

Rape Antidote: Proper Implementation of Laws

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India is having unabating and a very robust judiciary which is learning from its own mistakes and getting better every second we count. Recently our country witnessed some of the most landmark and epoch-making judgements delivered by the apex court. The judgement on Section 377, Triple Talaq, Sabarimala and Ayodhya Ram Mandir were some of the historic and consequential judgements made in the recent times which show the bulwark of the judiciary in the democracy of our country. So a prudent man can easily interpret the fortitude of the judiciary. The gallant judiciary is surely doing the work as per standards set in the largest democracy of the world. The judiciary should be apotheosizing in their recent works for the betterment of peace and harmony in our society. One of the judges in Rajasthan High Court quoted that the country is having cromulent laws for every section and every aspect of our society. The main bone of contention is the implementation of all those laws. In our country, a law which is made by the parliament can only be implemented if and only there are rules along with it as well which are made by the government. The laws in India are rather strict.

The Rape and sexual assault are not only occurring in the homes, streets and offices but also take on a unique group dynamic in situations of communal riots where a woman's body become a site of violence in the battle between caste or religious groups. These offences are manipulated, often forced and is a coerced sexual contact by a stranger or an acquaintance. It is considered to be an act of aggression and power combined with some form of physical activity. A person is forced into sexual contact for which consent is not given through threats, verbal coercion and physical violence or any sexual act. Some dictionaries define word rape as to plunder or despoil.

The focal point after the heinous offence of rape is the behaviour towards the victim. The volte-face shown by the society to a rape victim is immoral. The behaviour towards the prima ballerina in an incident is quite outré. We as a society have not yet mature to handle many situations and these offences are one of those.

The recent incidents have urged a need in society to have strict rules regarding the offence of rape and sexual assault. After the 2012 Delhi Gang Rape case, some amendments were made in section 354 and Section 375 of Indian Penal Code, 1860. The convicts of the Nirbhaya case were held guilty and given the punishment of death by hanging. A mercy plea is recently being filed to the President. All the convicts were charged for rape, murder, assault, kidnapping and robbery. These charges can only take the convicts to a cul-de-sac. The post Nirbhaya lessons about making public spa-ces safer for women are yet to be learnt, particularly at night.

Travelling alone in a cab or returning home late continues to be a challenge for women in Indian cities. Even metro cities are not yet safe for women in dark.

There is a significant rise in the rape happening in India. Recent incidents in Hyderabad, Tamil Nadu and a gang rape of a law student in Ranchi, have ignited the blinkered minds of the nation. The Flabbergasted society is showing its outrage by various ways like by candle march, protest, etc. The press also plays a vital role in agitating the situation. The avalanche of bad press worsens the situation for the victim's family as well as society at large.

The incident with law student in Ranchi was a blitz to the victim and her friend who was waiting at the cross-section near a highway. The incident took place just 2 km from the National Law University. The calm city of Ranchi is feeling trepidations. A panicky situation in the whole city could be seen for days even after the 12 accused were arrested the very next day.

The incident in Hyderabad has debilitated society. The people condemn the gruesome gang rape and murder of a 27-year-old veterinary doctor. After the abhorrent act, the accused killed the woman by smothering her and later burning her body. The victim was suspicious of the situation and even called her sister about that. The 4 accused were encountered in a retaliatory firing on the crime scene after some days.

Now the legal perspective towards rape about the society is different. We do have laws for rape. But it's not stopping the criminals. The government should give severe punishment to the criminals, as some of the countries do. The problem, however, lies in the improper execution of them, as well as the process of attaining justice. Sometimes, it is also the negligence of the common man and their lack of knowledge. Corruption in India is at the zenith and even the guardian of common people in India is not working in Kosher. The police are not filing the First Information Reports of the incidents and it has been seen that they create fake shreds of evidence for a large sum of money from the accused party to just hush up the whole incident. The police officers had asked the victim to just let go of the matter because it would be a tiring process for the victim as well police officers, appearing in the court, paying the lawyer, and other expenses too. The common man has absolutely no idea or interest in figuring out how the laws work, or what to do to get out of tricky situations. A common man does not know that if a police station is not taking your FIR, you can directly send it to the Magistrates, who would have to take action.

Many people in India think that the capital punishment is justified for the offence. Some think that the only punishment for the wicked offence is death. Even recently in Parliament, members cutting across party lines not

only demanded the hanging of the accused but also argued for the death penalty as the "only punishment" for a rape offence. Even as it sears the collective conscience of the nation

Au fond, the literate minds will not get convinced if we formulate a new law in response to the failure of the implementation of the existing laws. It is just like putting up a centurion question to ninety-nine unresolved issues. In most of the cases, it is seen that the crime committed by the person is in any way or other known to the victim. The fact of the matter is rapes are opportunist crimes committed within the confines of private spaces. Sexual violence is a major national issue which has profound negative effects on victims and society at large. This calls for urgent attention towards social set up and moral upbringing of citizens of the country besides proper implementation of strict laws.