

ASSAULT AGAINST WOMEN IS AN ASSAULT AGAINST SOCIETY

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“The murderer destroys the physical body of the victim; The rapist degrades the very soul of the victim”ⁱ

An incident happened in the year 2012 and it took more than 7 years for the law to provide justice to the victim and her family.

For years we have been taught, a coin has two sides. You flip the coin, one side wins, the other side loses. We have been living in a society where women live their lives similar to a coin. On one hand Goddesses like Saraswati, Lakshmi is worshipped and on the other, women of every age are raped.

Maintenance of peace and order is essential in any society for human beings to live peacefully without any fear of their lives or property but there is hardly any society which is without the problem of crime.

To ‘forcible seize’ someone is to rape them. ‘Rape’ is the forcible ravishment of a woman done against her will and consent. It is against the basic human rights and also violates the victim’s fundamental rights, mainly, right to life in Article 21 and gender equality in Article 15. Where earlier, the involvement with the genitals of a female was termed as a rape, after the 2013 Amendment, now, even looking at someone with a wrong intention is raping them. Newly described by the 2013 Amendment under Section 375 IPC ‘a rapist not only violates the victim’s integrity but leaves indelible marks on the very soul of the helpless female’.ⁱⁱ

A similar incident happened on December 16th 2012. The Delhi gang-rape case, where a 23-year-old female physiotherapy intern, went through a fatal assault in Munirka and was beaten,

tortured and gang-raped by 6 men, including the bus driver, in a private bus in which she was travelling with her male friend.ⁱⁱⁱ

A lot of social outrage was observed by the people due to the gruesome incident. People came out of their homes with candlelight marches, protests and solidarity movements. The outrage was not only limited to roads but seen even on social media. The reactions on social media reflected the mood and situation of the country and the gangrape became a trend on various websites.

The incident was the spark that ignited the fire of public outrage. The secretary of All India Progressive Women's Association became one of the lead voices for women's right. After more than 7 years of rigorous fights, prayers, pleadings, India saw a 'historic day' when the four convicts of the were hanged to death on 20 March 2020 at 5:30 A.M. at Tihar, hours after the Supreme Court, in a midnight hearing, refused to grant them relief and stay their executions.^{iv}

The situation of sexual violence is pandemic in India. Just the way a child is born every 10 minutes, a female is raped every 10 minutes. As soon as a girl child is born, she is taught to stay in the house, not to laugh much as it would give a wrong indication, not to wear short clothes, to stay in her limits. But, has it ever been taught to the male child to treat the females not as a sexual object but as an equal and a human being?

The National Crime Record Bureau (NCRB) recorded almost 24,923 cases of rape in the year 2012 which means that 68.28 cases were registered every day on an average. The numbers since then, according to the NCRB's data have only increased. 33,707 in 2013 followed by 36,735 in 2014 and the highest number of cases were recorded in the year 2016 with 38,947 rape cases, which means 106.7 rape cases registered, leaving not much hope for India's daughters. The latest data available states that more than 1,28,000 rape cases were pending in the trial court by the end of 2017 and about 33,000 of the rape victims were children.^v

On December 23, 2012 a three-member Committee headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, was constituted to recommend amendments to the criminal law, so as to provide for quicker trial and enhance punishment for criminals accused of committing sexual assault against women.^{vi}

The Committee was of the view that rape and sexual assault are not merely crimes of passion but an expression of power. Keeping this in view and with relation to the Delhi rape case, the age of consent was brought down from 18 years to 16 years. The convicts of the same were to be punished with an imprisonment of 7 or 10 years or even life imprisonment. The Verma Committee though did not favour the Supreme Court in the death penalty decision to the Nirbhaya rape case convicts.

Contrary to the rape cases taking place in India, a brief analysis can be done by comparing the situation with one of the neighbouring countries, the United Kingdom. In the UK, rape has been defined by the Sexual Offences Act 2004 under which, according to the UK's Office for National Statistics and Home Office, approximately 85,000 women are raped on an average in England and Wales every year and over 4,00,000 women are sexually assaulted.^{vii}

After witnessing large scale protests by various groups demanding stricter punishment and speedier trial in cases of sexual assault against women, "the Criminal Law (Amendment) Act, 2018" has strengthened the relevant provisions of Indian Penal Code, Criminal Procedure Code, Evidence Act and Protection of Children Against Sexual Offences Act (POCSO) and providing for stringent punishment for rape of children and women by setting up Fast Track Special Courts across the country.

A total of 1023 Fast Track Special Courts will be set up under the Scheme out of which 389

Fast Track Special Courts will exclusively handle POCSO Act. The remaining 634 Fast Track Special Courts will deal with either rape cases or both rape and POCSO Act cases depending on the pendency and requirement, with each Fast Track Special Court expected to dispose of, 41-42 cases in each quarter and at least 165 cases in a year.^{viii}

It's time to come up with a change in our judicial system. Justice should be deserved by each individual. Fast track courts being set up, its time we utilize this opportunity well, decrease the average time of a case, so that, there stands a meaning in the case. Proper policing team should come up with ways to protect the society

With the change of time, many Acts and Amendments have been made by the Apex Court relating to Section 375, but isn't it time to include marital rape as an offence, as well?

Together we can and we will.

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