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# Rape Culture in India

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## ABSTRACT

*The Indian culture of rape. This article looks at the different cultural, societal, and economic aspects that lead to the high rate of sexual assault and rape against women in India. This study draws upon a variety of data sources and sources, such as scholarly investigations, official documents, press stories, and social media patterns. According to the report, the primary reasons of India's rape culture are gender-based violence and patriarchal society. It emphasizes the necessity of stringent law enforcement, legal reforms, and public awareness initiatives in order to successfully address this issue. The influence of contemporary social movements like #MeToo and #TimesUp on the public conversation around rape culture in India is also examined in this study. The study report comes to the conclusion that while there has been significant advancement in the fight against Considering India's rape culture, more work has to be done to establish a just and safe society. more parity amongst women. In order to combat the culture of rape in India, the article makes some suggestions for how people, civil society groups, and legislators could collaborate.*

**Keywords:** Rape, Cultural aspect of rape, Social aspects of rape, Young adults; India.

## I. INTRODUCTION

Rape - In the criminal legal guidelines of all countries, sexual crimes nonetheless occupy an critical function and amongst all crimes, the crime that shocks the conscience, shakes the roots and is the maximum disgusting is rape. The handiest crime is possibly that, in preference to sympathizing with a socially and morally degraded sufferer with lifelong discrimination towards their dignity and personality, the intellectual torture is deeper. sharpness and insufferable pain. In this type of state, the sufferer attempts to gain justice with the aid of using attractive to the courtroom docket with all his coronary heart and rejecting any desire of justice being served. In this type of state, the sufferer attempts to gain justice with the aid of using attractive to the courtroom docket with all his coronary heart and rejecting any desire of justice being served. The information are grim and stunning consistent with countrywide crime records, reflecting a social degradation of almost 75% if rapists marry and frequently have intercourse at home. 6% of ladies sense dangerous withinside the city; three out of 10 rapists

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are pals or loved ones of the sufferer. According to the World Health Organization, a female is raped each 54 mins in India. While consistent with the Center for Women's Research Development, each 35 mins, 42 women are raped.

Rape culture in India is rooted in patriarchal values and gender inequality. Women are often considered inferior to men and are seen as object of desire. This idea has led people to believe that men have a women's rights and control over their bodies. This confirmation is confirmed by cultural practices such as arranged marriages, childbearing and femicide.

The national rape rate is two women every hour, according to the data. It is estimated that one girl between the ages of 1 and 10 is raped every year. 10 hours in India. See some rape cases that insulted India. Also, the problem is increased by the lack of effective law enforcement and a weak legal system. Many victims of sexual violence perpetrators are afraid to come forward due to fear of retaliation or lack of Trust in the justice system. In addition, the police do not take into account cases of rape cases of sexual assault are serious, leading to distrust among the public and authorities (Human Rights in India, 2022).

Another factor contributing to the culture of rape is the media's portrayal of women. Bollywood, the Indian film industry, has been criticized for its depiction of women as mere objects of desire. Many films feature misogynistic lyrics and scenes that perpetuate the notion that women are inferior to men. Additionally, advertisements and magazines often portray women in a sexualized manner, further objectifying them.

The rise of social media has also played a role in the culture of rape. Online harassment and cyber stalking have become increasingly common, with women being targeted for speaking out against sexual violence or for simply expressing their opinions. Social media platforms have been criticized for failing to address this issue adequately. The consequences of the culture of rape in India are devastating. Victims of sexual violence often face shame, blame, and social stigma. Many suffer from mental health issues, such as depression and anxiety, and struggle to rebuild their lives. Moreover, the culture of rape perpetuates gender inequalities and undermines women's rights, leading to a cycle of violence that affects future generations. To combat the culture of rape, India needs to address the root causes of the issue. This includes challenging patriarchal values<sup>3</sup>, promoting gender equality, and empowering women. It also requires effective law enforcement and a strong legal system to ensure that perpetrators are brought to justice (Seth, 2015). The media has a crucial role to play in this regard, as it can promote positive images of women and challenge harmful stereotypes.

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<sup>3</sup> patriarchal values -Patriarchal Ideology Explained (simplysociology.com)

Ultimately, the culture of rape in India is a complex issue that requires a multifaceted approach. It requires a concerted effort from all stakeholders, including the government, civil society, and individuals, to create a society where sexual violence is not tolerated and women's rights are respected. Only then can India hope to create a safe and just society for all. The national rape rate is two women every hour, according to the data. It has been estimated that one girl between the ages of 1 and 10 is raped every 10 hours in India. Here are some rape cases that shook India (Human Rights in India, 2022).

### **(A) Statement of problem:**

The culture of rape in India has become a serious and pressing issue in recent years. Despite efforts to curb the problem, the number of reported cases of rape and sexual violence in India continues to rise. Women and girls across the country face a constant threat of sexual assault, and the prevalence of rape culture has created an environment where perpetrators often go unpunished. The lack of accountability and justice for survivors of rape has led to a cycle of violence and fear, perpetuating the problem and allowing it to continue to grow. The impact of rape on survivors and their families is devastating, leading to physical, psychological, and emotional trauma that can last a lifetime. It is crucial that this issue is addressed with urgency and that effective measures are put in place to prevent rape and provide support and justice for survivors.

### **(B) Methodology**

The claims made in this article are supported by aspects that are both descriptive and analytical in nature. Secondary sources, such as articles from newspapers and magazines, reports based on investigations, and other studies that are somewhat comparable to those, are utilized to a significant extent throughout this work.

### **(C) Result and discussion**

Here's what believe are reasons of the sexual violence against women in India

- **Subjugating Women to Men:** Even the most basic elements of gender equality are difficult for India, a developing superpower with a potential \$5 trillion GDP. Teen pregnancy, domestic violence, and marital rape continue to occur at high rates. We are toward the bottom of the worldwide rankings because of our male-to-female population ratio (because do girls truly deserve to be born?) and our track record on women's health and safety. Due to the dowry obligation, girls may end up burdening their family financially. Furthermore, after they are married, their wives become an integral part of who they are. The general populace is accustomed to believing that

men are more important than women. As a result, the notion that women exist only to serve men becomes endemic as it spreads. Serving one's spouse is a wife's duty, and when everyone is forced to accept this, violence against women is not shocking. Even if he abuses her and rapes her every night, she still owes him her loyalty and responsibility. It's only asking for problems for girls to be out and about by themselves. Therefore, the first step is to make it very clear that no one has any claim to Indian women in the twenty-first century. As with any other kind of reform, the concept The unheeded clauses of the Constitution must give way to the principles of gender equality in homes, workplaces, educational institutions, and daily life

- **Low Representation of Women:** It has been demonstrated that having more women in political office leads to stronger and more legislation defending women's rights. Women account for about half of the population in India. However, women make up barely 1 in 12 members of Congress. The subject of women's empowerment is discussed in closed, male-dominated groups. Sometimes, powerful women are restricted to "symbolic" sectors. It won't matter how many they eliminate; people will always have doubts about their abilities. Voter quotas for women are among the biggest frauds on our democratic system (Aziz, 2018). Women are still encouraged to go into teaching or medical as vocations. Our police force is far too underrepresented in women, and female journalists continue to face discrimination. Men occupy a large number of high positions in both industry and government.

To put it briefly, there don't seem to be any ladies. We need more women in powerful roles across society in order to persuade people to agree with the first statement. Maybe this is the time to support them in their fight for freedom after centuries of persecution.

We can safely say that the answer is not yes. As a people, Indians aren't exactly open about their feelings on sexuality, reproductive rights, menstruation, or sexual desire. This holds true whether we're talking about it at home, school, or the office. We wouldn't dream of saying something like that out loud. Issues like this are subtly ignored. What follows is a mountain of incompetence and denial. But, this one factor has a great deal of potential to alter the existing situation. The problem's core cause could be addressed with only minor adjustments to secondary and perhaps basic school curricula. In spite of this, many in power and the general public dismiss sexual education out of hand because they believe it promotes sexual activity. But as adults, we must face this challenge head on. The concept of the 'cool' and 'strong' boy/man needs to be questioned. This call for gender equality extends beyond the

confines of the classroom and the family home. The ordinary man's thinking can also be accessed through media such as movies, TV shows, sports, and music. Possibly the politician who once said, "Boys will be boys," should be forced to listen to a few words on the subject. We shouldn't overlook teaching boy's empathy in favor of educating ladies self-defense (Volobuyev, Orlova, Pcholkin, Petrova, & Fedosova, 2020).<sup>4</sup>

- Ignoring The Relationship Between Poverty And Violence: Similarities can be seen between the 2012 rape case in Delhi and the most recent one in Hyderabad. Addressing the link between predatory sexual violence and urban poverty is a major unmet challenge in India. Beginning life in an environment rife with violence does nothing to instill a respect for law and morality, or even an appreciation for the value of a human life. It causes despondency, resentment, rage, and a desperate feeling of being rejected by one's peers. The collapse of shared values and a common moral compass may result from this sense of social rejection. There is no justification for the brutality we are experiencing, but perhaps it is a symptom of the catastrophic failure of contemporary interaction of different strata's of society. The need for immediate action on this matter is paramount. It is not as simple as eliminating poverty, but it may be possible to help certain individuals out of their current situation. That's right; it's not going to happen. In such case, what other options do we have? Counseling and awareness campaigns can be narrowed in scope, in my opinion (Volobuyev, Orlova, Pcholkin, Petrova, & Fedosova, 2020)<sup>5</sup>.
- The Stigma And Blame Attached To Rape: Some high-profile Indian politicians, including a High Court judge, responded to the Delhi rape case by focusing on the damage done to women's pride rather than the brutal violence perpetrated against them, as if the primary victim had been their genital sanctity. For reasons of respect for the victim's feminine dignity, I propose substituting Nirbhaya for the victim's genuine name. We could have used her name if she had been hacked to death with an axe or burned alive in her own home, but protecting ourselves from the public eye while invading her vagina demanded secrecy. Nonetheless, her courageous parents went public with her identity, stating they did so to inspire other women who have endured similar atrocities.

She was told by her mother that the people who should feel shame are the ones who commit

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<sup>4</sup> Volobuyev, Orlova, Pcholkin, Petrova, & Fedosova, 2020\_ *Georgian medical news*

<sup>5</sup> Matri Devo Bhava- "Mother is God"

such atrocities, not her. The physical examination of the survivors (including the illegal and unscientific two-finger test) is a slap in the face to the right to privacy and dignity of our ladies and a major factor in the degrading treatment they have received. The mentality of blaming victims is similarly disheartening. It's true that it'll take time to shift people's thinking, especially on things like the widespread tendency to scrutinize a woman's clothing and behavior in order to determine whether or not she 'requested' or "resisted" a rape victim. The government, however, can play a part in this transformation, which is why action in this direction is urgently required (Timesofindia, 2020).

- **The Difficult Path To Justice:** In India, there are far too many laws and far too few enforcers. Instead of focusing on passing new legislation, as the Verma committee formed in the wake of the 2012 Delhi rape case suggested, the emphasis should be placed on execution and sensitivity. She 'eloped with her partner,' the Hyderabad police reasoned, therefore they did not file a report or follow her phone. When police refuse to file reports or suggest that victims' families "settle," many victims and their loved ones give up the fight for justice too soon. However, neither the police nor medical professionals in India have received specialized training in how to best assist sexual assault survivors. The Unnao rape case revealed the flaws in our system and how easily powerful people can manipulate it. Government and police have a responsibility to provide protection (together with witnesses) and counseling to women who come forward about violence.
- Other areas that need to be improved on a war footing include: delayed trials, insufficient investigation, a low conviction rate, and impunity (Times of india, 2020).

## **II. WHAT IS RAPE?**

Although the proper definition of rape is itself a matter of some dispute. Section 375 of Indian Penal Code relates to the offence of rape. A man is alleged to commit rape when he penetrates his penis to any extent into the vagina of a women. How far it's gone inside vagina is immaterial. Even slightest penetration of penis by a person into the vagina of a women amounts to rape. This often so because clause (a) of section 375 says that penetration by a person of his penis into the vagina, mouth, urethra, or anus of a women is rape. It is known to be the fourth most common crime against women in India.

Even though many rapes are not being reported in the country, it is an issue that continuously makes news headlines, some leading to public protests. According to reports published in Times of India (2008), rape is the fastest growing crime in India. In the past few years, the

report from the ministry suggests that India stands at the third rank on the list of crimes against women.

We Indians used to believe and still believe in the concept of “*Matri Devo Bhava*”<sup>5</sup> which means to worship women or mother, but the concept seems to disappear due to arise of rape cases. According to the National Crime Report Bureau <sup>6</sup>(NCRB), in average one rape takes place in every 6 minutes. It implies, approximately 100 rapes in a single day.

#### **(A) Rape Drug or Date Rape Drugs<sup>7</sup>**

Rape is a terrible crime that can happen anywhere. We women must be extremely careful in every aspect of our lives. Abusers often use drugs to facilitate rape or sexual assault, and unfortunately many women have fallen victim to these drugs. Many of the most typical sex or date drugs include:

1	Marijuana
2	Alcohol
3	Cocaine
4	Antidepressants
5	Sleeping aids
6	Flunitrazepam (Rohypnol)
7	Gamma-hydroxybutyric acid (GHB)

#### **(B) Effect of Rape <sup>8</sup>**

Survivors of sexual violence or rape can endure a range of emotions and experiences that are exceptionally difficult and distressing. Each person who goes through a catastrophic experience does so in their own unique way. The traumatic effects of the experience can be short-lived or last for a long time after sexual violence or rape. This research describes some of the effects that survivors often encounter, but it is not all-inclusive. It does not prove that sexual abuse or violence did not occur simply because the survivor's reactions do not

<sup>6</sup> National Crime Records Bureau (ncrb.gov.in)

<sup>7</sup> Timesnext. <https://timesnext.com/top-organizations-in-india-that-help-in-cases-of-molestation-sexualabuse-violence>

<sup>8</sup> Effects of rape can include both the initial physical trauma as well as deep psychological trauma.



correspond to normal reactions such as being no physical harm. Nobody goes through the healing process by themselves. In the route to restoration and healing, there are resources that can be of assistance. The main common physical effects are:

1	Bruising, Involuntary shaking
2	Bleeding (vaginal or anal)
3	Difficulty walking
4	Soreness, Shortness of breath
5	Broken or dislocated bones
6	Sexually transmitted infections and diseases
7	Pregnancy, Chronic fatigue
8	Disorientation, Muscle tension

### **III. 11 TOP INDIAN ORGANIZATIONS TO REPORT RAPE, RAPE AND SEXUAL ABUSE IN 2020**

The horrific events of the Nirbhaya gang-rape case (2012) destroyed the foundation of the nation. Despite many protests organized by women across India, the number of rapes in the country continues to rise. According to research, rape is the most common form of violence against women in India. Despite increased awareness of crimes against women, according to a report published by India Today, the number of rape cases in India has doubled in the last 17 years. Should a woman and the right to walk safely in her country come at the expense of that right, even if it is 2020? In India, several organizations and NGOs have decided to tackle the problem on their own. They provide assistance to women who are victims of sexual violence, harassment, sexual violence or sexual violence against children. If you are a victim, or know someone else who needs help, don't hesitate to contact these rape e-mail addresses or numbers. If you are a victim, if you are aware or know someone who needs help (Saumya Uniyal, 2020)

**1. Guria:** Guria India is a 36-member Nonprofit dedicated to preventing the sexual exploitation of women and children, focusing mostly on forced prostitution and sex trafficking, both of which have grown more serious and complex as a result of sex tourism and the HIV/AIDS epidemic. The group's goal is to end the racket of forced prostitution while also

rescue the unfortunate participants. Forced prostitution frequently results in forced sex labor, which in turn denotes instances of sexual assault, molestation, and rape of children as well as other crimes that are rarely reported (Saumya Uniyal, 2020).

**2. Women in India: Women Helpline (All of India):** The women's helpline number was established to address questions and grievances regarding situations that affect and disturb any Indian women. With their online rape hotline, you can report and record cases of rape, sexual assault, harassment, child sexual abuse, etc.

**3. Trust the Pranjya:** Established in 2008, the Pranjya Trust is a nonprofit organization dedicated to helping female survivors of sexual and gender-based violence. Women who have been the victims of sexual violence or abuse can also get training, support groups, and legal representation from this organization. Pranjya's mission is twofold: to end the victims' silence and to prepare service providers for the possibility of encountering sexual abuse and violence on the job. There are two main endeavors that the Pranjya Trust is working on: Inspiring Women to Take Political and Security Leadership Roles,

**4. Indian Action Aid:** Its headquarters are in Johannesburg, but Action Aid's mission is global. Almost 45 offices in different countries allow the federation to meet the requirements of sexual assault victims of all ages. The organization provides essential mental health treatment, including shelter and social rehabilitation assistance, in addition to counseling. If you or someone you know has been a victim of sexual violence in India, call the Action Help India hotline right away for support. You, too, are entitled to fair treatment.

**5. Snehalaya:** Snehalaya was formed by Girish in 1989 with the goal of protecting women, children, and LGBT people from sexual assault, child sex abuse, rape, human trafficking, and other types of violence. The Ahmadabad-based Nonprofit was founded on Girish's first-hand accounts of life in the red light area. That's another version of the story of what inspired him to launch his nonprofit dedicated to empowering women, children, and the LGBTQ community (Saumya Uniyal, 2020).

**6. Majlis:** Majlis was established in 1991 as a public trust and registered society with the goal of providing social and legal aid to survivors of sexual assault and sexual exploitation. The "majlis" or "association," comprised of 25 female lawyers and social workers and managed by Advocate Flavia Anes, provides legal aid to victims of sexual assault or molestation. The Majlis Legal Center is a meeting place for anyone interested in women's rights law and policy. The team at Majlis is committed to illuminating, teaching, and empowering women on their legal rights so that they have access to justice through their legal

services, legal awareness training, public campaigns, public interest litigation, and other ways.<sup>9</sup>

**7. Foundation Azad:** The Azad Foundation in New Delhi works to free women from financially abusive relationships. For disadvantaged women, the organization also provides a sixmonth training programme to equip them for life in the real world.

**8. The International Center for Research on Women** is a non-profit organization with headquarters in Washington, DC, whose mission is to advance gender equality in worldwide development. The group's objective includes combating poverty in underdeveloped countries and advancing the cause of women's empowerment. How they can help you:

(a) Sexual abuse issues; (b) Domestic violence issues (c) Sexual harassment issues

The New Delhi and Mumbai branches of the International Center for Research on Women are two of the organization's regional hubs. The International Center for Research on Women is committed to the idea that gender equality promotes social progress. A woman's ability to provide for herself is directly correlated to her safety from forms of abuse such as domestic violence, child marriage, sexual assault, and more.

**9. AASRA:** Aasra is a Mumbai-based charity with the mission of providing support to people experiencing depression and suicide thoughts. The charity operates a hotline available at all hours to support those who are emotionally weary. When answering the hotline, the company only hires competent professionals who will keep your information private. Abuse of any kind, especially sexual abuse, rape, and physical violence against children, can have lasting negative effects on a child's mental health. As the caller and the volunteer are bound by confidentiality, you can be absolutely open and honest about your time with Aasra.

**10. SNEHA:** SNEHA is an organization with a charitable mission that serves the public health and safety sector, women, and children. The organization operates a crisis hotline that may be reached by phone or email and offers confidential, free assistance. If a prominent member of society, such as a politician, makes a remark about a woman's appearance or autonomy that leads to a crime, such as rape or sexual assault, the victim is often stigmatized in our traditional society. But remember that it is not your duty to fix it. Apply for help getting justice in a country that respects women's rights and equality now.

#### **IV. CASES OF SEXUAL DISEASES IN INDIA AND CASES OF COVID-19**

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<sup>9</sup> TOP11ORGANIZATIONS\_ <https://timesnext.com/top-organizations-in-india-that-help-in-cases-of-molestationsexualabuse-violence/>

Rape cases in India have been a longstanding issue, and unfortunately, they continue to occur even as the country deals with the COVID-19<sup>10</sup> pandemic. According to data from the National Crime Records Bureau (NCRB), there were 32,033 reported cases of rape in India in 2019, which is an average of 88 cases per day. However, it's important to note that many cases of sexual violence go unreported, and the actual number of incidents is likely to be much higher. The COVID-19 pandemic has 3 created new challenges for addressing sexual violence in India (Patil, & Purkayastha, 2018). Lockdowns and social distancing measures have made it more difficult for victims to seek help and access support services. In addition, many women and girls are now spending more time at home with their abusers, which have led to a rise in domestic violence cases. There have been several high-profile rape cases in India in recent years, including the 2012 Delhi gang rape case, which sparked widespread protests and led to changes in laws relating to sexual violence. However, the problem of sexual violence persists, and there is a need for greater awareness, education, and action to address the root causes of this issue. Efforts are being made to address this issue, such as the establishment of fasttrack courts for rape cases and increased awareness campaigns. However, there is still a long way to go to ensure that women and girls are safe and protected from sexual violence in India. It will require a concerted effort from all sectors of society, including government, law enforcement, healthcare professionals, educators, and civil society organizations, to bring about meaningful change (Tagat, & Kapoor, 2020).

**1. Kashmir:** Kashmir has been a region of conflict for decades, and unfortunately, the conflict has resulted in numerous cases of violence against women, including rape. The Indian administered Jammu and Kashmir region has seen many incidents of sexual violence, including rape and sexual assault. The situation has been exacerbated by the presence of security forces in the region, which have been accused of committing human rights violations. One of the most prominent cases of rape in Kashmir is the Kunan Poshpora mass rape<sup>11</sup> incident. On the night of February 23, 1991, soldiers of the Indian Army allegedly raped dozens of women in the village of Kunan Poshpora in north Kashmir. The incident came to light a few days later, and there was widespread outrage and protests. However, the Indian Army denied the allegations and claimed that the reports were fabricated. Despite the allegations, no one was punished for the incident

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<sup>10</sup> COVID-19. *Journal of Behavioral Economics for Policy*

<sup>11</sup> Kathua rape case\_ <https://www.bbc.com/news/world-asia-india>

2. In recent years, there have been several cases of rape and sexual assault in the region. In 2012, a 17-year-old girl was allegedly raped by a group of men in Kupwara district. The incident led to protests, and the accused were arrested. However, the trial was delayed, and the case is still ongoing.

3. In 2013, a 22-year-old woman was allegedly raped by a police officer in Srinagar. The officer was arrested, and the case went to trial. In 2015, the court acquitted the accused due to lack of evidence. The verdict was widely criticized, and there were protests against the decision.

4. In 2018, the Kathua rape case<sup>12</sup> received widespread media attention. An eight year old girl from a nomadic Muslim community was kidnapped, drugged, and gangraped in a temple in Kathua district. The case sparked outrage across the country, and there were protests demanding justice for the victim. The trial was delayed due to various reasons, but in 2019, the accused were convicted and sentenced to life imprisonment.

The conflict in Kashmir has also led to cases of sexual violence by non-state actors. In 2019, a young woman was allegedly raped by a group of men in Shopian district. The men were reportedly associated with a militant group. The incident sparked outrage, and there were calls for action against the accused (Tagat, & Kapoor, 2020).

Despite the prevalence of rape cases in Kashmir, the justice system has often failed to deliver justice to the victims. Many cases have been delayed, and the accused have often gone unpunished. The situation is complicated by the conflict in the region, which has led to the militarization of the area and a lack of accountability for human rights violations. The government and security forces must take urgent steps to address the issue of sexual violence in Kashmir and ensure that the perpetrators are held accountable (Tagat, & Kapoor, 2020).

#### **(A) Why is capital punishment not the answer?**

The question of whether or not the death penalty is an appropriate punishment for rapists in India is a highly debated and controversial topic. While it may seem like a harsh and fitting punishment, there are several reasons why the death penalty may not be the solution for rapists in India. Firstly, the death penalty is not an effective deterrent for crime, including rape. Studies have shown that the severity of punishment is not the primary factor that prevents people from committing crimes, but rather the likelihood of getting caught and the certainty of punishment. In India, the conviction rate for rape is relatively low, and the time taken to

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<sup>12</sup> Kunan Poshpora mass rape incident\_ <https://www.hindustantimes.com>

conclude a trial can be lengthy. Therefore, the implementation of the death penalty may not have a significant impact on the incidence of rape in the country. Secondly, there is a risk of wrongful convictions in cases of rape, which could lead to the wrongful execution of innocent people. The justice system in India has been criticized for being slow, and there have been instances where individuals have been falsely accused and convicted of rape. The implementation of the death penalty could increase the risk of wrongful convictions, and it is essential to ensure that due process is followed and that the accused are given a fair trial (Mann, 2005).

Thirdly, there are concerns about the potential misuse of the death penalty in cases of rape. In India, there is a history of misuse of the death penalty, where it has been used to punish marginalized communities, such as Dalits and Muslims, who are more vulnerable to being falsely accused and convicted. There are also concerns about the potential misuse of the death penalty by law enforcement agencies to coerce confessions and intimidate individuals.

Finally, the focus on the death penalty can distract from the need for broader social and systemic changes to address the issue of rape in India. Rape is a complex problem that is rooted in social and cultural norms, gender inequality, and inadequate law enforcement. Addressing these underlying factors is critical to preventing rape and providing justice to victims. Instead of focusing solely on punishment, efforts should be made to raise awareness, change attitudes towards women, and improve the justice system's effectiveness and efficiency (Nolan, 2021). While the death penalty may seem like an appropriate punishment for rapists in India, it is not the solution to the problem of rape. Instead, there needs to be a more comprehensive approach that addresses the root causes of the issue, improves the justice system, and ensures the safety and dignity of women in the country.

A medical procedure or intervention shall not constitute rape. Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Punishment of rape: -Whoever, except in the cases provided for in sub- section commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

Whoever Being a police officer, commits rape, Within the limits of the police station to which such police officer is appointed; or I-In the premises of any station house;

On a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or Click Flag for Google Translate 9 Matches IPC

**Chapter XVIII. 376 Punishment**

Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine. Being a police officer, commits rape, Within the limits of the police station to which such police officer is appointed; or, In the premises of any station house:

Being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or. Being on the management or on the staff of a hospital, commits rape on a woman in that hospital.

**V. PROVISIONS OF THE INDIAN RAPE PROCEDURE**

Rape is a heinous crime and is considered one of the most serious offences against women in India. The Indian Penal Code (IPC) defines rape as a criminal offence under Section 375<sup>13</sup>, which describes rape as an act of sexual intercourse with a woman without her consent, or with consent obtained under duress or fraud, or when she is under the age of 18 years. The provisions regarding rape laws in India were amended in 2013 after the Nirbhaya case<sup>14</sup>, which was a brutal gang-rape and murder of a young woman in Delhi. The amendments were made to provide more stringent punishments for offenders and to increase the safety and security of women. The key provisions of the rape laws in India are as follows :

- **Definition of Rape:** The Indian Penal Code defines rape as non-consensual sexual intercourse. The consent of a woman is deemed involuntary if it is obtained by force, threat, intimidation, deception, or when she is incapable of giving consent.
- **Punishment:** The punishment for rape can range from seven years of imprisonment to life imprisonment. In cases where the victim is a minor or if the crime leads to the death of the victim or causes, she to be in a vegetative state, the punishment can be a minimum of 20 years of imprisonment or life imprisonment.
- **Marital Rape:** In India, marital rape is not explicitly recognized as a criminal offence. However, the Supreme Court has recognized the right of a woman to refuse sexual

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<sup>13</sup> IPC Section 375- Definition of Rape ([indiankanoon.org](http://indiankanoon.org))

<sup>14</sup> Nirbhaya case <https://economictimes.indiatimes.com/>

intercourse with her husband if she does not give her consent. The issue of marital rape is currently under consideration by the government and the judiciary.

- **Protection of Victim:** The Criminal Law (Amendment) Act, 2013 provides for the protection of the identity of the victim of rape. It prohibits the disclosure of the victim's identity in any media, including print, electronic, or social media.
- **Fast Track Courts<sup>15</sup>:** The government has established fast track courts to ensure speedy justice in rape cases. These courts are supposed to dispose of cases within six months of filing the charge sheet.
- **Consent:** The issue of consent is crucial in rape cases. The law requires that sexual intercourse must be consensual, and the absence of consent would render the act as
- **rape.** The victim's lack of consent can be inferred from her age, mental condition, or any other factor that may affect her ability to give consent.
- **Child Sexual Abuse:** The Protection of Children from Sexual Offences (POCSO)<sup>16</sup> Act, 2012 deals with sexual offences against children. The Act defines a child as a person below the age of 18 years and provides for stringent punishment for sexual offences against children, including rape.

The provisions regarding rape laws in India have been strengthened over the years to ensure the safety and security of women. The government has introduced various measures to provide speedy justice to victims of rape and to ensure that offenders are punished severely. However, there is still a long way to go to eradicate this heinous crime and to create a safe environment for women in India

## **VI. PROPOSALS TRACK RAPE CASES IN INDIA**

Raising boys from birth is central to reducing sexual violence. The problem with Indian culture is that the victim is always questioned but the perpetrator is never held accountable. The victim is under endless public scrutiny and is sometimes even accused of a crime. It is not unusual for people to blame themselves as the victim of a crime or murder, but no one ever does that to the victim. Similarly, everything in Indian society seems to focus on teaching the victim how to avoid or escape from rape, but no one seems to. teaching the perpetrators anything. Many of us are unaware that men in India are just as vulnerable to gender-based violence as women, but unlike girls, they are less likely because they have fewer resources at

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<sup>15</sup> Fast track courts (FTCs) | Department of Justice | India (doj.gov.in)

<sup>16</sup> POCSO- The Protection of Children from Sexual Offences Act, 2012 deals with sexual offences against children.



their disposal. In the case of rape, the law is also sexist (Biswas, 2017)<sup>17</sup>. They are the ones who influence the future, so everyone should learn to teach and educate people and the awareness of good and evil.

## **VII. END RAPE CULTURE TODAY!<sup>18</sup>**

Always remember that no one deserves to be exploited, bullied, abused or raped. Second, give survivors of sexual assault full confidence and support. The third step is to raise awareness and refute victim-blaming claims. Provide helpful feedback on why statements and humor promoting sexist culture or sexism are unacceptable.

If you see someone taking advantage of someone who cannot give consent, you should report it or take steps to stop it. The sixth rule is that there is no escaping giving and receiving consent for sex. Learn the importance of giving and receiving permission Seven, remember to surround yourself with positive, respectful people 8 Eight, promise never to engage in or support violent behavior. Analyze the media and the portrayal of sexuality with a critical eye. Take a self-defense course. Man and thought, speech and body are effective preventive measures. Eleven. Dispel myths and educate others about the facts of sexual violence. Donate time or money to a local organization that helps rape victims. Find out what your elementary school board's position is on rape and other violence prevention and get involved if it differs from yours. Delete it when it is inactive! Ask your state and federal representatives and senators to fund initiatives to combat gender-based violence. Report sexual harassment you see in the workplace or in a public place. This is not acceptable and you should not tolerate it.

## **VIII. CONCLUSION**

In conclusion, India's rape culture is a complex and multifaceted problem that requires swift and sustained action from all levels of society. The root of the problem is deeply rooted patriarchal attitudes towards women that perpetuate gender inequality and normalize violence against women. This is exacerbated by the lack of effective police, breach criminal justice system, and a culture of victim blaming and shaming. There is no doubt that rape is a serious crime that has devastating physical, psychological and emotional consequences for victims. It is therefore imperative that the Government of India take immediate steps to address this problem. This includes strengthening laws to ensure that offenders are brought to justice,

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<sup>17</sup> Biswas, B. (2017). From Mathura to Jyoti: Mapping public protests and anti-rape laws in India. In *New feminisms in south Asia*

<sup>18</sup> End rape culture today! 16 ways you can stand against rape culture | UN Women – Headquarters

providing better support and services to victims, and implementing comprehensive prevention strategies to address the root causes of the problem. At the same time, it is also important that the entire Indian society reflects on its attitude towards women and gender equality. This means challenging patriarchal norms and promoting respect for women and rights, and encouraging men and boys to take an active role in preventing violence against women. Education also plays a key role in changing attitudes and promoting gender equality. This means comprehensive sex education in schools, which includes information about healthy relationships, consent and prevention of sexual violence. It also means engaging with communities and religious leaders to promote positive messages about gender equality and the importance of respecting women and their rights. Finally, it is important to recognize that the problem of rape is not unique to India. It is a global problem that affects women and girls in all countries and cultures. It is therefore important that the international community work together to address this issue, share best practices and support efforts to promote gender equality and prevent violence against women. In conclusion, the alarming growth of rape culture in India is a complex and multifaceted problem that requires swift and sustained action from all levels of society. Although progress has been made in recent years, much more needs to be done so that women and girls in India can live free from the fear of gender-based violence. By working together to promote gender equality, challenge patriarchal attitudes and provide support and services to victims, we can create a safer and fairer world for all.

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