



“State Of Rape Victims In India”

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ABSTRACT

Rape is one of the heinous offences and in our society it is a stigma and people blemish this directly or indirectly to victim only. The conditions of victims of Rape in India is not so satisfied because they faces a lot in our society or we can say that the impacts or aftermaths of rape are dreadful. To get justice, the victim has to go through the atmosphere of such a way as if the same crime is being repeated with her again. Many barriers also come between a rape victim and justice. Sometimes even to register a complaint is a big fight for her or for her family especially for the poor or marginalized communities. The support services are also not so much active. So a victim of rape confronts many physical, psychological as well as sociological impacts after the incidence.

There is a need to change the mindsets of the society. The victim or survivors of rape required to be supported by the society, the society must ensure them that it was not her fault, and we are with them. Basically supporting the rape victims is the requisite of our society.

In this report, we present the effects and aftermaths which are faced by the victims of rape and also the barriers which are faced by the victims in the journey to the Justice. The basic hindrances or problems which a woman victim faces from various authorities like police authorities, medical professional and also from the society. And finally we conclude this report by giving various measures to overcome this situation and how situations can be made adequate for woman.

INTRODUCTION

Rape is not a new concept to our society. It was prevalent in ancient and modern time also. Rape in our society is a stigma and if we talk about reality there are a large numbers of rape cases which goes unreported just because of the societal perception. The response which a rape victim gets is not less than a rape; they feel ashamed and humiliated when they come forward because of the society's thinking that it's the woman's fault. And if the woman is unmarried she has great difficulty in getting married because society treat her like untouchables. Along with that there is a constant fear to the families of the victim or victim herself in reporting the offence. Simply we can say that the survivor of Rape offence almost feel like she is the one who did commit any

crime. So it is the most important need of our society to make such kind of laws and also to do such amendments in our laws which not only gave justice to the victims but also help them in starting their life afresh and the support authorities or society must try that she feel secure and comfortable after that incidence.

In India Rape is fourth most common crime against women in India. According to the 2019 annual report of the National Crime Records Bureau (NCRB), 32033 rape cases were registered across the country, or an average of 88 cases daily. Rape is a traumatic experience which impacts the victims in physical, psychological, and sociological way. In India the Rape survivors face a crucial barrier in obtaining justice and other support services. We can say that the state of rape victims in India is not in a satisfying condition because the rape victims not only face hurdles in getting justice but along with that she also confronts the society which has a totally different perspective. I would like to say without any doubt that like in the present situation how people run away from COVID-19 positive person similarly in normal circumstances people run away from the victim of rape like she is the one who committed the offence. The 82-page report, **everyone blames me: Barriers to Justice and Support Services for Sexual Assault Survivors in India**, in this report the woman who survives rape and other sexual offences usually suffers humiliation and faces miserable conditions in police stations and hospitals. Authorities most of the times are unwilling to register complaints and victims and witnesses sometimes don't receive any protection, medical practitioners even now compel the victims for "two-finger" tests. The rape victims in India even after Rape face a lot which a person even cannot imagine. As we all know, 8 years ago, the whole country was in shock the limits of brutality were crossed in Delhi Gang rape case. Now a time there are very stronger laws and policies, but there is no proper implementation of those laws and policies and also the police authorities, doctors and courts must ensure that the victims of the rape must be treated with dignity. In fact rape victims face many barriers to justice also.

"We have never seen such brutality all over lives" this was the statement of the doctors of Nirbhaya's case, the girl who was gang raped in Delhi in a bus which led to ultimate organ failure and ultimately results in death. Here a question arises, "Is a woman's dignity and life worth anything in this country"? If we particularly talk about the Nirbhaya case then it took more than 7 years in delivering justice to the Victim.

As observed by **Justice Arjit Pasayat**

"While the murderer destroys the physical frame of the victim, a rapist degrades and defiles the soul of a helpless female."

In a famous case **Rafiq v. State of U.P** "A murderer kills the body but a rapist kills the souls."

"It takes time to change mind-sets, but the Indian government should ensure medical counselling, and legal support to victims and their families, and at the same time do

more to sensitize police officers, judicial officials, and medical professionals on the proper handling of sexual violence cases.”

Victims of rape or sexual assault come from a wide range of genders, ages, sexual orientations, ethnicities, geographical locations, cultures, and degrees of impairment or disability. Incidences of rape are classified into a number of categories, and they may describe the relationship of the perpetrator to the victim and the context of the sexual assault. These include date rape, gang rape, marital rape, in consensual, child sexual abuse, prison rape, acquaintance rape, war rape and statutory rape. Forced sexual activity can be committed over a long period of time with little to no physical injury.

Background

After 1860 for over a century, the laws relating to sexual offences and rape remains unchanged until the incident of **Mathura Rape case**. The verdict of this case sparked the protests all over country and this leads to change in existing laws. After this the **Criminal Law (Amendment) Act, 1983** passed which inserted a new Section 114-A in Indian Evidence Act, 1872, in which there is presumption of absence of consent in prosecutions of rape if the victim says so.

Further in Indian Penal Code, 1860 a new Section 228-A was added which made the disclosure of victims of certain offences including rape a punishable offence.

After that the major changes were brought in 2013 by **Criminal Law (Amendment) Act, 2013**, after the report of Justice J.S. Verma Committee. Age of consent was raised from 16 to 18 by this Amendment. Sexual intercourse with a woman with or without her consent when she is below 18 years of age amounts to rape. A woman under 18 is considered incapable of giving consent for sexual intercourse. This amendment also expanded the definition of Sexual offenses which now include Sexual Harassment, Voyeurism and Stalking. New sections were added to the Criminal Law with this Amendment. This Amendment proved to be the most crucial Amendment in Criminal Laws which brings a lot of changes regarding these laws.

Rape Victims Faces Barriers to Justice

Rape has such a terrible effect on woman due to which her whole life changed. From time to time, the law has been changed along with the changing environment, for which new laws related to women were brought and revised. The major amendment was brought in 2013 after the **Nirbhaya Case** on the recommendation of Justice JS Verma Committee. This Amendment of 2013 expanded the definition of Sexual Offences. Now the term Sexual Offences also include Sexual Harassment, Voyeurism and Stalking. Before this Amendment there was no any punishment for the above acts. As per many surveys it was reported that there was delay in investigating the case and in filing charge-sheets. The aggrieved person or their relatives says that they feared after filing complaints against the crime because the accused easily gets bail and give threats to the

Victim or their families. The proper protection is not provided to the victims during the pendency of trials also even if the protection is required. Sometime it was also highlighted that the police authorities or other supportive authorities does not take crime seriously just because a girl or woman who was raped is belonged to a low caste. The victims from marginalized and poor communities lack sufficient legal assistance because they are not aware about their rights and in a ruling Supreme Court ruled out that the Police shall provide legal assistance to the victims of Sexual Assault and also keep a list of legal aid options. There are number of initiatives which are taken by the National and State Governments to support the victims of Sexual Assault but due to proper monitoring and evaluation they are not so effective.

The resources we have and the support may assist the victims in numerous ways and with this support they may feel confident and it will become easy in some way to cope up with the tragedy they had been go through. There is a lot of need to change the way society views a rape victim.

The primary barriers which are faced by a victim of rape are:

- i. **Difficulty in Register Complaints:** -The survivors or victims especially who belong to lower or marginalized communities faces difficulty in registering a complaint. The Human Rights Watch also find out that in India the victims usually afraid to report the crime because of the threats from accused and to they also find it difficult to overcome from the barriers of Justice which provide almost no protection to the victim.
- ii. **Suffers Humiliation:** -The victims of rape often suffer humiliation by various supportive authorities and also by police authorities, the medical professionals even after the guidelines of Supreme Court follow the degrading tests like “two-finger” test etc. Rape is an offence against woman but in our society woman is treated like she is the one who committed the offence. Rape is still construed as women’s shame and the woman also feel not comfortable in talking about the offence of rape.
- iii. **Poor Police Response:** - The Police Authorities do not always follow the rules which are provided by the statutes. Sometimes the authorities pressurise the victim’s family to settle or compromise.
- iv. **Failure to provide access to Adequate Health Services:** -In 2014, Ministry of Health and Family Welfare issued guidelines for medico-legal care for survivors of sexual violence to standardize healthcare professionals’ examination and treatment of sexual assault survivors. These guidelines provide better scientific medical information and also eliminate the myths like two finger test by limiting it to internal vaginal examinations. But as per India’s federal structure, health care is the matter which comes in state list, so State Governments are not bound to follow these guidelines. So far only a few state have adopted these guidelines.

- v. **Lack of access to effective Legal Assistance:** - the survivors especially who belong to poor or marginalised communities confront the inadequacy of legal assistance. They even are not aware of their rights of legal aid. In 1994, Supreme Court issued guidelines, in which court ruled out that the victims of sexual assault should be provided legal assistance and it is the duty of Police authorities to keep a list of all legal aid options in all Police Stations.
- vi. **Lack of Support Services:** - In India there is no such nationwide monitoring and appraisal structure to assess the implementation and efficacy of laws governing violence against woman. In 2013, the Central Government take an initiative for the help of rape victims by establishing Nirbhaya Fund for prevention, protection and rehabilitation of woman, by allocating funds. Many other schemes for this purpose established but there is lack of coordination and little awareness about these schemes to the public.

EFFECTS OF RAPE ON VICTIMS

Rape is such a traumatic experience which leaves many impacts on the victims physical as well as psychological. The impacts which a victim may go through are:

1. Psychological Impact

- Immediate effect – the survivors or victims usually have fear, scary thoughts and nightmares followed by the incidence.
- Anxiety – they have high level of anxiety or phobia after the attack. They often also have the feeling of nervousness, uneasiness, dread or may have panic attacks.
- Hyper sexuality – this is also one of the impact on victim.
- Post-traumatic Stress Disorder- The National Victim Centre and the Crime Victim's Research and Treatment Centre released a report which have finding that 31% of the woman after the incidence at some faces PTSD.
- Depression
- Self-Blame – it causes in victim lack of motivation, empathy, feeling of isolation, anger, aggression etc.
- Suicide – survivors of rape are more likely to commit suicide because they feel embarrassed about the victim, have feeling of self-blame.

2. Physical Impact

- Gynaecological effects – like survivors suffer vaginal bleeding or infection, vaginitis inflammation, chronic pelvic pain, urinary tract infection etc.
- Pregnancy
- Sexually Transmitted Diseases

3. Sociological impact and mistreatment of victims

After sexual assault, victim is subjected to investigation and sometimes it may convert into mistreatment. During the trial victims also suffer a loss of privacy and her credibility also challenged. Secondary victimisation and self-blaming is also the effects which are faced by the victims of Sexual assault.

- Secondary Victimisation – as we know in our rape is a stigma or a taboo regarding sex and sexuality. For example, a victim of rape is treated as damaged by the society. They may abandoned by their own families or friends, have feeling of isolation, or have problem in getting married, divorced by the husband if already married. This is known as Secondary Victimisation.
- Self-Blaming – here the term blaming refers to making responsible for the crime to the victim, like in this context society makes different attitudes towards the rape victim like the behaviour of woman with male members, her dressing sense and all. These all things can cause to believe in victim that the crime was her fault.

CONCLUSION

After studying the effects of rape on victims in India and barriers which are faced by the victims of rape we may conclude that there is an urgent need of change in our society towards the survivors or victims of rape. What our society needed is to support the victims of rape. There must be fast track courts for the trials of the rape victims and there must be a limitation period in which the cases of the rape must be concluded. The training and regular courses may also be provided to the authorities like polices officers, judicial officers, and other medical professionals so that they can handle these types of cases more properly. Security should be provided to the victim as well as witnesses for which laws should be made. The support services which are meant for the victims of rape must be easily accessible and well equipped. The Government must implement and develop more tactile plans to make the public places safer and comfortable for woman. The Sexual Education should also be there as basic education in schools because even in 21st Century people are hesitant to talk about sex education in front of their children.

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