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The Nirbhaya Movement: An Indian Feminist Revolution

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ABSTRACT

The Nirbhaya movement, sparked by the cruel gang rape and murder of a young female person in Delhi in December 2012, shows a meaningful importance in Indian feminist experiences. This research paper surveys the basis, evolution, and impact of the Nirbhaya movement, peeling off by means of what catalysed a feminist coup in India. The paper too reviews the key things, plans, and challenges endured by the movement, in addition to allure unending results for girl's rights and gender equality in India.

Keywords: Rape, feminist revolution, Nirbhaya movement, Anti-Rape Act.

I. INTRODUCTION

(A) Background

Rape is a grave and prevalent misconduct global, taking variable standards of public attention. No region admits pardon for the blamed in aforementioned cases, and nations have different approaches to gruelling rapists. India, to a degree, grants the blame and freedom to maintain themselves, aligning with the fundamentals of lawfulness and code. However, this can provoke delays and prejudice delivery.

The Nirbhaya case (*Mukesh & Anr. v. State for NCT of Delhi & Ors*)² is prominent between meaningful rape cases in India. The occurrence happened on December 16, 2012, and the award was brought on September 15, 2017, developing in an extended lawfulness of five years. Such delays raise concerns about the efficiency of India's rape avoidance measures. Although the country has rigid rape regulations, the application can interrupt progress, as expeditious and stern penalties are essential deterrents to curb aforementioned felonies.

II. CHALLENGES FACED BY NIRBHAYA MOVEMENT

The Nirbhaya Movement, also known as the "Justice for Nirbhaya" or "Delhi gang rape case protests," emerged in India in December 2012 following the brutal gang rape and murder of a 23-year-old woman in Delhi.³ The movement sought justice for the victim, whose pseudonym

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² (2017) 6 SCC 1

³ Case Study: Nirbhaya Reforms Introduced in Rape Laws available at: <https://www.legalserviceindia.com/leg>

was Nirbhaya, and aimed to address broader issues related to gender-based violence and women's safety in India. While the movement achieved significant milestones and sparked important discussions, it also faced several challenges:

1. Legal Delays: One of the primary challenges faced by the Nirbhaya Movement was the slow pace of the Indian legal system. The trials of the accused took several years to conclude, leading to frustration among the protesters and victims' families. The legal process highlighted systemic issues, including backlogs in the courts and procedural delays.

2. Political Opposition: The movement faced resistance and criticism from some political quarters. Politicians made insensitive and victim-blaming remarks, which sparked outrage among the protesters. This political opposition at times hindered the movement's progress.

3. Police Response: The initial response of the Delhi Police to the incident was criticised for its handling of the case and its treatment of the victim and her family. This led to demands for police reform and greater accountability.

4. Gender-Based Violence: The Nirbhaya Movement also brought to the forefront the pervasive issue of gender-based violence in India. While the movement succeeded in raising awareness, it also highlighted the daunting scale of the problem and the deep-rooted cultural attitudes that contribute to it.⁴

5. Media Sensationalism: The extensive media coverage of the case and the protests sometimes veered toward sensationalism. Critics argued that this focus on the sensational aspects of the case could overshadow the broader systemic issues related to gender-based violence.

Despite these challenges, the Nirbhaya Movement had a significant impact on India's discourse on gender-based violence. It led to legal reforms, increased awareness, and a renewed focus on women's safety and rights. However, addressing the systemic issues related to gender-based violence requires continued efforts and sustained societal change.⁵

(A) Significance of the Nirbhaya movement

The Nirbhaya Movement, holds immense significance for various reasons:

1. Raise Awareness: The Nirbhaya case brought widespread attention to the pervasive issue of

al/article-2133-case-study-nirbhaya-reforms-introduced-in-rape-laws.html (Last Visited on September 3, 2023)

⁴ Challenges Remain in the Prevention of Sexual Violence in India Available at: <https://www.impriindia.com/insights/challenges-sexual-violence-india/> (Last Visited on September 3, 2023)

⁵ Garima Bakshi The 'Nirbhaya' Movement: An Indian Feminist Revolution Available at: <https://repository.library.georgetown.edu/bitstream/handle/10822/1043685/Garima%20Bakshi.pdf?sequence=1&isAllowed=y> (Last Visited on September 3, 2023)

gender-based violence in India and highlighted the urgent need to address it. It served as a wake-up call for the nation, forcing people to confront the grim reality of violence against women.

2. **Empowerment of Women:** The movement empowered women across India to speak out against harassment, abuse, and violence. It encouraged victims to come forward and report crimes, breaking the silence that often surrounds such incidents.

3. **Legal Reforms:** The outrage and protests that followed the Nirbhaya case led to significant legal reforms. The Indian government enacted the Criminal Law (Amendment) Act, 2013, which introduced stricter penalties for sexual offenses, expanded the definition of sexual assault, and made it easier to report such crimes.

4. **Global Attention:** The Nirbhaya case received international attention and sparked discussions about women's safety and gender equality on a global scale. It prompted other countries to examine and address their own issues related to gender-based violence.

5. **Feminist Activism:** The movement energised and inspired feminist activists and organisations in India, leading to increased advocacy for women's rights and gender equality. It created a platform for these activists to demand change.

6. **Long-term Impact:** While the immediate impact of the movement was significant, its long-term effects are equally important. It laid the groundwork for continued activism, policy advocacy, and social change efforts aimed at addressing gender-based violence and promoting gender equality.⁶

In summary, the Nirbhaya Movement was a pivotal moment in India's history, shedding light on the urgent need to address gender-based violence and promoting a broader cultural shift toward gender equality. It sparked legal reforms, empowered women, and inspired ongoing efforts to create a safer and more equitable society for all.

(B) Impacts and Achievements

a. Changes Introduced After Nirbhaya Case:

i. Criminal Law Amendment Act, 2013⁷

The Criminal Amendment Act, 2013 is also popularly referred to as the Anti-rape Act.

- Under this change, new offences such as stalking, acid attacks, and voyeurism were

⁶ Manjeet Rathee, "Women and the Conservative Backlash in Society and Media" Available at: https://www.researchgate.net/publication/360174768_2_Women_and_the_Conservative_Backlash_in_Society_and_Media (Last Visited on September 3, 2023)

⁷ The Criminal Law Amendment Act, 2013, Available at: <https://www.iitk.ac.in/wc/data/TheCriminalLaw.pdf> (Last visited on September 3, 2023)

added into the definition of rape. Even the threat of rape is now a crime and the person will be punished for the same.

- The minimum sentence was changed from seven years to ten years considering the increase in the number of rape cases.
- In cases that led to the death of the victim or the victim being in a vegetative state, the minimum sentence was increased to 20 years.
- The character of the victim was totally irrelevant to rape cases and it doesn't make any difference in granting punishment for the crime.
- Since one of the accused in this case was a juvenile, another flaw in the system was identified after this case. So, the age for being tried as an adult for violent crimes like rape was changed from 18 to 16 years, that to the Juvenile Justice Act, 2015.
- There was also the inclusion of registering complaints and medical examination. The report categorically mentioned, any officer, who fails to register a case of rape reported to him, or attempts to abort its investigation, commits an offence which shall be punishable as prescribed.
- The committee gave extensive recommendations regarding avoiding marital rape as well as rapes committed via commission of void marriages.

III. CONCLUSION

The significance of the movement goes beyond the incident itself, since it also opened up conversations surrounding similar incidents that had preceded it and those that came afterward. Now that a coherent space for conversation about sexual violence had been created, activists and journalists addressed issues that were mostly neglected by mainstream narratives, caste based sexual violence in rural areas, and marital rape. Twitter and Facebook conversations regarding sexual politics and violence also gravitated towards the unknown Nirbhaya's. The word 'survivor' started being used in public discourse instead of the term 'victim', since activists stressed the importance of rape being understood as another form of violence, as opposed to its construction as the worst form of violence that can be inflicted upon someone. It was also acknowledged that men and transgender individuals are also raped, and sexual violence isn't only a women's issue.

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