place to walk”-

Emilie Autumn, The Asylum for Wayward Victorian Girls:

This is how rape is being defined by famous writer Emilie Autumn. She finds it better to die by road accident than being raped. A rape victim can neither live nor die. It is not just the rape that kills a person inside but the brutality that harms the sanity.

There were lots of loopholes in the law against the Rape but after a very brutal and shocking case commonly known as Nirbhaya Case 2012 and the noticeable changes were done in the law. The act is also known as Nirbhaya Act in which amendments were made not only in Indian Penal Code but also in Criminal Procedure code and Evidence Act regarding sexual offences.

Definition of Rape:

According to Indian Penal Code, Rape is defined in Section-375 as-

“A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:”¹

“First -Against her will”.

“Secondly -Without her consent”.

¹Sec-375 IPC

“Thirdly.-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”.

“Fourthly.-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 is or believes herself to be lawfully married”.

“Fifthly.-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 or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent”.

“Sixthly- With or without her consent, when she is under sixteen years of age”.

Rape is not a simple term rather it's a complex word with different types and different punishments under Indian Penal code. Few of the described punishments are as follows-

- a) A man who rapes his wife who is living separately from him under the decree of separation will be punished for term that may be extended to two years and will also be liable for fine.
- b) Custodial Rape- “Custodial rape is rape perpetrated by a person employed by the state in a supervisory or custodial position, such as a police officer, public servant or jail or hospital or employee. There are few famous cases on custodial rapes”². **Mathura Case.**

According to Section-376 of IPC, “a man who is guilty of custodial rape shall be punished with rigorously imprisonment for term not less than ten years which may extend to life”³.

- c) Marital Rape- Though according to Indian Penal Code this is not defined as rape as it is still believed that wife consent is not necessary for intercourse so husband can force himself. In general, cases like these do not see the light of the day as it affects not only the relation of husband and wife but also affects their respective families.
- d) Gang Rape- When a victim is raped by more than two violators, it is termed as Gang rape. One of the most shocking case of Gang rape is Nirbhaya Case. This incident not only shook the core of humanity but also questioned the Law Makers and Judiciary.

All the men who are guilty of gang rape shall be punished with rigorously imprisonment for term not less than ten years which may be extend to life. All the persons who commit gang rape are believed to act in furtherance of common attention and hence be punished.

Role of Legislature and Judiciary:

The relationship between Legislature and Judiciary has been very crucial and complex. In maintaining peace and security in the society, it is important that there be understanding between the two. Though these are two independent bodies but co-ordination must be

²Mathura Case

³Sec-376 IPC

maintained. Both the institutions must be oriented and focused on their respective work not trying to hinder in each other's function. Rape is a heinous crime not only against the victim but shakes the whole society.

But, what exactly our legislature and judiciary doing? Every time a shameful and shocking incident takes place, a new amendment is made in the law which again takes years to implement. When an accused appears in the court, a long and lengthy procedure is being followed, without paying heed to the condition of the victim. Even in fast track courts, decision remains pending for years together making the whole purpose of fast track courts, futile. Not just adult women but even minor's are being raped which rocks our Assemblies and Parliament so many times but to no use. Even before the smoke clears from the last incident, we get to hear another headlines breaking case of National importance, shattering the humanity to its bed rocks.

"Injustice anywhere is a threat to justice everywhere"⁴.

It is rightly said justice delayed is justice denied. Our law procedures are so lengthy and complex that justice always gets delayed. It's been 7 years to **Nirbhaya Case**, yet punishment has not been implemented. All the culprits have been ordered Capital punishment yet we are waiting for them to exhaust all their rights to save themselves. **Asifa case** also known as **Kathua Rape Case** where a minor girl, 8 years of age was gang raped and brutally murdered. In this case even Policemen were involved who allegedly tried to destroy the evidence to save the culprits.

SUGGESTIONS: In light of acknowledge and encounters while dealing with this issue, creator might want to make the accompanying recommendations: Make the youthful age aware of such grisly act so they themselves create scorn towards it. Ladies need to leave the social taboos and build up an extremely down to business temper. The opportunity has already come and gone that India ought to understand the need of criminalisation of conjugal assault. The present laws ought to be discarded, corrected and required laws ought to be embraced. The apparatus working to counter such acts should make it simple for a ladies to address her complaint and make accessible reasonable help. The legal executive ought to be prepared also, sharpened to treat ladies exceptionally on such sensitive issues with compassion instead of compassion. The Women's Commissions and NGO's ought to be occupied with progressively acidic exercises in causing the Legislature to understand the need of passing explicit laws to battle conjugal assault. Proposals previously made on this issue should be executed and the assessment of the universal gathering on this ought to be regarded. The general public should give a steady shoulder to the casualty of conjugal assault what's more, go about as an empowering organ for the injured individual to construct certainty and solidarity to face the world and battle for her privilege and pride. In conclusion, however this may Worldwide Journal of Pure and Applied Mathematics Special Issue 1445 evidently solid to be obscure, however as I would like to think this also requires a notice. The term conjugal assault frequently passes on the possibility that it is just the lady

⁴Martin Luther King Jr.

who is at the enduring end. In the present changing world which inhales of correspondence of genders ideas ought not be given a limited significance yet ought to be doled out the most stretched out conceivable clarification. Keeping this in see conjugal assault ought to likewise be so characterized that the casualty of assault engaged with conjugal relationship can be of either sex. It might sound Utopia in country set up however isn't immaterial in the evolving urban situation. In any case, it is without question that in more than larger part of the voters cases the lady endures, similarly as she is the "more fragile sex" in the relationship.

Conclusion: Everyday there is a news of someone getting raped whether it is a women of 40 or a girl of 27 or even a child of 2 years. It is popularly believed that rape happens because women wear short and revealing clothes. Then how do you explain a 2 year old getting raped. Clothing has nothing to do when it comes to rape. It is our patriarchal set up that has been deeply rooted in our society. Men thinks throwing loose comments on women makes them more of a man. They take proud in objectifying women. What they don't realise is that all this makes them uncomfortable. Film Industry has repeatedly portrayed that "ladkikinaa mean hi haashoti he". BUT You know what, its high time men should realise that a no means no.

The statements politicians have been making on this sensitive issue makes you wonder the future of our daughter's. The famous **Unnao Rape case** is leading example of this, where a minor not gang raped involving a politician and his accomplice but also murdered her brutally.

26 years old Veterinary doctor who was burnt alive after being gang raped this year was another heart breaking incidence. But a police encounter of all four accused proved that may be we are looking for justice at wrong place. But the sort of precedence our system is leaving, new generation would be more inclined towards faster justice, may be not lawfully but justice served. Which would bring chaos to our nation leading to complete lawlessness.

It is generally said 'Tell your daughter to dress properly' but at this time it should be changed to 'Tell your son to behave properly. A girl is not your private property or a toy to be played with.'

A balance needs to be created for both men and women to live a life respecting each other and giving due dignity to the opposite gender especially women who is Mother of Mankind.

So as to stop wrongdoing against ladies the investigation have recommended some arrangement producers to the administration, NGO's, and social networks, Generally Women have absence of attention to which is happening of violations against them, because of this ladies have underreporting their sexual maltreatment, and they wish to keep quiet, which that egregious wrongdoing humiliated their family economic wellbeing and a large number of sexual maltreatment exploited people may felt even after the thumped the court, there will be long fight in court will be there. Our constitution will give enormous number defensive laws to forestall and control the wrongdoings against ladies. Subsequently broad communications ought to be assume significant job to make legitimate, social mindfulness among the youngsters and ladies' by snappy projects. In Indian people

group for the most part ladies have underreporting their maltreatment for example local maltreatment, assault since they feel humiliated, liable and family societal position since they wish to ensure their culprits with whom they may have in relationship. Exploited people likewise have been dreaded such reactions as dread suspicion and out and out dismissal. For controlling such sort of maltreatment on ladies in the general public; there is one significant issue in the general public is lopsidedness of sex apportion. To make mindfulness about young ladies youngster assurance and furthermore have equivalent directly as kid have. Give equivalent chance to male and female in the general public and regard young ladies/ladies. Free and mandatory instruction program for young lady and kid at neighborhood level with assistance of nearby pioneer and non-benefit association. At last I only want to say: "You save yourself or you remain unsaved"⁵.

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