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Rape: The Hidden Epidemic

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ABSTRACT

Crimes such as murder and robbery may be considered morally reprehensible, but forceful sexual intercourse with a person transcends conventional moral judgment due to its profound and devastating impact. This paper explores the complex and evolving nature of laws regarding rape across different countries, delves into the mindset of perpetrators, examines the consequences faced by survivors, and assesses the role of social media and pornography in perpetuating the crime. It also proposes potential solutions to address and reduce this heinous act. As our country is shaken by yet another incident of rape involving a doctor based in Kolkata," This research paper tends to examine and answer some perennial questions including

1) *What Constitutes Rape?*

- *Legal and Social Definition of Rape.*

2) *What do religious scriptures and ancient laws say about Rape?*

- *Investigating historical and religious perspectives on rape, including their influence on modern legal frameworks.*

3) *What Is the Mindset of a Rapist?*

- *Exploring the psychological and sociological factors that contribute to the mindset and behaviour of rapists.*

4) *What Role Do Social Media Platforms and Pornography Play in Catalysing the Crime?*

- *Analysing how digital media and online content may influence or exacerbate sexual violence.*

5) *What Are Some Effective Strategies to Reduce the Occurrence of Rape?*

- *Proposing evidence-based measures and interventions aimed at preventing rape and supporting survivors.*

I. INTRODUCTION

In layman definition, Rape is forceful sexual intercourse with a man/woman that of course, isn't consensual.

As per Indian Laws, Rape has been defined in Section 63 of Bhartiya Nyaya Sanhita stating—"A man is said to commit "rape" if he—

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- (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or
- (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or
- (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,
- under the circumstances falling under any of the following seven descriptions: — (i) against her will;
- (ii) without her consent;
- (iii) 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;
- (iv) 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;
- (v) 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;
- (vi) with or without her consent when she is under eighteen years of age;
- (vii) when she is unable to communicate consent. Explanation 1. —For the purposes of this section, “vagina” shall also include *labia*

majora.

Explanation 2. —Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1. —A medical procedure or intervention shall not constitute rape. *Exception 2.* — Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape.

There are various categories of rape recognized by law:

1. **Penetrative Rape:** This involves penetration of the vagina by a penis, finger, or other objects. It is a widely recognized category of sexual assault.
2. **Statutory Rape:** This refers to sexual activity with someone below the legal age of consent, regardless of whether penetration occurs. Note that in Indian law, this type of rape specifically involving non-penetrative acts is not yet addressed.
3. **Marital Rape:** This occurs when sexual assault happens within a marriage. Although it's not currently recognized as a crime in Indian law, there are ongoing discussions and legal debates on this issue.
4. **Date Rape:** This type of assault happens during a date or romantic meeting and often involves the use of drugs or alcohol to impair the victim's ability to consent.
5. **Gang Rape:** This involves multiple perpetrators attacking the victim, making it a particularly severe form of sexual violence.
6. **Male Rape:** This refers to sexual violence where the victim is male. This form of assault can involve either male or female perpetrators.

Though Marital Rape and Male Rape are yet to be legally recognised by Indian Law.

II. WHAT DO RELIGIOUS SCRIPTURES AND LAWS SAY ABOUT RAPE?

Manu unequivocally declares: –

Yo 'kāmām dūṣyate kanyām sa sadyo vadham arhati 8:364

A man who rapes an unwilling maiden shall immediately be executed!

Yajñavalkya (13:9-12 13:28 -29) says that in cases of both rape and incest the guilty man's penis and scrotum should first be cut off and then he should be executed.

In India, the greatest epics including Ramayana which included abduction of Ma Sita and killing of the perpetrator Ravana to Cheer Haran of Draupadi in Mahabharata that led to the killing of Kauravas.

This was an ancient Indian standpoint for rape as a criminal offence.

For the Romans, the protection of a woman's bodily autonomy was not a primary concern in the

legal system, which was evident in how rape laws were applied based on social status. For instance, Roman law did not recognize the concept of rape in the same way we do today. A husband was legally permitted to coerce his wife into sex without facing legal repercussions. Furthermore, certain groups, such as slaves, prostitutes, and foreigners, were considered outside the protection of rape laws due to their social standing. Slaves, in particular, lacked legal personhood; thus, their masters or the master's sons could use them for sexual purposes either by force or persuasion. Additionally, because slaves were viewed as property, their owners could compel them to fulfil sexual demands from others and even rent them out for such purposes.

In ancient Roman law, one legal charge related to rape was **vis**, which referred to physical assault, including acts driven by lust. Another charge was **stuprum**, which encompassed a range of irregular or promiscuous sexual behaviours. This term covered acquaintance rape, seduction, homosexuality, as well as forcible rape. Rape, categorized as **iniuria** (insult or outrage), could be prosecuted by either the victim or her male guardian, as iniuria included violations of chastity. The different legal charges available for rape highlighted the significant emphasis placed on preserving a Roman woman's sexual integrity.

III. THE PSYCHOLOGICAL MINDSET OF A RAPIST

Most of the rapists when interviewed, have no regrets about the act they've committed. They say certain qualities lead to the act. These include

(A) Asserting Dominance via Toxic Masculinity

With toxic masculinity comes unhealthy dominance over other genders, making other genders feel inferior. This fuels crimes like Rape, Harassment, etc.

"Sexual assault is not about sexual gratification or sexual interest, but more about dominating people," Sherry Hamby, a research professor of psychology at the University of the South in the US state of Tennessee said.

(B) Objectification of Genders

Another aspect that leads to rape especially in case of women is due to their objectification on the line of mere "sexual objects" by fellow males. A rapist thinks that a woman is only meant to fulfil the lust of him, even by forceful means, that's why he tends to commit the horrendous crime.

Rapist can also be classified into various categories that involves opportunistic rapist, who seizes any chance for sexual gratification, such as the loss of self-control on the part of their

victim under the influence of alcohol, vindictive rapist has anger and aggression focused directly toward women. Such a rapist believes he is permitted to sexually attack women because he feels he has been hurt, rejected or wronged by women in the past, etc.

Besides this there have been multiple theories, surveys and research to actually explain the mindset of a rapist. Some of these include-

- Evolutionary Theory-

Several theories draw on evolutionary concepts of sexual selection and strategies to explain sexual aggression. One theory proposes that sexual coercion acts as a conditional reproductive strategy, akin to similar behaviours observed in nonhuman species (Bailey, 1988; Malamuth & Heilmann, 1998; Thornhill & Palmer, 2000). Another perspective suggests that rape may arise when some men face a competitive disadvantage, leading them to resort to coercive tactics due to their inability to attract a mate through more conventional methods (Figueredo et al., 2000; Lalumiere et al., 1996; Malamuth & Heilmann, 1998; Quinsey & Lalumiere, 1995). Additionally, there is a theory that views rape as a "courtship disorder," resulting from disruptions in typical mating processes (Freund, 1990; Freund, Scher & Hucker, 1983, 1984).

- Attachment Theory-

Attachment theory suggests that humans have a natural tendency to form strong emotional connections with others. When individuals experience loss or emotional distress, their loneliness and isolation can lead to acting out. Subsequent research has shown a connection between poor-quality attachments and sexual offending. Marshall (1989) found that men who sexually abuse children often lack the social skills and self-confidence needed to build meaningful relationships with peers. This deficiency can lead to frustration, prompting them to seek out intimacy with younger partners (Marshall, 1989; Marshall & Marshall, 2000).

Ward and colleagues (1995) suggested that sex offenders often struggle with forming attachments to others and may engage in distorted thinking, such as viewing a child as a romantic partner. In a more recent study, Knox (2014) found that juveniles who committed sexual offenses had lower levels of attachment to their fathers or father figures compared to those who committed non-sexual offenses.

- Cognitive Theories

Cognitive theories examine how offenders' thought patterns influence their behaviour. It is well-established that individuals who commit deviant sexual acts frequently try to alleviate their feelings of guilt and shame by making excuses, justifying their actions, or rationalizing their

behaviour (Scott & Lyman, 1968; Scully, 1990; Sykes & Matza, 1957). These justifications and rationalizations, termed "cognitive distortions" or "thinking errors," help offenders avoid accepting responsibility, shame, or guilt for their conduct.

IV. ROLE OF SOCIAL MEDIA AND PORNOGRAPHY ON YOUTH

With multiple pornographic sites free to surf on the internet, this has a devastating impact on youth and uneducated people.

These sites not only impact people socially, they also degrade the mentality of the audience. These sites tend to reinforce the stereotypes including objectification of women as discussed above. Addicts get influenced by the storyline and try to redirect the same in their personal life which leads to repercussions.

Not only these pornographic sites, social media platforms like Reddit, X (formerly known as Twitter), Instagram catalyse rape. Online dating sites including Tinder, Bumble urge people to meet offline without knowing each other completely which also leads to rape in many cases.

One can read tonnes of articles that recorded "a porn addict raped a girl", most of the times killing her if she tries to resist.

V. EFFECTIVE STRATEGIES TO REDUCE THE OCCURRENCE OF RAPE

Before talking about the strategies to combat this crime, it is important to know the statistics for better understanding of the current scenario-

The prevalence of rape globally can be highlighted through various statistics. According to the World Health Organization, approximately 1 in 3 women worldwide (30%) have experienced either physical or sexual violence from an intimate partner or non-partner sexual violence during their lifetime (WHO, 2021). Additionally, nearly one-third (27%) of women aged 15-49 who have been in a relationship report having endured some form of physical or sexual violence from their partner (WHO, 2021). These figures suggest a significant rate of rape, though the actual prevalence may be higher, as many victims do not report their assaults, and varying legal definitions of rape can affect data accuracy. Regional breakdowns show that lifetime intimate partner violence estimates vary, ranging from 20% in the Western Pacific, 22% in high-income countries and Europe, and 25% in the WHO Regions of the Americas, to 33% in the WHO African region, 31% in the WHO Eastern Mediterranean region, and 33% in the WHO South-East Asia region (WHO, 2021). These statistics underscore the urgent global issue of rape that requires addressing.

As reported by First Post, rape happens every 16 minutes in India.

There were more than 31,000 reported rapes in 2022, the latest year for which data is available at NCRB.

The numbers have stayed persistently high, even as the authorities ramped up the penalties, including a minimum sentence of 10 years with a possible extension to life - or the death penalty if the victim is younger than 12.

Though in India likelihood of a women being sexually assaulted/raped is far lower in India (1 in 12,623) compared to western nations like U.S.A. (1 in 750), serious reforms are needed both in society and judicial process to bring the number down

- Increasing Conviction Rate-

As 2022 NCRB data being the latest, conviction rate of sexual crimes against women indicates 27.4% in cases of rape, 18.5% in cases of gangrape/rape coupled with murder, and 20.1% in cases of attempt to commit rape.

In India, around 51 cases are reported every hour for offences against women. Unofficially the data would be much higher. With such staggering numbers of crimes against women, conviction rates must be increased, via speedy judicial process through fast-track courts or any other apprehensible legal framework.

- Imparting Sex Education

Gone are the days when sex education was seen as a taboo in Indian society, the education system along with parents of a child must impart sex education and make them aware about it, making them civil. Most of the rapes that happen are done by uneducated masses, thus educating people about sex, can make significant improvement in current scenario

- Imposing Stricter Punishments

Most of us are bound by laws and moral obligation to not commit a crime. If there were no laws, then no person would have a fear to commit a crime. In India, even after invoking life imprisonment for offenders, situation isn't under control. Therefore, more strict laws are to be passed by the respective legislature, to instil fear in the minds of the potential criminal thereby preventing him to take any action towards crime.

VI. CONCLUSION

The examination of rape as a pervasive and hidden epidemic reveals a complex interplay of legal, cultural, and psychological factors. The statistics underscore the global scale of the issue, with significant prevalence rates indicating that rape is a widespread and urgent problem. The

varied definitions and legal frameworks across different jurisdictions reflect a lack of uniformity in addressing this crime, highlighting the need for more comprehensive and consistent legal standards.

Historical and religious perspectives provide insight into how societal attitudes toward rape have evolved. Ancient laws and scriptures reveal a range of responses to sexual violence, from severe penalties to a lack of recognition of certain forms of rape. Understanding these historical contexts helps in appreciating the progress made and the gaps that still exist in modern legal systems.

The mindset of perpetrators, influenced by factors such as toxic masculinity, objectification of genders, and cognitive distortions, illustrates the need for targeted interventions. Theories like those related to evolutionary psychology and attachment issues offer valuable insights into the underlying causes of sexual aggression, suggesting that addressing these root causes is essential for prevention.

Social media and pornography contribute to the perpetuation of rape culture by reinforcing harmful stereotypes and behaviours. The ease of access to explicit content and the dynamics of online platforms can exacerbate the risks and normalize inappropriate behaviours, highlighting the need for better regulation and education.

Effective strategies to combat rape include increasing conviction rates through streamlined judicial processes, imparting comprehensive sex education, and imposing stricter punishments. These measures, combined with societal efforts to challenge and change cultural attitudes, can help in reducing the incidence of sexual violence and supporting survivors.

In conclusion, addressing the epidemic of rape requires a multifaceted approach involving legal reform, educational initiatives, and societal change. By understanding the diverse aspects of this issue and implementing evidence-based strategies, we can work towards a future where sexual violence is significantly reduced and survivors receive the justice and support, they deserve.
