

Strict Laws or Better Implementation

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16th December 2012, shook the whole country and as well as the world where a 23-years-old female was raped and brutally injured in Munirka, area near South Delhi. The girl was gang raped by 6 men in a private bus when she was travelling with her friend back to her home and brutally assaulted. They inserted an iron rod into her private parts leading to injuries to her lower abdomen and left naked with her friend on the side of the highway left to die in the cold. After the struggle of almost 12 days she passed on 29th December 2012. This led to a revolt in the country, literally questioning the existence of humanity still alive inside people and leading to think, Is India still safe for women?

This incident forced the then government of India into amend laws relating to sexual offences against women. In 2013, the criminal law (Amendment) Ordinance 2013 was put into effect by the President Pranab Mukherjee. It amended the following:

- A. Section 370 of Indian penal code has been substituted with new sections 370 and 370A which deals with human trafficking for exploitation.
- B. Section 375 of Indian penal code amended the in the definition of rape under IPC
the word 'rape' which earlier included vaginal penetration but after amendment it is extended to include acts like penetration of penis or any object or any part of the body into the vagina, urethra, anus or mouth of another woman or making another person do so; to apply mouth or touching private parts constitutes the offence of sexual assault. It also clarifies the meaning of penetration as "penetration to any extent" and lack of physical resistance by woman is immaterial for constituting an offence.
- C. 376A has been added to Indian Penal Code which states Sexual Assault and provide for rigorous punishment for a term which shall not be less than twenty years.
- D. Many new offences have been incorporated in Indian Penal Code
 - i. Section 326A: Acid Attack
 - ✓ Gender neutral crime
 - ✓ Imprisonment of not less than 10 years but which may extend to life imprisonment and such fine.
 - ii. Section 326B: Attempt to Acid Attack

- ✓ Gender neutral crime
 - ✓ Imprisonment which shall not be less than 5 years but which may extend to 7 years and fine.
- iii. 354A: Sexual harassment
- ✓ Imprisonment up to 3 years or fine in case of physical contact or request for sexual favors or forcibly showing pornography
 - ✓ Imprisonment up to one year making sexual remark or any other unwelcome physical contact of sexual nature (verbal or non-verbal)
- iv. 354D for Stalking; 354 C for Voyeurism

Various major amendments were made after this case for the protection of women, still, to what extent the justice is being served is a question of fact. The case which led to so much of change, the status of the same is that Supreme Court sentenced to death to all the accused in the year 2017 and in the year 2019, one of the accused had placed a mercy petition to the President and one had gone for review which though now is rejected. While all this is happening, 6 years have passed from the date of incident. The punishment was declared on paper in the year 2017 but nobody knows how long it will take to come into existence.

Are these punishments enough to stop such crimes, is the justice really being served, if yes then, recently

- 1) A six-year-old girl was locked up in the bathroom of a vacant community hall, on 6th of December 2019 in Kolkata. Police have arrested a 19-year-old man who is neighbor based on the complaint by the girl's mother.
- 2) A sixteen-year-old was gang-raped by 2 men in an area of Chhattisgarh, Bilaspur district and beaten up brutally.
- 3) A seventeen-year-old girl was gangraped twice in 5 months by four men of her village. The previous report was cancelled as it wasn't backed by the forensic report, case of a village in Haryana's Palwal.
- 4) A 50-year-old woman was raped by 2 sixty-five-year-old men in Gujarat as a protest against her family because her son married a woman from another cast
- 5) A man from Mumbai was out on bail, who was earlier arrested for raping a woman in the year 2013. The accused reportedly kidnapped another woman during his bail and raped her at his residence.
- 6) woman was gangraped by 6 men who also filmed the crime and posted it online. The woman was travelling with her relatives when she was stopped by the accused. The video went viral.

- 7) A woman in Goa while she was raped by 2 ragpickers. The incident happened while she was waiting at the bus top for the bus to Delhi.
- 8) The last recent case HYDERABAD RAPE CASE where a 26-year-old veterinary doctor was gangraped by 4 accused and murdered. According to their confession they conspired against her, raped and killed her.

In Hyderabad rape case all the victims were killed in Police encounter as they were trying to run away while imitating the crime scene.

Neither what is happening in Nirbhaya case is justice nor what happened in Hyderabad case is the answer to such crimes. Taking years to declare judgement on rape cases isn't going to make any difference neither the amendment of laws unless both effectively applied.

Strict Laws AND Better Implementation are going to do justice.

- 1) There should be a time limit for the disposal of the Rape cases. At maximum a period of 6 months, so that the victim should not suffer long for the justice. the longer the period of justice is the longer the victim is suffering.
- 2) Instead of mentioning the range of punishment from minimum to maximum limit there should definite capital punishment for the crime
- 3) Looking at the severity of the crime, there should be a punishment of higher degree which would make people think twice before committing such a crime like Saudi where they punish the accused with what is called execution through stones. In Iran minimum of 100 lashes and imprisonment. In Egypt the rape accused are hang till death. In Afghanistan the accused are shot with a bullet in head within 4 days of rape. Though these punishments do not sound humane, but so are the crime committed of this degree.
- 4) Cases of rape shall be made exception where they should directly go to the Supreme Court or may be the High court for trial.
- 5) Say NO to mercy petition for Rape accused.
- 6) The police are entitled to file report of missing after a time period of 24 hours however this can be made subject to a condition that in case of woman instant action should be taken even in absence of filing FIR, the same can be filed after 24hours depending upon the status of the case.
- 7) No Bail provision for the Rape accused.

It is a combination of strict laws and better implementation what we should seek. People should be scared enough to even think about such an act and that would only happen with strict punishment and better implementation. Trial for years kills the hope of victim and act as an escape for the accused. There is no appropriate compensation in any way to make good of what the victim has lost. With every passing trials and hearings and days passing days there is no good happening to her. The victim gets to live and eat in the prison as what their Human Rights and Prisoners' Rights suggests. What about her Human Rights to get justice in an appropriate time span? Does Nirbhaya left in peace thinking of her accused living a life and she died a painful death. What about the girl's underage who doesn't even know what actually happened to them? What about little girls who dies before they could live? Who has already suffered so much keeping her in queue for justice isn't it a punishment? Every passing day from the date of crime handicaps the justice of the victim.