

# Rape Culture: A Violence against Women Running Through Ages

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## Abstract

Despite many national government efforts such as Beti Bachao Beti Padhao—Educate the daughter, save the daughter—the crime rate is on the rise. According to Georgetown University's Institute for Ladies, Peace, and Security Index, India ranks 133<sup>rd</sup> out of 167 countries. The 2019 report rates 167 countries based on three indicators: inclusion, justice, and security for women. According to the report, with multiple occurrences of harassment and rapes in the last two years, women's safety on the streets and in public places has decreased. According to government statistics, roughly four women are raped in this country every hour. Unfortunately, most cases go unreported due to embarrassment, poor management, and other factors. When will the country prioritise women's safety? It is dangerous to be a woman in India. It is a rape culture in which girls are told how to dress to avoid "inviting trouble" and "slut-shaming," therefore normalising male hunting behaviour. India is a country where the rule of law is based only on evidence. As a result, whether or not the child will receive justice is a matter of time. The major question is, why don't the monstrosities on women stop? Incidents like as the Nirbhaya, Priyanka Reddy, and Hathras instances have only served to humiliate humanity. Despite having the strongest rape laws in the world, the instances just won't go away. So, where is the issue? What is lacking in today's society? We are plagued with a slew of questions. Some of the grounds for rape are considered to be the prevalence of vulgarity in Indian cinema, online series, and even some television shows. The Internet revolution and the all-too-accessibility of smartphones have made porn or dirty sex-detailing accessible to all. Both the law and society have to take responsibility to get rid of the wrongdoings like rape. The process of justice in the country has become so complicated that the victims are getting discouraged. The process of justice has to be streamlined, only then every person will be able to get justice in time. Today rape cases need to be resolved at the earliest. If it is a matter of law, then a law was made to stop the incidents of rape, but we have to see how much sensitivity towards women has increased in the meantime? There stands no humanity. The government has made law but has not been able to implement it. The Internet revolution and the all-too-easy availability of cellphones have made porn or nasty sex-detailing available to everyone. To eliminate wrongdoings such as rape, both the law and society must accept responsibility. The country's court system has gotten so convoluted that victims are becoming disilluminated. Only through streamlining the legal system will everyone be able to receive justice on time. Rape cases must now be settled as soon as possible. If it is a matter of law, then a law was enacted to prevent rapes, but we must wait and see how much sensitivity toward women has increased in the interim. There is no humanity here. The government has passed legislation but has been unable to put it into effect. Rape instances in our society today are not just due to sexual attraction, but also to a lack of awareness of men's rights over women. This occurrence is still carried out by family members at home nowadays. In such a case, society must also acquire moral understanding so

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*that their conscience can be awakened before committing such wrongdoings.*

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## INTRODUCTION

Rape is a crime that involves forcing intercourse on a woman or a girl against her will. Women have the right to live their lives and enjoy their liberties, as well as the right to be respected and regarded as equal citizens. Their honour, freedom, and dignity must not be tampered with or violated. They assert the right to live an honourable and quiet life. Before committing a crime against a woman, anyone must consider the implications and be fearful of the law and its penalties.

Often, justice is rarely served. Most rape victims are afraid to file a complaint because of the stigma and embarrassment associated with it in society. Even if a complaint is filed, the perpetrator may still get away due to a lack of knowledge about the applicable legislation. Every hour, two women are raped in this country, with Madhya Pradesh fulfilling the country's moniker as the "Rape Capital" by topping the list of such events. We now know that, as a result of the April 2013 Anti-Rape Bill, the perpetrators face life imprisonment and, in extreme situations, the death penalty. Rape is rape, no more and no less, and anyone who commits it should be punished to death.

Rape culture pressures women to sacrifice their freedoms and opportunities to stay safe, because it puts the burden of safety on women's shoulders, and blames them when they don't succeed. Call it rape, not consenting sex. As a result, certain opportunities are left unavailable to women, and still, others are restricted by expensive safety precautions, such as not travelling for professional networking unless you can afford your safety and people don't understand when women give up social and economic opportunities to stay safe, that affects their progress overall, which in turn affects society's progress overall. The goal of talking about rape culture is about much more than just reducing the frequency.

## EVALUATING THE RESEARCH OF CASES

On December 16, 2012, a 23-year-old woman was raped in a moving bus; she was beaten, tortured and Gang-raped. She was travelling together with her friend and was waiting at the bus stand with him. She died of her injuries on December 29, 2012. The protest happened thereafter also changed in the law about violence against women and she got justice after 7 years. In 2013, the criminal law amendment act was passed which provide 20-year sentences for rape and the death penalty in extreme rape cases. The federal government also found out a special "Nirbhaya Fund" in 2013 to assist women who had been attacked and to improve public safety for ladies. But none of those moves led to any decrease in the number of rapes. This results in significant discomfort and harassment for ladies, discouraging them from reporting any quiet violence [3].

In 2017, a rape case led to a serious controversy. A lasso was raped by BJP state lawmaker Kuldeep Singh Sengar, his brother and a couple of others. The woman's father was beaten badly by Sengar's men in police custody after he was arrested on a false charge. He died in police custody, Sengar's political authority and power ensured for a long time that the police didn't register her complaint. Sengar was finally found guilty after the case and therefore the trial was removed from the state and sent to Delhi [5].

However, there are several cases where courageous women have come to the fore and reported crime, but the police haven't registered a proper complaint. A major reason why rape cases are so poorly investigated and prosecuted in India is conforming deeply patriarchal societies [5].

Section 375 of the IPC made punishable the act of sex by a person with a lady if it had been done against her will or without her consent. The definition of rape also included sex when her consent has

been obtained by putting her or a person in whom she is interested, afraid of death or of hurt. Also, sex with or without her consent, when she is under 18 years is taken into account rape. However, under the exception, sexual activity or sexual acts by a person together with his wife, the wife not being under 15 years aged, isn't rape [1].

Section 376 provided for seven years of jail term to whoever commits or attempt the offence of rape. India, thus, has been told "the most dangerous country for women" by many human rights activists. But why is India so susceptible to gender-based crimes? [1]

## **JUSTICE SYSTEM**

1. Whoever commits rape should be punished with strict imprisonment of either description for a term which shall not be only ten years, but which can reach imprisonment for life with a liable fine [2].
2. Anybody at all—(Custodial Rape)
  - Commit a rape as a police officer.
  - Within the bounds of the police headquarters to which such policeman is appointed;
  - In the premises of any station house;
  - On a woman in such police officer's custody [2].
3. Being a public servant commits rape on a woman in such public servant's custody [2]
4. Being on the management or the staff of a jail commits rape on any inmate of jail, remand home, place or institution [2]
5. Being in the management system or the staff of a hospital commits rape on a woman in hospital [2]
6. Being a relative, guardian or teacher or a person in a position of trust or authority towards the woman, commits rape [2]
7. Commits rape on a woman knowing her to be pregnant [2]
8. Commits rape, on a woman incapable of giving permission; or Separation of Law and Order and Investigation [2]
9. Being in a position of control or power over a woman commits [2]
10. Commits rape on a woman suffering from mental or physical disability [2]
11. Commits rape continually on the same woman [2]

## **THE MEDICAL EXAMINATION: COLLECTION OF PHYSICAL EVIDENCE**

The following types of physical evidence should be collected during the medical examination for laboratory analysis:

1. Hair (both pubic and head hair) [6]
  - Cannot individually identify a person unless the root is present;
  - Does provide strong corroborative evidence individual was at the crime scene;
  - Can be distinguished between human and animal;
  - May be able to determine race; and
  - May be able to establish the part of the body from which the hair came.
2. Fibers [6]
  - Limited value due to mass production of clothing; and
  - In rare cases, can be used to deduce individual identification with a high degree of certainty.
3. Blood
  - Can be distinguished as to human or animal; and
  - DNA analysis can provide individual identification.
4. Fingernail scrapings [6]
  - Used to collect DNA evidence for individual analysis and identification.

5. Vaginal, rectal and oral swabs and smear [6]
  - Used to collect DNA evidence for individual analysis and identification.

#### **OBJECTIVES OF RAPE EXAMINATION ARE**

1. Medical assessment and treatment of injuries and assessment, and prevention of pregnancy and STDs.
2. Collection of forensic evidence.
3. Psychological examination.
4. Psychological support.
5. Investigation and requirement for the examination of rapist following point should be kept in mind:
  - Position of Criminal Act;
  - Place, date and time of the crime;
  - The Mental State of Victim, physical bodily injury;
  - Statement of the victim;
  - Location of occurrence and condition of its surroundings;
  - The statement should be given to a female cop ;
  - The marks of tear, semen or blood or saliva found on the garments of the victim(s);
  - Age of victim(s);
  - Character of the victim(s);
  - Statement of suspects;
  - Sending the cloth, shoes, chappals, mattress, towel, rug, cushion, fingerprints, footprints, blood, hair, saliva, semen stains, etc. to the laboratory for DNA fingerprinting or any clinical test or reports on it;
  - The other relevant physical objects which can give some clue;
  - The victim(s) should be checked and treatment should be provided by some medical officers;
  - The victim(s) should be sent to the hospital immediately under the surveillance of women constable for her further examination.
  - The report shall state exactly the explanations for every conclusion received.
  - The precise time of beginning and actuality of the examination shall even be noted within the report.

The dearth of identical tactic in gathering medical evidence for rape cases is one of the primary reasons why the conviction rate is so low [2]

1. The verdict for the Delhi Rape case was announced in September 2013 after a nine-month-long trial in the court. The court handed down the death penalty to the four surviving assailants involved in the gang rape (the first accused committed suicide while he was in police custody and the sixth one was a juvenile). The court categorized this case to fall under the rarest of rare category.
2. The government also made amendments to various sections of the Indian Penal Code to include the death penalty in certain rape cases.
3. The Act also included the previously left out offenses such as sexual harassment, voyeurism, acid attacks, and stalking. All this was done to give the country a stronger rape law and prevent the occurrence of such incidents. Although multifarious views exist in the field of rape and allied crimes these studies are dispersed in nature and need a holistic integration to delve deeper into the cause and consequences of rape.

#### **THE PRINCIPAL FEATURES OF THE EXAMINATION ARE**

1. Essential Information

2. Bodily Examination and Mental Situation
3. Signs of struggle on clothing and physique
4. Restricted examination of the vagina

#### **Order of gathering of Evidence**

Apparel Collecting trace proof from the victims clothes (outfits) may not be misplaced if the victim is instructed to advise over a drop sheet of paper [2]. Drop sheet the drop sheet may have evidence from the culprit like pubic hairs, head hairs, skin hairs and apparel fibres. The drop sheet may have evidence from the scene like sand, fibres or vegetation. The drop sheet should be folded in the sort of manner to retain any evidence, placed during a sack and sealed with a patient label [2]. Sanitary pad/tampon these items should be dried if wet and sealed during a double sack [4]. Fingernail scrapings an allegation of the victim nails scratching the assailant may leave foreign DNA or fibres under the patient's fingernails. A wooden swab stick could even be broken half, one used for each hand, and thus the remnants placed during a sterile urine jar. Alternatively, the fingernail(s) are often cut and thus the clippings placed within the container [4]. Oral swab Spermatozoa within the mouth collect within the same places as saliva. The only reservoirs are therefore the gingival margins of the lower teeth and under the tongue. This swab should be done if there's an allegation of oral penetration within the last 12–24 hours [4]. Saliva on skin Assailant DNA is often recovered. The double swab approach involves (a) swabbing the affected area with a swab moistened with water, accompanied by (b) swabbing with a dry swab. Both swabs must be air-dried and submitted [4]. Semen on skin the double swab approach is used for skin where dried semen could exist [1]. Vaginal swab a swab is crazy or without the use of a speculum, depending on patient/doctor preference [1]. End cervical swab can be obtained with the utilization of a speculum for direct visualization of the cervix. Utilize warm water to lubricate the speculum [1]. Victim DNA for comparison if there's no allegation of oral penetration, a buccal swab could even be taken. Otherwise, blood will provide DNA [2]. Urine for drugs Instruct the patient to provide a full sterile container of urine to medical officers [4].

#### **Issues**

The Judiciary in India is burdened with a lot of work and therefore the judgment of the rape cases takes a lot of time to come. One of the common reasons why criminals don't get punished is the delay and poor police investigation. Reasons such as hostility of witnesses and complaints and the familial pressure on the victim also play a role. So, there should be speedy ordeals in rape cases so that the victim gets justice as it is rightly stated that "Justice delayed is justice denied. "Justice should be made; we don't need a new law; we need those laws to function. Strict imprisonment for such cruel crime should be implied, and which shall not be less than 10 years but which may be for life or sentenced to death and shall also be liable to fine: Unfortunately other than the added minimum punishment of 7 years to 10 years, no other special settlement is given to victim and what she gets in return is trauma for whole life. Even in some cases the minimum punishments are often reduced by the judges.

#### **SUGGESTIONS**

1. Safety of women starts at home. Public space would get safer for ladies if our homes are safer. Family is the symbol of society. Constitutions alone cannot protect women. Moral values can help improve society and mentality. The society and the police, in particular, need to be awakened and act.
2. Set up a special cell for investigation
3. Why laws are not deterring rapists from committing a horrible crime is a serious question. There is an urgent need to set up a special cell which should consist of counselling of psychologists and psychotherapists to research why rapists aren't frightened of severe punishment for his or her acts and a detailed report should be submitted noting a solution to prevent such crimes in future.
4. Women empowerment is intolerable for some people in our country.

5. The increase in rape cases is disturbing trend for everyone. Some people with contorted minds enjoy such activities. People, who follow religious and political leaders, need to change this mindset. The Punishments should be made so harsh and police should assemble fear of law in minds of culprits.
6. Criminals assault within the city as per their will. It seems culprits have no fear from law enforcing agencies. Cooperative patrolling needs to be implied in some specific sectors in the city, which are more unprotected to a crime against women due to their proximity to nearby cities. Both the police and therefore the public will need to add coordination to prevent crime against women. The general public should come to the fore to assist in catching criminals. CCTV cameras must be installed across the town to prevent crime. Dark spots should be identified and illuminated.
7. Stop telecast of improper programmes. Little question women are moving towards modernization and flying towards success in every sphere of life, but moral values and ethics are experiencing a steep fall. The Media is equally responsible for the crime against women to some extent. Movies are crammed with violence, kidnapping and immortality and such should in the name of entertainment purpose. It's our responsibility to make moral and inculcate ethics in young and budding minds.
8. Judgments must be pronounced in a month.
9. The increase in rape cases in the Tri city is terrible and awful. Schools and institutes must impart discipline to assemble the character of their students. Instead of keeping the wrong thoughts, men should respect women.
10. To check the disturbing trend of rising crimes against women, Boys and girls should be educated from an early age to respect the opposite sex. Such instruction should continue through schooling and higher education until its end. Access to pornography now available in the epidemic form must be controlled.
11. NGO and civil society also got to the fore to contribute to containing incidents of crime against women.
12. Some greedy lawyers linger on cases for money. No immediate punishment is given.
13. Occurrences of rape and crimes against women are on the increase within the country as an entire. Merely, holding protests and silent candle marches won't serve any purpose.
14. The administration should make adequate and extensive arrangements for the security of girls. Taxies and auto-rickshaws should be allowed to ply after adequate and legal police validation. The number plates of all vehicles should be clear and readable. They need to keep a watch on the activities of drivers.
15. Once in a month, a friendly meeting should be conducted in schools by a psychiatrist, where a girl can share problems. It can be abuse, any incidence, depression, or anything which is disturbing her?
16. More stress should be laid upon value-based education in our schools so that the male member of society is taught gender sensitisation. Special women squads should be assigned to tackle cases of crime against women.
17. Public spaces would get safer for girls, if our homes will get safer for them. Culprits are born in our homes. Let a day in practice, be Women's Day in our homes, offices, outskirts and nation. When our homes will get transformed, the nation will automatically get transformed in due course and will learn to respect every woman.
18. Judgment of every case within 90 days. To avoid misuse of money power, lie detection tests should be directed on all accused. However, to minimise the misuse of the law, rape cases should be separated from consensual sex, which has given rise to business for the police and courts.
19. Women, first of all, got to learn self-defence techniques to combat rape sexual assault stalking and violence. Streetlights must be functional to prevent criminals from taking advantage of darkness.



20. Maximum rape cases are registered after breaking of affairs due to non-fulfilment of marriage promises. Girls should be educated to remain aware and attentive right from home to workplaces and educational institutes before being emotionally ransacked.

## CONCLUSION

In India, there is a pretty concept of man dominating society, which is why we lag behind. Women's protection in our country cannot be assured solely through legislation and guidelines. Many studies have found that sexual assault and rape are the most heinous forms of violence. Rapists are well aware that, according to the law and order, they will be imprisoned for all crimes committed, court hearings will be held, and while further rapes may occur, those 100 sittings will never provide justice to the survivors. Our reality is shaped by the language we use, how we behave, and the words and phrases we use on a regular basis, therefore this toxic society that promotes men to consider women as tolerant sex objects must be addressed. When a sexual act is performed without the consent of the other person, it becomes more abusive and illegal. Despite the fact that the legal definition of rape in international standards is unambiguous, it appears that society has not fully accepted it. Along with the 'boys will be boys' mentality, this warps sex into something for males, done by men to women, with little regard for the woman's sexual enjoyment or well-being. The main driving causes behind crimes against women are patriarchy, unequal genders, traditional cultural traditions, and so forth. While the Nirbhaya case attracted the nation's attention, many other similar instances, such as the Hathras Case, multiple acid-attack cases, and online sexual harassment cases, have not. Gender equality is a lost cause unless the deep-rooted patriarchy is eliminated, and the country's judiciary and administration do not fully support the abolition of these offences. It is past time for the country to modify its attitude toward existing patriarchal customs and culture, or else India would continue to bear the moniker "The Most Dangerous Country for Women to Live in." The Nirbhaya case proved to be a tipping point for the nation's tolerance of such heinous atrocities committed by men. Though one should be grateful that this case led in tighter rules against similar crimes, much more work need to be done. The Judiciary and Administration system needs to become more efficient so that the accused/guilty are penalized as early as possible, and not after three years like in the Nirbhaya case. In India, a woman is raped somewhere every 16 minutes, and every four minutes a woman experiences cruelty at the hands of her in-laws. In 2019, the country had recorded 88 rape cases every day. Of the total 32,033 reported rape cases in the year, 11% were from the Dalit community. Many of these cases are under-reported, as women are afraid to come out and speak about their experiences. Women are sometimes asked to just accept these atrocities, which contributes to the normalisation of rape culture. Violence against women will only increase in the next years, indicating that it is past time for us, as a nation, to take a stand and work toward changing our perspective toward our society's conventional socioeconomic values. It is past time for us to speak out against gender-based violence. It is past time for us to speak up and condemn barbaric brutality against girls and women. Every voice counts. No one wants to talk about rape cases, the media is preoccupied with celebrities getting married, and our system is preoccupied with filthy politics. The gap between the rule of law and its implementation must be bridged. This conflict must be terminated, and the rape war against women must be stopped.

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