

**DON'T TOUCH ANYONE BUT YOURSELF**

-MADHURIMA BASU<sup>1</sup>

*'She said screaming  
And scratching  
Those rapists faces  
And her family will  
Die multiple times  
While finding Justice in court.'*

Are girls really safe nowadays? The number of rape cases is increasing day by day all over the world. In India around 24,923 cases has been reported till now by National Crime Records Bureau. Rape is the sexual intercourse or sexual penetration which is done without the person's consent.

There may be different types of rape like gang rape, spousal rape, date rape, rape of children and so on. According to section 375 of Indian Penal Code it defines rape and Section 376 defines punishment for rape. When a defendant charged with a rape that person defends himself by saying that someone else have done it and can also claim that the sexual activity was consensual. Another possible defense is an insanity plea, in which the defense argues that the accused is mentally ill and did not have the capacity to control his behavior, to form criminal intent, or to understand what he was doing or that his actions were unlawful. Sexual assault laws regarding rape and criminal sexual penetration usually define this conduct as a felony with serious penalties. A person convicted of doing rape face penalties other than jail and imprisonment. They are also required to undergo a treatment either in jail or prison as a condition of probation. Some of the most common types of rape drugs or date rape drugs include alcohol, marijuana, cocaine,

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antidepressants, tranquilizers, sleeping aids, ketamine, flunitrazepam(Rohypnol), gamma-hydroxybutyric acid, gamma-butyrolactone and Ketamine.

The famous case that is the Nirbhaya Gang rape case which happened in Delhi in 2012 in this case a 23 year old woman was brutally assaulted and rape in a moving bus in South Delhi on 16<sup>th</sup> December 2012. Her name was Jyoti Singh a female physiotherapy intern she was beaten, gang-raped and tortured on 16<sup>th</sup> December 2012, Munrika a neighbourhood in South Delhi. She was travelling with her friend

Awindra Pratap Pandey. They were coming back home after watching the movie 'Life of Pie'. They boarded an off duty charter bus and that bus suddenly started moving in a off route direction. And the men shut the doors and the windows. Pandey raised his voice but he was shouted down and a scuffle broke out as the men who were drunk started molesting her. Her friend was knocked down with a rod and men dragged her to the back of the bus and repeatedly gang-raped for over an hour. When she fought back the juvenile attackers inserted an iron rod into her private parts, pulling and ripping her intestines apart. The bus driver drove all over Delhi. And then they were thrown out of the bus at the side of the road. They were taken to the Safdarjung Hospital where doctors found that only 5% of her intestines were left in her body. In her statement to the police she said she want justice to all the six attackers. The incident led to widespread demonstrations and protests across the country. It also started changes in the laws about violence against women. The six men were convicted by the court but Ram Singh who was th driver committed suicide on March 11, 2013 during the trial. The other three people were given capital punishment. In 2013 another rape case took place in Mumbai in 2013 where a 22 year girl who was a photojournalist was interning with an English magazine was gang raped by five persons including juvenile when she went to visit Shakti Mills near South Mumbai with a male colleague. The city sessions court found the accused guilty and sentenced death penalty to the three repeat offenders of the gang rape case making them first in the country to get death sentence under Section 376E of Indian Penal Code. The Criminal Law (Amendment ) Bill 2013 was passed in the Lok Sabha n 19<sup>th</sup> March in 2013. And it was placed in the table of Rajya Sabha where where the voting took place. The bill encompasses the features which provide stringent punishment for crimes against women such as rape, acid attacks, voyeurism and stalking.

Due to the liberal interpretation of section 53(2) CrPC by some High Courts, it became a mandatory practice for a rape victim to be examined by a woman doctor. This was meant to make the victim more comfortable in the hands of a woman doctor only. The Criminal Procedure Code (Amendment) Act of 2005 introduced specific sections of medical examination of victims rape (section 164(A) CrPC), medical examination of those accused of rape ( section 53(A) CrPC) and

investigation by judicial magistrates of custodial rape and deaths (section 176(1A)(a)(b)CrPC). Section 164A(7) CrPC explicitly states that nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or any person competent to give such consent on her behalf. This makes clear that consent is essential and nobody can force a victim to undergo a medical examination without her consent, not even the Court. A provision has been added to section 157CrPC dealing with the procedure of investigation in relation to the offence of rape. Section 155(4) of the Indian Evidence Act allowed the defence lawyer to discredit the victim's testimony by arguing that she was of "immoral character". But this section was deleted in 2003 and added a provision, section 146 IEA. According to the new provision, it is not permissible to put questions in cross examination of the prosecution about her general moral character. This paved the way or an end to unwarranted attacks on the past sexual acts of the victim of rape.

In conclusion it can be said that sexual violence poses an obstacle to peace and security. It impedes women from participating in peace and democratic processes and in post-conflict reconstruction and reconciliation. As a tool of war it can become a way of life once entrenched in the fabric of society, it lingers long after the guns have fallen silent. Many women lose their health, livelihoods, husbands, families, and support networks as a result of rape. Though much needs to be done to provide justice to all victims of sexual assault, various changes spread around three decades have brought some hope for justice. Due to active legislative and judicial actions major changes have been made in the approach to be taken by investigative officers and healthcare providers and in the process of trial or rehabilitation in a case of sexual assault. Sex education is necessary in our society where it will teach the boys and girls about mutual respect and boundaries as well as the concept of affirmative/enthusiastic consent, where "yes means yes" would replace "no means no". To reduce rape woman while attending party and social events

with a group of friends they should stay together in a group and never leave any drink unattended. This leaves a potential rapist an opportunity to slip a date rape drug in it. And do not accept drink from any strangers. Some social media platforms such as whatsapp, truecaller, tatic and others which have GPS location service on call phones needs to be turned off before going out because it becomes easy for the sexual predators to track location easily. But one must always trust it's own intuition and gut feelings and remain fully aware of the surroundings when alone and in social settings with friends at all times.