



ISSN Print: 2394-7500
ISSN Online: 2394-5869
Impact Factor: 5.2
IJAR 2016; 2(6): 352-360
www.allresearchjournal.com
Received: 19-04-2016
Accepted: 20-05-2016

Natasha
Research Scholar, Department
of Geography Faculty of
Science Banaras Hindu
University, Varanasi-221005,
Uttar Pradesh India.

Attitude of Indian society towards women: Pre rape and post rape scenario

Natasha

Abstract

A woman is the creator of life but often doesn't get the respect which deserve. In every religion of the world women have a special place, special category but has it really been practiced? In India specifically a woman is put next to Durga the goddess, but unfortunately hasn't seen such respect. From being unwanted child to be raped, she sees the very unworthy and repelling things in her life. India where statistically in every hour a woman is raped, society has seen them as an object of shame when she gets dishonor. This paper showcases the attitude of society towards a woman before she gets raped and aftermath. Also it is an attempt to change the mindset of society towards them because she is a victim not the felon. And to make society a better place to live in without any prejudice.

Keywords: Rape, Prejudice, Society, Mindset

Introduction

Anyone from outside analyzing the Indian society would find the way Indians treat their womenfolk shocking. But for us Indians commonly it has becoming or should say become normal. In India it should be seen as irony that the land which prays to feminine gods and calls the country itself as motherland is unable to secure and preserve the women born and residing on it. The land where all the norms and regulation of all the parts of society is laid down for women, the way to dress behave body language duties education choosing partner reproduction right etc its predetermined. Also the holy books add on to this notion the famous and controversial book the manu-smriti has treated women as an entity for the father brother and husband and until and unless she becomes a mother of son she cannot attain moksha or nirvana. But the only duty of man is to just be himself. Under the laws of free India also she hasn't treated as equal she may have got constitutional right of be treated at par with the men but when it comes to make passport of single mother she needs to show the unethical papers of being raped as result for being conceived. A man in India isn't considered to be man until he is dominates women be it in home or in work place or even on the streets. Women are judged on the basis of clothes behaviors, voice etc. But when it comes to man he is just being himself on each and every action he does. This all are not some bogus talks but the facts that each and every girl and women face in India. To add on to the ill treatment there is rape, where women is considered to be guilty and treated as culprit but men on the other hand gets by as an act of being just a man or teaching women a lesson. Even the jurist and their system haven't laid down strict laws which show equality. As said by the India's 1st prime minister "You can tell the condition of a Nation by looking at the status of its Women." If gone by those words India won't be the shining as it is said to be, India won't be democratic as it is said to be, India won't be holy land as it is said to be, India won't be said as potentially next superpower as it is said to be. In fact "India is becoming the most dangerous place to be women"¹

Pre Rape Scenario

Mortality Rate of Women in India: From Fetus to Adult:

Mortality rate, female child (per 1,000 female children age one)

Definition: Child mortality rate is the probability of dying between the exact ages of one and five, if subject to current age-specific mortality rates. The probability is expressed as a rate per 1,000.

Correspondence
Natasha
Research Scholar, Department
of Geography Faculty of
Science Banaras Hindu
University, Varanasi-221005,
Uttar Pradesh India.

Year	Value
1993	42.10
1999	19.70
2003	36.60
2006	12.40

Mortality rate, under-5, female (per 1,000 live births)

The value for Mortality rate, under-5, and female (per 1,000

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Value	119.30	116.50	113.90	111.40	108	102	106	100.	97.4	96.4	91.6
Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Value	88.8	86.1	83.2	80.7	77.9	75.5	73.1	70.7	68.4	66.20	64.10

Mortality rate, adult, female (per 1,000 female adults)

The value for Mortality rate, adult, female (per 1,000 female adults) in India was 164.36 as of 2011. over the past 51 years this indicator reached a maximum value of 407.28 in 1960 and a minimum value of 164.36 in 2011.

Year	1970	1980	1990	1997	1998	1999	2000	2001	2002
Value	352.67	278.95	241.39	216.09	212.27	208.45	204.63	200.81	196.98
Year	2003	2004	2005	2006	2007	2008	2009	2010	2011
Value	193.36	189.73	186.48	182.48	178.86	175.23	171.61	167.98	164.3

Source: Level & Trends in Child Mortality. Estimates Developed by the UN Inter-agency Group for Child Mortality Estimation (UNICEF, WHO, World Bank, UN DESA, UNPD)

Education of Women in India

About 50 percent of total population consists of women but women education in India is much lower, as compared to men. It is not because the women are not interested in getting higher education, but these are faced with some serious difficulties.

Since independence more and more attention is being paid to the spread of literacy and women education in India, because it is felt that in India democracy can be a success only when female education spreads. But in spite of all this women's education is not spreading at a rate at which governments wanted. Several causes are responsible for this. In India vast majority of population is poor. They cannot afford to give education to all their children. When choice comes, they prefer to invest on the education of sons, rather than their daughter. It is believed that the sons will side with the father in old age and on the other hand after sometime the girl will get married. She will go to some other family. Therefore, do not care much for their education.

In India, education has been linked with employment. In other words, the children are educated simply because they are to get some employment. Those people who are not in favour of sending their daughter for employment do not feel the necessity of educating them.

Many societies and a vast population in India still believes that proper place for women is to remain at home, serve the husband and his family and give birth to the children. This function can be performed irrespective of the fact whether the girl is educated or not. In fact they feel that educated women begin to get some enlightens and start demanding.

The numbers of women's educational institutions is much less as compared with institutions engage in the spread of male education. Therefore in many cases, particularly in remote village the women are supposed to travel some distance, before reaching an education institution. Many people do not like that their daughter should leave the village for going to school.

Many people still condemn and dislike the idea of co-

live births) in India was 64.10 as of 2011. over the past 21 years this indicator reached a maximum value of 119.30 in 1990 and a minimum value of 64.10 in 2011. Definition: Under-five mortality rate is the probability per 1,000 that a newborn baby will die before reaching age five, if subject to current age-specific mortality rates.

Definition: Adult mortality rate is the probability of dying between the ages of 15 and 60--that is, the probability of a 15-year-old dying before reaching age 60, if subject to current age-specific mortality rates between those ages.

education. They feel that when both boys and girls study together in same educational institution, corruption is bound to breed. They therefore, are not prepared to send their daughter to a co-education institution.

Thus due to socio-economic reasons, women in India are still not coming in as much in number in the educational institution. The task ahead is difficult. The very fact is also that education among women education in urban India is widespread and more and more number of women is going to school and colleges

Workforce Participation of Women in India

"In India, there is a U-shaped relationship between education and participation of women in the workforce,". Illiterates participates more out of necessity. Women with a middle-level education (below graduate) have different aspirations and can afford to remain out of the workforce. Only better educated women have been 'pulled' into the labor force in response to better paid opportunities. Two main factors keeping women at home are social customs and very low education levels among women. Breaking such customs is hard. Preet Rustagi, joint director of Institute for Human Development in Delhi, said: "To a certain extent, men control women's lives. And women have internalized this as the norm. In such situations, the little work they do is the result of compulsion, such as when the household income is not enough, rather than choice. Skills shortage among women is also to blame. "There is a large divide between what they can do and what jobs are on offer." For instance, the lowest worker sex ratio is seen in construction, manufacturing and the retail trade, which are booming in cities.

Kinships, Marriage and Family

Kinship

Women in matrilineal systems seem to fare better as members of kin groups and in interpersonal relationships. However, majority of Indian population follows the

patrilineal system of descent. In the Patrilineal kinship system, a son is the father's natural apprentice, successor, and supporter of the parents in old age. Sons are supposed to build up family prestige and prosperity. Therefore, a father believes that he will continue to live in this world through his son. All this imparts a special value to the son to continue the family name. As per religious customs, a son is necessary for performing the prescribed rituals for his parents when they die. This right is not given to women till date. Although ritual considerations are less compelling among the lower castes, the relative importance of the son is general to entire Hindu society. A daughter on the other hand cannot effectively take the place of a son. As the loyalty of girl changes at marriage, therefore, a boy is the perpetuator of the Patriline to continue the family name; by contrast, a girl is of no use in this respect. Girl's contribution is considered in some other house as she is supposed to leave father's house. "A bird of passage", "another's property", "a guest in parents' house", "a thing to be preserved for an outsider", or "a thing which has to be given away" is some of the common descriptions of a daughter.

Marriage

After marriage, a wife gains neither equal status with her husband nor she gains her individual status. Very few women start their married life independently in a simple household. In the first few years of married life, norms of a subordinate and submissive role appropriate for a daughter-in-law govern her behavior. Usually place of a young wife of any Caste or region is at the lowest ebb in the family hierarchy and her behavior is watched very carefully. Family

Family

Besides her kinship status, her husband's social position and his contribution to the family economy influence a woman's status in the family. Her husband's status becomes more relevant for the woman's status. A rural woman explains this very well. "Men in our families are like the sun, they have a light of their own, (they own resources, are mobile, have the freedom to take decisions). Women on the other hand are like satellites, without any light of their own they shine, if and only if, when the sun's light touches them. This is why women have to constantly compete with each other for a bigger share of sunlight, because without this light there is no life". In middle and upper classes, the amount of dowry a daughter-in-law has brought and the gifts that her parents send also contribute to her status in the family. In this situation, a very large section of our society continues to be under the influence of traditional standards. Her own efforts often do not bring her individual status. The parental family controls the women's rights of education, choice of employment and right of decisions and finally marriage-with which both the women and the power to exercise control over her are transferred to the husband's family. In cases, where there is an attempt on the part of women to deviate from clearly defined conduct, tensions arise often resulting in serious threats, including physical violence, to the women from their families.

Crime against Women Apart From Rape

According to the National Crime Records Bureau of India, reported incidents of crime against women have increased

6.4% during 2012, and a crime against a woman is committed every three minutes. In 2012, there were a total of 2,44,270 reported incidents of crime against women, while in 2011, there were 2,28,650 reported incidents. Of the women living in India, 7.5% live in West Bengal where 12.7% of the total reported crime against women occurs.^[1] Andhra Pradesh is home to 7.3% of India's female population and accounts for 11.5% of the total reported crimes against women. 65% of Indian men believe women should tolerate violence in order to keep the family together, and women sometimes deserve to be beaten. In January 2011, the International Men and Gender Equality Survey (IMAGES) Questionnaire reported that 24% of Indian men had committed sexual violence at some point during their lives.

Proportion of Crime against women (IPC) towards total IPC crimes.

S.no	Year	Total IPC crime	Crime against women (IPC cases)	% to total IPC cases.
1.	2006	18,78,293	1,54,158	8.2
2.	2007	19,89,673	1,74,921	8.8
3.	2008	20,93,379	1,86,617	8.9
3.	2009	21,21,345	2,03,804	9.2
4.	2010	22,24,831	2,13,585	9.6

Source: Crimes in India, 2011, National Crime Record Bureau. 5

As per the above data crime rate trend analysis against women in India shows clearly the sharp increased crime rate from (8.2%) in 2006 to (9.6 %) in 2010 in the last five years. which is a serious matter from the safety and security point of Indian women. Manifestation of persisting gender bias can be seen in *sex ratio* of 917 girls to 1000 boys (According to 2011 census) and the crime-rate, as reported by National Crime Records Bureau, NCRB, from 8.8% in 2007 to 9.4 during 2011. (Leaving aside innumerable unreported-cases) Times of India (August 25, 2013, p.6) reports crime against women up by 7.1% since 2010. UNICEF Reports on Progress of Nations released jointly by Government of India and UNICEF says that more than 60 million women, who should have been alive today, are missing. Responsible factors are from feticide to domestic violence to dowry deaths to physical assaults. Discrimination starts even before women are born and continue till they die. It exists in the form of *-Feticide* – Some new forms of violence have appeared with technological advances as is evident in case of female feticide, reflecting in adverse sex-ratio. Social bias in favor of a male-child lead to abortions (out of 8000 cases of abortions following sex-determination tests, 7999 are female fetus, according to a Survey) Sex-ratio is continuously declining all over India except for Kerala. Inefficient and ineffective performance of political, administrative and economic structures and mechanisms failed to stop it.

Infanticide: Thousands of newly born baby-girls die with overdoses of opium. They are abandoned or thrown in rivers or dust bins to die. Out of abandoned children 90% are girls.

Health hazards: According to official figures, there is 10% higher mortality rate for girls than boys due to mal-nutrition in infancy and childhood. Health Statistics are equally alarming with 80% of them being anemic.

Physical assaults/Rapes/gang-rapes/molestations

According to a Report, there are reported cases of one rape every 54 minutes, a molestation every 26 minutes; and an act of cruelty every 33 minutes. National Crime Records Bureau (NCRB) statistic says – every 20 minutes, a woman is raped somewhere in India, not to mention the countless number of cases of molestations or rapes going unreported. Child rape cases have increased by 336% in the last 10 years. Government data shows crimes by juveniles – especially rape and abduction of women – has seen exponential rise in the past decade – from 48.7% in 2002 to 66.5 in 2012. There is dire need to address the issue of rape in a more powerful manner.

Dowry deaths: Number of dowry-deaths is quite alarming in the country – a dowry death every one hour forty two minutes. Dowry-related violence is also in increase. Maharashtra, Madhya Pradesh, Andhra Pradesh and Rajasthan are the states with maximum number of reported cases. Many cases remain unreported.

Victims of materialistic-culture: Consumerist culture has triggered off increased atrocities, domestic violence and physical assaults on women. Millions of girls live under threat of physical abuse.

Post Rape Scenario

Definition of Rape & Causes

The Indian penal code defined rape under Section 375 as A person is said to commit “sexual assault” if that person – (a) penetrates his penis, to any extent, into the vagina, mouth urethra or anus of another person or makes the person 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 another person or makes the person to do so with him or any other person; or (c) manipulates any part of the body of another person so as to cause penetration into the vagina, urethra, anus or any part of body of such person or makes the person to do so with him or any other person; or (d) applies his mouth to the penis, vagina, anus, urethra of another person or makes such person to do so with him or any other person; (e) touches the vagina, penis, anus or breast of the person or makes the person touch the vagina, penis, anus or breast of that person or any other person, except where such penetration or touching is carried out for proper hygienic or medical purposes under the circumstances falling under any of the following seven descriptions:—

First — Against the other person’s will.

Second — Without the other person’s consent.

Third — With the other person’s consent when such consent has been obtained by putting such other person or any person in whom such other person is interested, in fear of death or of hurt.

Fourth — When the person assaulted is a female, 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 to be lawfully married.

Fifth — With the consent of the other person when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by that person personally or through another of any stupefying or unwholesome substance, the other person is unable to understand the nature and consequences of that action to

which such other person gives consent.

Sixth – With or without the other person’s consent, when such other person is under eighteen years of age.

Seventh – When the person is unable to communicate consent.

Explanation 1.— Penetration to any extent is “penetration” for the purposes of this section.

Explanation 2.— For the purposes of this section, “vagina” shall also include labia majora.

Explanation 3.— Consent means an unequivocal voluntary agreement when the person by words, gestures or any form of non-verbal communication, communicates willingness to participate in the specific act: provided that, a person 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.— Sexual intercourse or sexual acts by a man with his own wife, the wife not being under sixteen years of age, is not sexual assault

Causes of rape in India or in the world cannot be justified by any person, court or law. But commonly we come across some of the pathetic causes such as

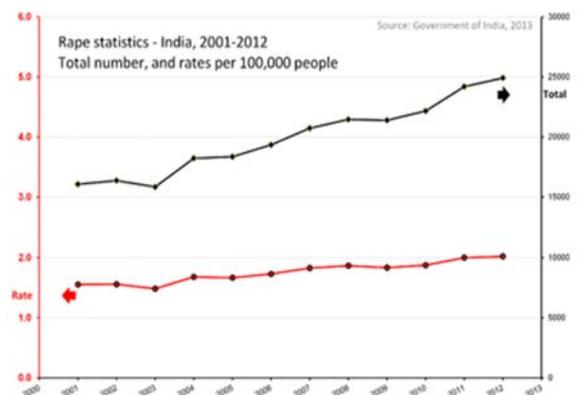
- Ill Sexual orientation
- Provocative behavior
- Mindset
- Sexual satisfaction
- Fear of women (psychological)
- Competition
- To establish male superiority
- Drugs & alcohol
- Pornography
- Sexual curiosity
- Lack of sex education
- Mental sickness

Further there are various approaches of rape by the society such as

- She asked for it
- She dressed like that
- Her language is provocative
- She needs to be taught lesson
- She only has male friends
- She rejected me
- Revenge
- To control her

All these unethical approaches lower the mindset of society further worsening the case.

Rate of Rape in India



According to National Crime Records Bureau of India, 24,923 rape cases were reported across India in 2012, while the 5 year average over 2007-2011 was 22,000 rapes a year. Adjusted for population growth over time, the annual rape rate in India has increased from 1.9 to 2.0 per 100,000 people over 2008-2012 periods.

Total reported number of rape crimes in 2012 was highest in Madhya Pradesh, followed by Uttar Pradesh and West Bengal. Among major cities, Delhi reported the highest number of rapes in 2012, followed by Mumbai.

Adjusted for population, the rape rate per 100,000 people was highest in Mizoram (10.4), followed by Tripura, Meghalaya, Sikkim and Assam. Among major cities, Delhi's rape rate of 4.1 per 100,000 people was highest in India. The rape rate per 100,000 people was lowest in Gujarat (0.98), followed by Bihar, Karnataka, Uttar Pradesh and Tamil Nadu.

The highest number of victims, and majority of victims, was in the 18-30 year age group. Overall 96% of the rape cases led to charges and the offender being prosecuted. In 2012, out of 1, 01,041 cases before Courts, 3563 convictions took place in comparison to 11,154 acquittals and 292 cases withdrawn. This means that there is around 23% conviction rate only in 2012 the high acquittal rate (77 %) may be due to cases being filed falsely (for property disputes/ money extortion) or Indian Police being so corrupt that it doesn't probe these cases properly. Indian courts completed the trial process of an estimated of 14,717 rape cases in 2012, while many cases remained pending in its trial process.

Rape of minor, that is someone below the age of consent, is a form of statutory rape nearly 1 in 3 every rape victims are below 18 years in India. Of all rapes, 12.5% of total or 3,125 rape victims in India were a minor.

Using a small sample survey, Human Rights Watch projects more than 7,200 minors – 1.6 in 100,000 minors – are raped each year in India. Among these, victims who do report the assaults are alleged to suffer mistreatment and humiliation from the police. Minor girls are trafficked into prostitution in India, thus rape of minors conflates into lifetime of suffering. Of the countries studied by Maplecroft on sex trafficking and crime against minors, India was ranked 7th worst, between China (1st), Russia (11th) and Indonesia (14th).

Laws for Rape

Law needs to be more sensitive to the feelings of the victim, who has had a traumatic time and scarcely needs to be reminded of it. Often the victim is abused and humiliated. "Don't try to tell us that you didn't enjoy it. There are a few points in the law, which are open to debate. Sexual intercourse by a man with own wife, where the wife is over 15 years of age, is not rape. Sexual intercourse in a custodial situation is deemed an offence (policemen, public servants, managers of public hospitals and remand homes or wardens of jails), even if it is with the consent of the woman. As a whole, the process of law is biased against the victim. If the victim is a minor, the onus is on the accused to prove his innocence. But if the victim is a major, it is up to her to prove her charge. Therefore, the defense finds it worthwhile to prove that the victim is a major.

Also, in rape cases, unless the woman is examined medically within 24 hours, it becomes difficult forensically to prove that rape has occurred.

The laws too are discriminatory in nature. According to

Section 155 (4) of Indian Evidence Act, "When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix (victim) was of generally immoral character." Section 54 of Indian Evidence Act says, "In criminal proceedings (including rape) the fact that the accused person has a bad character is irrelevant, unless evidence has been given (by him) that he has a good character, in which case it becomes relevant. When the laws themselves carry an inherent bias, how far can the victim be assured of justice? Rape is a weapon that distorts a woman's sexuality, restricts her freedom of movement and violates her human rights. It leaves a woman feeling exposed, humiliated and traumatized. A rapist not only violates the victim's privacy and personal integrity, but also causes serious physical and psychological damage. The law must take a fresh look at itself and take positive steps to make it more difficult for an accused to get judicial reprieve. Section 375 of the Indian Penal Code (IPC) defines rape. Rape (from Latin ratio, to carry off, to overcome) means an unlawful intercourse done by a man with a woman without her valid consent. In certain cases, when consent is taken by fraudulent means or by misrepresentation, the act is still quite rightly- taken as rape. A rapist, for instance can put a gun at his victim's head and obtain consent. Still better, he could ask one of his goons to put a gun on her husband's head and tell her that the gun would go off if she did not relent. Consent could also be had fraudulently by giving her intoxicating or stupefying substances (Cannabis is just one of the many stupefying drugs which can be given to achieve this). Another way of getting consent by fraudulent means is by impersonation. A rapist may slip into the bed of an unsuspecting woman in the thick of night, when the woman, taking him to be her husband not only does not resist, but actively participates in the act. These cases are rare but do occur occasionally. Finally the consent of a woman of unsound mind and of a girl below 16 are not taken to be lawful consent because it is presumed that these women are not in a position to truly understand the nature and gravity of sexual intercourse.

This was the position before 1983 and on the face of it the provisions sound fair enough. Yet Ganpat managed to wriggle out of the legal consequences of his act. If a police officer apprehends a person illegally and insists he will not free the man until his wife submits to the officer, how can one prove rape if she does so? No person in his right mind would imagine that such an act was not rape, yet the law would not recognize it so before 1983. The women had to prove she had not consented. The rapist was considered innocent unless proved otherwise.

The change in rape laws in 1983 improved the situation to a great extent. Among other things, the punishment for rape was made more severe. Before, the punishment prescribed under Section 376 of the IPC provided for a maximum sentence of life imprisonment but there was no minimum limit. Thus, in theory a rapist could get away with a sentence of say, just one month.

In 1983 although the legislature failed to increase the maximum sentence to capital punishment as was vehemently demanded by women's organizations, it prescribed a minimum sentence of seven years' imprisonment. Every rapist on being found guilty thereafter had to undergo a minimum imprisonment of seven years. Besides, an important provision - Section 376(2) - was added to the IPC. This section introduced the concept of

some special kinds of rape and prescribed a minimum of ten years for these cases. Furthermore, in such cases, the imprisonment had to be of a rigorous nature only. These included rape by a police officer within the premises of a police station; rape by a public servant of his junior while taking advantage of his official position; rape by an official in a jail or remand home of an inmate; rape by someone on the staff of a hospital of a woman in the hospital; rape of a pregnant woman; rape of a girl under 12 years of age and gang rape. Rape by persons who are in a position of authority e.g. police officers, jail wardens, hospital staff etc., is generally termed custodial rape. Gang rape is a situation when a woman is raped by one or more than one person from amongst a group of persons acting in furtherance of their common intention. The important thing is that in such situations each of the persons within the group will be deemed to have raped the woman even if each one of them did not actually have sexual intercourse with her. Thus if five men catch hold of a woman and only one ravishes her in order to, for instance, humiliate her husband because of some old vendetta, all the five men will be imprisoned for a minimum of ten years. It is very difficult for the victim to prove absence of consent especially in cases of custodial rape, so a special section was added to the Indian Evidence Act (IEA). According to the new provision - Section 114A of the IEA - in cases of custodial rape, gang rape and rape of a pregnant woman, if the victim states in court that she did not consent, then the court shall presume that she did not consent and the burden of proving consent shall shift to the accused. This was a major reform in the law. The legislature did not stop at this. There can be cases when a person in authority can get a woman to have intercourse with him "willingly" by offering handsome rewards in return. A superintendent of a jail can offer better living conditions to a woman prisoner if she "willingly" submits to him. Such cases will not amount to rape; nevertheless they do signify abuse of official position. For such cases four special provisions - 376A, 376B, 376C and 376D - were added to the IPC and a punishment of five years' imprisonment provided. In effect, if a person in authority has had sexual intercourse with a woman in his custody, he will firstly have to prove that the woman in question had consented. If he can't prove this he will be guilty of custodial rape and shall have to undergo a minimum rigorous imprisonment often years. Secondly, even if he is able to prove that the woman did consent, he may not be charged with custodial rape yet he can be imprisoned for five years under Sections 376B, 376C and 376D.

It would seem that enough changes have been made in the rape laws to bring it on par with that of Western countries. However, there are still some glaring deficiencies. For one thing, the law does not provide for separate and speedy trials for heinous crimes such as child rape. The definition of rape too is finite restrictive. For raping a woman, penile penetration must be proved. One can ravish a woman equally or much more violently by shoving, for example, an iron rod into her private parts. Yet such a man would not be held guilty of rape. Several such cases have indeed come to light. But the worst thing is the continued existence of Section 155(4) of the IEA, which provides that when a man is prosecuted for rape and it is shown that the woman in question is of immoral character then her evidence will not be taken into account. It may be argued that this provision offers protection to the accused against false allegations of a

women whose character is suspect. Yet consider Section 54 of the same Act. Among other things it says that in cases of rape, the fact that the accused person is a bad character is irrelevant. In effect, for the purpose of proving that a man did rape the prosecutrix, it is irrelevant to show that he has a bad character. If the bad character of the prosecutrix is considered in cases of rape, why not the bad character of the accused too? In fact, it can be argued that these provisions are unconstitutional as they contravene the equality clause under Article 14 of the Indian Constitution. Is it not highly unfair to apply different standards to the accused and the complainant only in rape cases?

A bill was passed in Lok Sabha after the Nirbhaya case. Here are some of the bill's crucial changes:- Women's rights advocates and victims of sexual offenses have long accused a male-dominated police force of refusing to register complaints by women, and even facilitating a monetary settlement or brokering a marriage between victims of rape and the accused. The bill lays down punishment for police officers who fail to record the initial complaint, known as the first information report, of a woman who alleges she was attacked with acid, assaulted by a man who intended to molest her or "outrage her modesty," stripped naked or raped. Such officers can receive jail terms of six months to two years.

- The bill creates a separate offense to address acid attacks, common in South Asian countries, especially by men who are spurned by women they express an interest in. Under the bill, those convicted of throwing acid on a woman, causing "permanent or partial damage or deformity," or maiming or disfiguring her, will be punished with prison sentences ranging from 10 years to life and a fine. With an eye to the rehabilitation of the victim, the bill says the fine should be paid to the woman as compensation.
- The bill defines sexual harassment, which includes "physical contact and advances involving unwelcome and explicit sexual overtures," a demand for sexual favors and showing pornography to a woman who does not want to see it. Those convicted of harassment can receive prison sentences of up to three years. Making "sexually colored" remarks is also included in the definition of sexual harassment, for which the bill prescribes a prison sentence of up to a year.
- The bill criminalizes the forced stripping of women, or disrobing, in public spaces or in private confines, with a minimum jail term of three years and a maximum of seven. Under the current law, disrobing a woman is not a separate offense.
- One of the more controversial provisions in the bill is the section on voyeurism, which seeks to punish men who watch or photograph women who are conducting a "private act," such as bathing, using the toilet or having sex. The bill lays down a punishment of three to seven years in prison for those convicted of voyeurism more than once. Voyeurism is not a separate offense under the current law.
- The bill creates another new, and much-debated, offense: stalking. This provision deals with men who follow a woman and establish contact with her or attempt to do so "to foster personal interaction repeatedly despite a clear indication of disinterest" by the woman. E-stalking, or monitoring of a woman's activities online, such as browsing or checking of e-

mail, has also been made punishable. A man convicted of stalking once can be sentenced to a term of up to three years, and if convicted again can receive a sentence of up to five years.

- The bill expands the definition of rape to include not just penovaginal intercourse but the insertion of an object or any other body part into a woman’s vagina, urethra or anus, and oral sex. This responds to a longstanding demand of women’s rights groups. The issue of rape by different means was highlighted in the Delhi gang-rape case, where an iron rod was inserted into the young woman’s body. Prison sentences for rape can range from seven years to life. The current law allows courts to hand down a sentence of less than seven years for “adequate and special reasons,” a provision omitted in the bill.
- The bill raises the age of consent for sex to 18. This means that intercourse with a woman under 18 is statutory rape and courts conducting rape trials cannot consider whether the woman consented to having sex. It also, in effect, criminalizes consensual sex with women under 18, a subject of much controversy.
- The bill does not make marital rape an offense, ignoring a longstanding demand of women’s rights advocates.
- The bill takes a tough stand on rape by public servants. Under the current law, when a rape is committed by a police officer or prison staff, those convicted can be punished with sentences ranging from 10 years to life. The bill clarifies that imprisonment for life means the convict must remain in prison till the end of his natural

life. The bill also allows women to bring a complaint of rape against members of the armed forces.

- When a rape leaves a woman dead or in a “persistent vegetative state,” the bill demands a minimum sentence of 20 years in prison and a maximum punishment of death. This is the first time that the death penalty is being prescribed for sexual offenses in India, which, unlike nearly all European nations, retains the death sentence, but uses it only in the “rarest of rare cases.”
- The bill increases the minimum punishment for gang rape from 10 years imprisonment to 20 years, and the maximum punishment to life imprisonment.
- The bill provides for life imprisonment or death for repeat offenders convicted of rape and gang rape.
- The bill makes procedural changes to address concerns that women are uncomfortable or intimidated by male police officers, or are treated with insensitivity when they approach police stations to register complaints of sex crimes. The bill requires that all initial reports involving sexual harassment, disrobing, voyeurism, stalking, rape and gang rape be taken by women officers only.

Punishment Regarding Rape
The Criminal Law (Amendment) Ordinance, 2013
New offences

This new Act has expressly recognised certain acts as offences which were dealt under related laws. These new offences like, acid attack, sexual harassment, voyeurism, stalking have been incorporated into the Indian Penal Code:

Section	Offence	Punishment	Notes
326A	Acid attack	Imprisonment not less than ten years but which may extend to imprisonment for life and with fine which shall be just and reasonable to meet the medical expenses and it shall be paid to the victim	Gender neutral
326B	Attempt to Acid attack	Imprisonment not less than five years but which may extend to seven years, and shall also be liable to fine	Gender neutral
354A	Sexual harassment	Rigorous imprisonment up to five years, or with fine, or with both in case of offence described in clauses (i) & (ii) Imprisonment up to one year, or with fine, or with both in other cases	Only protects women. Provisions are: i. physical contact and advances involving unwelcome and explicit sexual overtures; or ii. a demand or request for sexual favours; or iii making sexually coloured remarks; or iv forcibly showing pornography; or v any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
354B	Act with intent to disrobe a woman	Imprisonment not less than three years but which may extend to seven years and with fine.	Only protects women against anyone who "Assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked."
354C	Voyeurism	In case of first conviction, imprisonment not less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.	Only protects women. By implication, women may prey voyeuristically upon men with impunity. The prohibited action is defines thus: "Watching or capturing a woman in "private act", which includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy, and where the victim's genitals, buttocks or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the person is doing a sexual act that is not of a kind ordinarily done in public."
354D	Stalking	Imprisonment not less than one year but which may extend to three years, and shall also be liable to fine	Only protects women from being stalked by men. By implication, women may stalk men with impunity. The prohibited action is defined thus: "To follow a woman and contact, or attempt to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or monitor the use by a woman of the internet, email or any other form of electronic communication. There are exceptions to this section which include such act being in course of preventing or detecting a crime authorized by State or in compliance of certain law or was reasonable and justified."

Solved and Registered Cases

In New Delhi, police say they registered 463 cases of rape in the first four months of 2013, more than double the number reported in the same period a year earlier. By July, over 800 cases of rape had been registered, more than the total

number of rape cases registered last year. Reports of other kinds of sexual assaults have surged too

Incidence and rate of Cognizable Crimes (IPC) and % change during the years:

Crime head	2001	2006	2007	2008	2009	2010
Rape (Section 376 IPC)	16075 (1.6%)	19348 (1.7%)	20737 (1.8%)	21467 (1.9%)	21397 (1.8%)	22172 (1.9%)

Source: Crimes in India, National Crime record Bureau, GOI, 2011, 2

"In 2010 there were 22,193 victims of Rape out of 22,172 reported cases in the country. 8.9% (1,975) of the total victims of Rape were girls under 14 years of age, while 16.1% (3,570) were teenage girls (14-18 years). 57.4% (12,749) were women in the age-group 18-30 years. 3,763 victims (17.0%) were in the age-group of 30-50 years while 0.6% (136) was over 50 years of age Madhya Pradesh recorded the highest number of rape cases, followed by Maharashtra, Rajasthan and Uttar Pradesh, in 2013 across the country which witnessed over 33,707 such incidents. A total of 4,335 rape incidents were reported in Madhya Pradesh, 3,063 in Maharashtra, 3,285 in Rajasthan and 3,050 in Uttar Pradesh last year, a report prepared by the National Crime Records Bureau said. There were 24,923 incidents of rape in 2012 of which 3,425 were registered in Madhya Pradesh, 1,839 in Maharashtra, 2,049 in Rajasthan and 1,963 in Uttar Pradesh.

In 2013, Assam recorded 1,937 rapes, West Bengal 1,685, Delhi 1,636, Andhra Pradesh 1,635, Chhattisgarh 1,380, Kerala 1,221, Jharkhand 1,204 and Gujarat 732 incidents. There were 1,128 incidents of rape in Bihar last year, 1,030 in Karnataka, 971 in Haryana, 888 in Punjab, 923 in Tamil Nadu, 378 in Jammu and Kashmir, 250 in Himachal Pradesh and 228 in Uttarakhand. The NCRB report said the country registered 51,881 cases of kidnapping and abduction, 8,083 incidents of dowry death and 1,18,866 complaints of cruelty by husband or relatives

Situation of Victim and Punishment of Rapist

Rape can include both physical trauma and psychological trauma. In physical trauma, physical force, physical injuries and death are taken into account. Self-blame is among the most common psychological trauma found in victim. Victims who experience behavioral self-blame feel that they should have done something differently and therefore feel at fault. Victims who experience character logical self-blame feel there is something inherently wrong with them which have caused them to deserve to be assaulted. Childhood and adulthood victims of rape are more likely to attempt or commit suicide.

Unofficial Rape: Two Finger Test

In the thicket of harrowing procedures and prejudices that a woman in India must traverse to arrive at some semblance of recovery and justice after a sexual assault, is a medical examination called the "finger test". The test is done by the doctor who examines the woman, and whose report is used as forensic evidence in the subsequent trial. The doctor uses the test to note the presence or absence of the hymen and the size and "laxity" of the vagina. The test is used to assess whether the girl or woman who has been raped is "habituated" to sexual intercourse.

A report by Human Rights Watch, titled 'Dignity on Trial: India's Need for Sound Standards for Conducting and

Interpreting Forensic Examination of Rape Survivors', highlights the use of this practice. The test is "unscientific, inhuman and degrading", the report notes. The report was released in Mumbai on September 6, 2010. The proposed Criminal Law (Amendment) Bill 2010 is expected to introduce a more comprehensive definition of "sexual assault" and amend rules for procedures and evidence for trials in cases of sexual assault. This makes the HRW report's emphasis on the need to completely prohibit the use of the "finger test" (or the "two-finger test" as it is alternatively called) especially relevant. "As long as the two-finger test remains, it will provide the defense with a ready-made line of argument. And rape trials in India will be dependent on the individual sensitivity of judges, prosecutors, and defense counsels. Why should that be the case? It is an archaic procedure and needs to go," Rebecca Mammen John, a criminal lawyer in New Delhi, says in an interview to HRW. The report draws on interviews conducted by HRW researchers in Mumbai and Delhi with 44 people including doctors, health rights activities, women's rights activists, lawyers and judges. HRW also analyzed 160 judgments; of these 153 were from High Courts across the country and seven were Supreme Court judgments, all passed during the last five years. The judgments were analyzed to determine how medical opinions based on the "finger test" were used in rape trials beyond Mumbai and Delhi.

Related Cases

During the partition of India, some 100,000 women were claimed to have been kidnapped and raped. In March 2004, a 59-year old Australian Brahma Kumari adherent Dawn Griggs was murdered and raped on her way to the sect's headquarters in Mount Abu. A senior homicide police official described Ms Griggs's killing as "savage". A Russian national working in India claimed that she was raped by a Goan politician on 1 December 2009 after having dinner with him that evening. Shantaram Laxman Naik, an MP of the Indian National Congress, occasioned widespread disapproval, when he said, "...an alleged rape of a lady who moves with strangers for days together even beyond middle of the night is to be treated on a different footing."^[44]^[45] Mamata Banerji stated ^[46] that free interaction between men and women today has led to these crimes. The gang rape of a 23-year old student on a public bus, on 16 December 2012, sparked large protests across the capital Delhi ^[7]. She was with a male friend who was severely beaten with an iron rod during the incident ^[49]. This same rod was used to penetrate her so severely that the victim's intestines had to be surgically removed, before her death thirteen days after the attack. 2012 Bikram Singh Brahma was accused of raping a woman in the Chirang district of Assam. He was caught by villagers who heard the woman's screams. He was stripped of his shirt and beaten by locals and was suspended

from the ruling Congress party In March 2013 a Swiss couple who were cycling from Orchha to Agra, were physically assailed by 8 locals, the man was overpowered and tied up while the 39-year old woman was gang-raped in front of her husband at a village in Datia District where they decided to camp for a night. In August 2013, a 22-year-old photojournalist, who was interning with an English-language magazine in Mumbai, was gang-raped by five persons, including a juvenile, when she had gone to the deserted Shakti Mills compound, near Mahalaxmi in South Mumbai, with a male colleague on an assignment. In August 2013, a School Teacher in Arunachal Pradesh was arrested for raping fourteen underage girls in a hostel where he was warden. The sexual exploitation allegedly continued for over 3 years, until one of the girls filed a police complaint In May 2014 two girls aged 14 and 16 were gang raped in the northern state of Uttar Pradesh. The girls were then hanged from a tree. At least two police officers were suspected of involvement in the crimes.

Life of Victim after Rape

In a country where premarital sex is still taboo, victims of rape, particularly those who aren't married, have traditionally been viewed as "polluted and impure" after being violated. Many rape survivors, even those from urban educated families, are ostracized by family members or their communities. In some cases, family members advise rape victims not to report the attack so as not to lose out on the chance to marry. A woman who goes through such horrible incident are often confined inside home. And if their case is a famous one the job opportunity declines as the Indian work structure doesn't want any rape victim to be their employee. The mental trauma itself is big for any victim plus negligence and treatment of society as an outcast to them increases the suffering

Solution

Elimination of all kinds of Injustice and Violence against Women' – Voice raised against all kinds of discrimination – Twenty-first century's modern women refuses to bear atrocities within and outside the family silently. They have raised voice against all kinds of discrimination and oppression and are demanding with insistence basic human rights and privileges. They want to live life in their own way. The charged atmosphere created by the recent protests and agitations has mounted up and tremendous pressure on the government. Result – Justice Verma Committee was set-up after Nirbhaya episode to examine various dimensions of the issue. It suggested for quicker trial and giving deterrent punishment to criminals, committing such crimes of extreme nature against women. Concerted efforts on priority basis are needed to secure safety, security and rightful place for the women in the society and to keep the fire, ignited by 'Nirbhaya' episode, burning. An ambience should be created, wherein women can live and work with dignity and honour on an equal footing with men both at home and work-place. Modern women have come out of their protective shell – four-walls of the house. They are trying their best to restore lost prestige and secure due place in modern world. They have marched ahead, though slowly but steadily with tremendous self-confidence and inner strength. They are actively participating in nation-building activities and have paved way even into the precincts, which have been considered as an exclusive male preserve. Their entry there is resented by some persons, but women are facing it

bravely. They work very hard to prove their worth and make their presence felt.

Conclusion

India being a patriarchal society where women is judged on each and everything but basically on the patriarchal notion of purity where being women is a matter of pride but only in epic and religious text, the women faces the all the ill of being so. If analyzed carefully neither a girl when she is in as defined by the patriarchal setup the state of purities safe neither after it. In order to protect the women's from this evil, it is required that the code of laws related to crimes against women should be amended. Women's should be made aware about the legislation through awareness program because the law alone cannot be able to curb this menace of "Crime against Women." Along with which proper teaching to the male sex of the society is also important as in the majority of the cases they are found faulty and in the current scenario contains the large population. The approach of rape is based on clothes, attitudes have deteriorated the mindset. Rape is not about physical molestation it is the mental trauma as well. Sensitization of judiciary from top to bottom level can help in curbing this. But most importantly the proper upbringing of the boys alias the future men in a way that from childhood they learn to respect and treat the other sex esp. women at par. Parent's families' schools other religious institutions can play a major role in gender socialization of boys also girls. The process may appear to be lengthy one but it isn't achievable. to make a society worth living for women with dignity pride and safety all the institutions of the society as well as state have to work together in a cyclic position maintaining the balance. After all it's a place which has been created by them

References

1. Paust. Jordan Houston Journal of International Law, Winter 2000, Vol. 22(2).
Human Rights Purposes of the Violence against Women Act and International Law's Enhancement of Congressional Power
2. Antoinette Paludi Michele-The Psychology of Sexual Victimization: A Handbook
3. Brownmille, Susan -Against Our Will: Men, Women and Rape Law
4. DAS, P.K- New Anti-Rape Law
5. Ratanlal & Dhirajlal, revised by Justice K.T. Thomas & M.A. Rashid-The Indian Penal Code 34th edition, Reprint August 2015.
6. Awasthi S.K Digest on The Indian Penal Code, 1860 revised edition 2002.
7. National crime record bureau ,India
8. Tables and data from handbook of UNICEF and WHO
9. Analyzed 30 houses nearby Bhojubeer area of Varanasi district and recorded the recent rape cases from January 2012 to April 2015 to give the personal and public suggestions in the report
10. National crime record bureau, India
11. UNICEF, WHO
12. Definitions according to Indian penal court
13. Analyze 30 houses nearby Bhojubeer area of Varanasi district and recorded the recent rape cases from January 2012 to April 2015 to give the personal and public suggestions in the report