



RAPE

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ABSTRACT

Rape is the fourth most common crime in India. "Rape" has become a term that can be seen daily in news and just like a termite it is undermining the roots of India. In an hour a girl is raped in India and there are many cases that go unreported making the number even more. WHAT IS RAPE?. Rape is a crime of violence that uses sex as weapon. The origins of the word rape are found in the ancient Greek – to steal.

INTRODUCTION

Legal Definition

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;

(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;

(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;

(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.

Firstly. — Against the other person's will.

Secondly. — Without the other person's consent.

Thirdly. — 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.

Fourthly. — 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.

Fifthly. — 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.

Sixthly. — With or without the other person's consent, when such other person is under eighteen years of age.

Seventhly. — When the person is unable to communicate consent [5].

HISTORY

The concept of rape, both as abduction and in the sexual sense (not always distinguishable), makes its first historical appearance in early religious texts. The rape of women or youths is a common theme in Greek mythology.

Although Roman law in the historical period recognized rape as a crime, the rape of women is a

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pervasive theme in the myths and legends of early Rome. As a matter of law, rape could be committed only against a citizen in good standing. The rape of a slave could be prosecuted only as damage to the owner's property.

Attitudes toward rape changed when the Roman Empire became Christianized.

The first Christian emperor Constantine redefined rape as a public offense rather than as a private wrong.

Constantine ordered that if the girl had consented, she should be punished along with the male "abductor" by being burnt alive.

In some cultures the rape of a virgin was often a more serious crime than of a non-virgin. The rape of a prostitute or other unchaste woman was, in some laws is not a crime.

In seventeenth-century France, even marriage without parental consent was classified as rape.

In some laws the woman might marry the rapist instead of his receiving the legal penalty.

In Islamic criminal jurisprudence the punishment for committing rape is death.

Rape, in the course of warfare, also dates back to antiquity, ancient enough to have been mentioned in the Bible.

Rape, as an adjunct to warfare, was prohibited by the military codices of Richard II and Henry V (1385 and 1419 respectively). These laws formed the basis for convicting and executing rapists during the Hundred Years' War (1337–1453).

Napoleon Bonaparte found rape committed by soldiers particularly distasteful. During his Egyptian Expedition, he declared that "everywhere, the rapist is a monster" and ordered that "anyone guilty of rape would be shot.

Since the 1970s many changes have occurred in the perception of sexual assault due in large part to the feminist movement.

Marital rape first became a crime in the United States in 1975.

November 1998 by the decision of the International Criminal Tribunal for the former Yugoslavia that acts of rape may constitute torture under international humanitarian law.[6].

STATISTICS

Top 4 Countries

1. UNITED STATES

The super power of the world is at the first position in the race of rapes. Males are majorly the rapist holding a proportion of 99%.

2. SOUTH AFRICA

The country has one of the highest rates of rape in the world, with some 65,000 rapes and other sexual assaults reported for the year 2012. The incidence of rape has led to the country being referred to as the "rape capital of the world".

3. SWEDEN

Sweden has the highest incidence of reported rapes in Europe and one of the highest in the world.

4. INDIA

India is the place where sexual assault is rapidly increasing. Rape in India is one of India's most common crimes against women. [7]

WHO ARE THE VICTIMS?

- 15% of sexual assault and rape victims are under age 12.3
- 29% are age 12-17.
- 44% are under age 18.3
- 80% are under age 30.3
- 12-34 are the highest risk years.
- Approximately 2/3 of rapes were committed by someone known to the victim.
- 73% of sexual assaults were perpetrated by a non-stranger.
- 38% of rapists are a friend or acquaintance.
- 28% are an intimate.
- 7% are a relative.

WHERE?

More than 50% of all rape/sexual assault incidents were reported by victims to have occurred within

- 1 mile of their home or at their home.
- 4 in 10 take place at the victim's home.
- 2 in 10 take place at the home of a friend, neighbor, or relative.
- 1 in 12 takes place in a parking garage.

WHEN?

43% of rapes occur between 6:00pm and midnight

24% occur between midnight and 6:00am.

The other 33% take place between 6:00am and 6:00pm.

Sexual assault is one of the most under reported crimes, with 68% still being left unreported [8].

PREVALANCE IN INDIA

92 Women raped every day in India.

4 in Delhi.

NO OF CASES (2013)

INDIA-33707.

- DELHI-1636.
- MADHYA PRADESH-4335(11/DAY).
- RAJASTHAN-3285.
- MAHARASTHRA-3285.
- UTTAR PRADESH-3050
- TAMIL NADU THREE PER DAY.

94% of the offenders were familiar to the person [9]



IN TAMILNADU

INCREASING INCIDENTS OF CRIME AGAINST WOMEN		RAPE CASES IN WESTERN T.N. 2014	
2011	Crime against women in T.N 6940 cases	State accounted for 3.0 per cent (national total)	July 18 19-year-old college goer raped by a gang of four at Rayakottai in Krishnagiri.
	Cases of rape 677	Incest rape 2	June 11 Two girls aged 10 and 11 years who were staying in a home at Pollachi in Coimbatore district were raped at knife point by a 23-year-old man.
2012	Crime against women 7192 cases	State accounted for 2.94 per cent	February 23 Two brothers (twins) aged 20-years were arrested for raping an 18-year-old college student in Coimbatore.
	Cases of rape 737	Incest rape 4	February 14 10-year-old girl of Chendrampalayam village near Vazhapadi in Salem district was raped and murdered by a gang of five men of the same locality.
2013	Crime against women 7475 cases	State accounted for 2.41 per cent	February 8 Nine-year-old differently abled girl raped by 45-year-old man Tiruchengode taluk in Namakkal district.
	Cases of rape 923	Incest rape 6	February 1 15-year-old girl was raped by her classmate's 45-year-old father in Namakkal district.

What Kind of a Problem is Sexual Violence (RAPE)? Public Health Problem

(Large scale problem that has a wide effect)

Violation of Human Rights

(Violates the right to control their own bodies)

Profoundly traumatic personal experience

(Impacting every aspect of survivor's lives)

The Costs of Sexual Violence Impacts us All Individuals - Inability/loss of friendships and romantic relationships, depression, sexual dysfunction, hospitalization, suicide disability, lower level of functioning Relationships - Divorce, separation, psychological effects impacting the relationship, loss of income Society - health care costs to government, individuals and insurance companies, loss of income, in and outpatient psychiatric costs, lost days of work, jail and court costs, loss of productivity and disability cost. [9]

NOTABLE INCIDENTS

During the partition of India, some 100,000 women were claimed to have been kidnapped and raped [10].

A Russian national working in India claimed that she was raped by a Goa politician on 1 December 2009 after having dinner with him that evening [11].

Software engineer Nayana Pujari was raped and murdered by her escort driver in Pune in 2009 [12]

The gang rape of a 23-year old student on a public bus, on 16 December 2012, sparked large protests across the capital Delhi. She was with a male friend who was severely beaten with an iron rod during the incident. 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 [13].

In 2012 a politician was accused of raping a woman in the Chirang district of Assam. And he was suspended from the ruling Party [14].

In August 2013, a School Teacher in Arunachal Pradesh was arrested for raping fourteen underage girls in a hostel where he was warden [15].

In February 20 2015, 30 year old African women was gang raped by four men in car and later pushed out of the moving vehicle in Delhi [16]

Rape myths

- ❖ Women often make false report of rape.
- ❖ Only bad women get raped (she put herself in an unsafe position, such as being out late at night, drinking alcohol, dressing in a certain way, or "leading on" the rapist).
- ❖ Rape occurs only at outside and night.
- ❖ Sexual assault usually occurs between strangers.
- ❖ No woman can be raped against her will. Any person could prevent rape if she really wanted to. (The victim's only goal is to survive. sometimes cooperation is required for survival).
- ❖ It's no big deal it's just a sex.
- ❖ Women incite men to rape. Women encourage rape by the way they dress blame herself.
- ❖ Rape is never the victim's fault! Rape is an act of violence and aggression and is usually about power and control over another person. Sex is the weapon!
- ❖ Sometimes people make poor safety choices. That does not give someone else the right to hurt them! [17].

Reasons for rape

- ✓ Few female police.
- ✓ Not enough police general.
- ✓ Blaming provocative clothing.
- ✓ Acceptance of domestic violence.
- ✓ A lack of public safety.
- ✓ Stigmatizing the victim.
- ✓ Encouraging the rape victim to compromise.
- ✓ A sluggish court system.
- ✓ Low status of women [18].

Two most common responses immediately following rape

Expressed

Demonstrating anger, fear, and anxiety through restlessness, crying or sobbing, tense posture and other signs such as hand wringing, and seemingly inappropriate smiling or laughing.

Inappropriate laughter or smiling is common...it is an automatic response to trauma.

Controlled

Hiding or masking feelings. Exterior pose is calm, composed or subdued. Survivor may appear very deliberate in every action. Someone has just had complete control of their body...their main goal is to regain control.

This survivor mechanism may "look" as if the rape was "no big deal".



Symptoms of Survivors

- Nightmares / sleep disturbances
- Substance Abuse
- Panic Attacks
- Irritability/Anger
- Difficulty Concentrating and focusing
- Impaired memory/Memory loss
- Sexual dysfunction
- Phobic / Compulsive behaviors
- Hyper-vigilance (always being “on your guard”)
- Exaggerated “startle response”
- Depression
- Anorexia / Bulimia / Overeating (Eating disorders)
- Self-mutilation
- Difficulty with relationships- triggers
- Flashbacks
- Promiscuity, Risky behavior/poor safety choices
- Orgasm during rape – guilt – confusion – sexual identity issues
- Extreme independence/isolation
- Doubt one’s own judgment, feel responsible
- Feeling dirty, humiliated, devalued
- Self-blame and shame Based on misconceptions about rape.
- Social Withdrawal
- Restricted affect (inability to express emotions)
- Suicidal ideation [19].
- Effects of rape:
 - 3 times more likely to suffer from depression.
 - 6 times more likely to suffer from post-traumatic stress disorder.
 - 13 times more likely to abuse alcohol.
 - 26 times more likely to abuse drugs.
 - 4 times more likely to contemplate suicide [7].

Punishment

According to IPC section 376

Punishment will be imprisonment not less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

In aggravated situations, punishment will be rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

A new section, 376A has been added which states that if a person committing the offence of sexual assault, "inflicts an injury which causes the death of the person or causes the person to be in a persistent vegetative state, ----shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, ----but which may extend to imprisonment for life, which shall mean the remainder of that person’s natural life, or with death.

GANG RAPE

Persons involved regardless of their gender shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, -- but which may extend to life and shall pay compensation to the victim which shall be reasonable to meet the medical expenses and rehabilitation of the victim. The amendment has made it mandatory for all government and privately run hospitals in India to give free first aid and medical treatment to victims of sexual abuse .[5]

HOW TO SOLVE THE PROBLEM OF RAPE

Stop the custom of dowry! Make stronger laws, launch campaigns, do whatever it takes!

Stop female infanticides! Make much stronger laws; punish doctors who facilitate such crimes!

Stop discrimination in the wages, treatment and employment of daily-wage workers based on sex. Make sure that a female labourer gets paid as much as her male counterpart!

Discourage poor and uneducated families to have a huge number of children just to have a male child - A person who believes in "Who will carry the name of my family forward?" ideology is as responsible for rape as the demons walking the streets of our capital city!

Instruct the police and other law enforcement agencies of all the cities to curb petty crimes. A police department that forces a city to shut down at 11:00 PM on the pretext that the city can become unsafe for women at night needs to be questioned about their responsibility and ability to provide security to us.

Eve-teasing and other such 'small' offenses must be dealt with severely. People should know that it is NOT ok to pass sexual remarks in public.

Establishments like "Khaap panchayats" should be declared illegal and people trying to establish such bodies must be put behind bars (a. In one rape case the Khaap panchayat punished the rapist by asking him to marry the girl he raped! b. In another rape case the Khaap instructed the husband of the victim to rape the wife of the culprit!)

EDUCATION

Start talking about safe sex to your kids! Let them know that it is natural to have an urge to have sex with the person they like but they must act like responsible human beings. Even if you go with an arranged marriage take into account the opinion of both the girl and the guy. She is not cattle! [20].

- Teach men not to rape.
- Ensure our legal system does not blame women for rape.
- Improve how campuses handle sexual assault.
- Encourage the media to engage in critical conversations about antirape products.
- Stop making women responsible for mens behavior.
- Enforce strict rape laws.



- Push the media to stop presenting rapist as victims.
- Prevent politicians from saying absurdly offensive and ignorant things about rape [21].

Male rape

Male rape is a form of rape in which a male is the victim. This male sexual victimization includes both rape and sexual violence in general. It has been reported in UK that some adult males (<3%) experience non-consensual

sexual activity and more male children (<5%) experience sexual abuse.

The most recent UK government statistics estimated about 78,000 people in the UK have become rape or attempted rape victims, and about 9,000 are men. Male rape in India is commonly reported.

The Indian Penal Code, Section 377, is the only section that criminalizes all acts of non-consensual carnal intercourse, including male-on-male rape [22].

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