

Indian Rape Law

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Delhi Women Commission chief Swati Maliwal on day five of her hunger strike to call for stricter penalties for rape in India. (cnn.com)

The fundamental issues in India can be found in their outdated laws pertaining to what constitutes rape. Rape in India is defined as “penile penetration into the vagina,” which entails that only a man can be the perpetrator and only a woman can be the victim. The Indian Penal Code of 1860, with slight but not overwhelming alterations and updates, solidifies the concept of a gender inequality in Indian law. The pronouns used are female focused and thus enforce only a female victim and assume only a male perpetrator. The laws in place are faulty and provide legal loopholes to be exploited resulting in increasing outrage about the lack of enforcement for crimes of rape in India. It is imperative to shed a light on the atrocities being committed by utilizing contemporary court cases and public reactions in hopes that the pressure will cause the Indian courts and political officials to address and revise these outdated laws.

Conversations have to start somewhere, and in the case of India, the conversation can be seen visually over social media. Following a gang rape and eventual death of a 23 year-old female in Delhi, research was done based on the utilization and implementation of social media as the event and case unfolded. Journalists found that twitter served a helpful role in bridging contact between journalist and urban middle class public who were concerned about the incident and desired to know what transpired

This is a sensitive topic for everyone. It is said, statistically, in India there is a rape reported every 15 minutes, but that is only counting those who report what they have

been through, not those who may stay silent. Only 1% of sexual violence is accounted for and reported to the police. And only 10% of married women reported sexual violence, even though it is known that rates of marital rape are much higher.

In Mumbai, India, the rape of a 22-year old woman by five men who claimed to “be on a hunt for a beautiful deer,” galvanized public opinion and outrage. The case was heard in 2023 and caused an uproar within the city about their rape laws. The woman was asked to re-enact a pornographic act that was shown to her on a cell phone by one of the men. This was not the first time these men had done this to a young woman, but none of the victims had ever gone to the police before. This case shows the acts of bored men who seemed to have routinely committed rapes in the same area. Yet nothing had been done to stop them. The seriousness of this kind of crime did not sink in until this case made headlines. Previously, few rape cases were prosecuted and when they were, the perpetrators were seldom punished. For that reason, victims were hesitant to come forward or speak out. In the wake of this case, India did enact changes to their rape laws passing numerous legislative reforms, commonly known as the Nirbhaya Act. The act saw increased penalties for sexual violence, including extending the length of prison sentences and introducing the death penalty in certain cases.

Yet even with the new laws, rapes continued to occur and often the perpetrators were not arrested or prosecuted. But there are multiple cases similar to the one just spoken of, they are not limited to “civilians” and can happen “under the protection” of the police, who have the duty to serve and protect these people. However in most cases this is far from true. For example, in 1972 a woman was raped by drunken police officers while in their custody. This case helped start protests by women in India with

support from both male and female experts to demand changes in the government. The latest data from India's National Crime Record Bureau show around 100 alleged attacks are reported to police each day, or nearly 39,000 in 2016 -- a 12% increase from the previous year

Most recently, a young girl aged 16 was kidnapped, taken to a Hindu temple, imprisoned and held captive while she was repeatedly raped by a number of men, one of whom was an elected official. Eight men have been arrested and the outrage is mounting in India over this case. Last week in April of 2018, thousands of women protested in several major Indian cities. Swati Maliwal, chairwoman of the Delhi Women's Commission (NWC), is staging an indefinite hunger strike to push for stricter laws for rape in India, including the death penalty. It is important for all of us to support the women of India in this fight against rape and all forms of violence against women.

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