

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 3

2023

© 2023 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

The Dynamics of Rape in The Modern World

MARYAM¹

ABSTRACT

Rape is a grievous offense. It is inherently harmful and may have serious repercussions for victims. It has been happening across cultures since the beginning of time. It has been misrepresented and disregarded far too frequently. Rape is a multifaceted, complex problem. It is one of the most contentious topics and presents a problem for modern thinking. Perhaps the most underreported crime is this one. However, despite changes in the law, investigational practice and procedure, prominent media coverage, and victim support services, it is on the rise. However, very few offenders are prosecuted, and the victims are frequently held accountable for the crime. Rape is a significantly more complicated issue to address than most other crimes.

Keywords: *Rape, Indian Penal Code, India, Justice, system.*

I. INTRODUCTION

Rape is a grievous offense. It is inherently harmful and may have serious repercussions for victims. It has been happening across cultures since the beginning of time. It has been misrepresented and disregarded far too frequently. Rape is a multifaceted, complex problem. It is one of the most contentious topics and presents a problem for modern thinking. Perhaps the most underreported crime is this one. However, despite changes in the law, investigational practice and procedure, prominent media coverage, and victim support services, it is on the rise. However, very few offenders are prosecuted, and the victims are frequently held accountable for the crime. Rape is a significantly more complicated issue to address than most other crimes.

II. UNDERSTANDING RAPE

Rape is a horrifying reality of life in India, an incidence that frequently enters the news, and it has become much more prevalent recently. Ghastly crimes against women have increased dramatically. High-profile gang rape in 2012, *Unnao case*, *Kathua case*, *Hathras case* included unspeakable acts of cruelty. With unprecedented protests, it captured the attention of the entire globe. To address the crime, the Indian government changed the law, and established fast-track courts. Ironically, despite awareness, sexual attacks are still on the rise even though gender

¹ Author is a student at REVA University, India.

equality is protected by the law.

The Latin word '*rapere*' is the source of the English term rape. Rape is described as "illegal sexual behavior" in the Merriam Webster dictionary. The crime of rape, however, differs culturally and can take many different forms, including penetrative, non-penetrative, consensual, and marital rapes. Rape is not a recent development. Early religious literature in the West contains descriptions of rape.

There are many different ways that rape is viewed and understood. The two extreme viewpoints are liberal and radical, and it is typically seen as falling in the middle of the two. Rape is seen by liberals as an assault similar to other assaults, however radical viewpoints consider dominant role due of manhood. Thus, the definition of rape is subject to interpretation. Rape is considered taboo for the victim in several societies.

Victims of rape may experience adverse effects. A victim may experience extreme trauma, different stress conditions, and societal stigma. Numerous victims view it as a violent act. Many people suffer long-term injury to their sexuality. The sufferer must endure shame and disgrace. The victim's family may even turn to forced marriage to the rapist or honor killing. Institutional support facilities, both governmental and non-profit, are available to assist victims. They are more sensitive and knowledgeable about rape, and they assist victims by repairing any harm. Rape is one of the most horrific crimes that go unreported, thus there are a lot of silent victims. The causes could be due to societal stigma, fear of retaliation from the offender, etc.

According to National Crime Records Bureau report, 2021 almost 31,677 reported cases which could mean that around 86 women per day are raped on an average which is horrifying.

III. INDIAN PENAL CODE, 1860

Sections 375 and 376 of the IPC are the two provisions that deal with rape. In accordance with Section 375 of the Indian Penal Code, a man is said to have "raped" a woman if he did so against her will, without her consent after making a false promise, with her consent after coercing her, with or without consent if she is under the age of 18 years or when she gave consent under extreme pressure. A minimum sentence of seven years is specified under section 376 for the offender. The penalties include a wide range of rape circumstances, including those involving police, public servants, and gang rapists with minimum ten years of rigorous imprisonment and may extend up to life imprisonment.

The Protection of Children from Sexual Offenses Act (POCSO) of 2012 provides protection for minors who are younger than the age of 18. Sections 4 and 6 of the POCSO Act, when read

with Section 376 of the IPC, provide a clear description of the punishment for rape of a minor. Additionally, the Criminal Law Ordinance of 2018 imposes the death penalty as well for the rape of a minor under the age of twelve.

IV. THE JUSTICE SYSTEM

The struggle for justice for rape victims in India is difficult and is made harder by insensitive systems that hold victims responsible for their unfortunate circumstances. In police stations, victims may experience hostile surroundings and frequently feel under pressure to drop their case. In such instances, the police might discover that those in positions of authority are undermining their own authority. Officers are prevented from performing their jobs in these situations by threats of transfers.

A case may linger in the legal system for decades after the police have filed a chargesheet and sent it to trial. The number of new rape cases sent to trial in 2021 exceeded the number of cases the courts resolved in the same year, creating an enormous backlog in the courts. The difficult process only exacerbates the pain of the victim, who frequently snaps under pressure from her own family or the family of the accused and becomes hostile. Even after overcoming all of these challenges, the victim is still not guaranteed justice; the country's overall conviction rate for recorded rape crimes is only 25.5 percent. The inadequate gathering and improper treatment of evidence are major contributors to this low conviction rate.

The method used by NCRB to collect data that is based on the "primary offense" rule. In other words, a rape that also results in the death of the victim is counted as a murder rather than a rape. This implies that a dataset would not contain some of the most heinous and prominent rape instances in recent memory.

V. CONCLUSION

In addition to police enforcement, a multidisciplinary approach should be taken to handle the rape. The blending of information, ideas, and analyses from sociological, cultural, psychological, and religious perspectives, as well as the encouragement of tool fusion across disciplines, should offer a perceptive and sound approach to solving the intractable social problem.

To eradicate societal problems, including rape, from contemporary society, it is important to implement social reform based on the universal wisdom ideas of luminaries like Mahatma Gandhi.

In terms of fostering moral character, Mahatma Gandhi's statement that "our innermost prayer

should be a Hindu should be a better Hindu, a Muslim should be a better Muslim, a Christian should be a better Christian" A society with strong morals and character would be brave and free from evils like rape.
