

Strict Laws or Better Implementation of the Existing Law for Rape?

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Rape, the word which left a worst effect on a victim or sometimes, deceased, the women, who enjoys the equal constitutional status as per Indian Constitution but still become the victim of domination of men. The women have equal right to live with dignity and without the consent, no men can touch her, or think to violate her dignity but unfortunately, India has to face such cases each day where in every 20 minutes, one woman including the girl child get raped but only 10% comes to the public attention because of various social, cultural, political, economic factors.

Recently, two cases which happened which got the public and media attention is Hyderabad, Priyanka Reddy case where the veterinary doctor was gang-raped by 2 lorry drivers and their assistants and later burnt the 26-year old girl to death. The accused were arrested on the basis of CCTV footage as the victim's scooter was puncture and the accused person pretended to help and take her to nearby bushes where they commit the crime. On 6th Dec, 2019, they all were taken to crime scene for reconstruction where, they were encountered as they tried to run away.

On the other hand, Unnao Rape case, where a 17 year old girl was gang-raped along with the cost of her father's death. The accused was MLA, Kuldeep Singh Sengar and his brothers, as because of the strong political support, the case was not registered in the meantime, but when victim attempt to kill her by burning at the residence of Yogi Adityanath, the case comes into picture of public aggression.

In the case of Hyderabad, the question arise that police encounter is because of the stated reason, or the government has the backhand in it that, is this misuse of police power because of public pressure, the encounter has been done?

In the case of Unnao, the question arise that why police do not register the case, as in the case of *Lalita Kumara v. Govt of U.P.*, it was stated by court that the police has to register the case even the case facts seems unreasonable and inefficient, but police did not register in this case.

So, one can interpret that entire system is corrupted, even if one wants justice, then a term 'judicial delay' comes into play, so amendment to existing law is needed or strict laws are needed.

The punishment for rape is defined in S.376 of IPC, it has gone through various amendments but in the Nirbhaya rape case, the punishment was given hanged till death but it has not been executed till present day, the reason behind is the judicial system is not much efficient to implement the existing laws so, the India needs the new and more stricter laws in terms of rape. Though our criminal justice system follows the reformatory theory, but in the case of heinous crime such as rape it, must not, it should follow the retributive theory and the punishment should be the death penalty only but the point also arise that if for rape punishment made is death penalty then, the person who commits the crime will kill the victim after raped her, which in turn, will increase the crime rate but even with the present law, the crime for which accused is charged for is rape with murder so, punishment to be given is hanged till death, and need for the strict laws is necessary and the only reform that India needs is check on a police system and compel police to register the FIR instead of them to accept bribery for closing the file of case before it being open and strict actions to be taken against such police officers

Rape since, 4th most committed crime in India, so it should be punished with death penalty, because when the public comes to know about the commission of the offence, the aggression, the candle marches, the damaging to public property, cursing judiciary become the common actions, so why to aggress public every time, our judiciary should be efficient enough to regulate the public peace and order and one who does the crime must be punished in the reasonable time and not like the Nirbhaya's accused who are declared to be hanged because of delay at police to judiciary level they are still in prison.

A survey by Gender Study Group, where most women does not raise voice against culprit because they feels disgusted, insulted, abnormal, indecent and cheap after getting raped. They have fear while confronting the people around her because she feels humiliated and as damaged, have fear of public acknowledgement, if they are unmarried, then have fear that no one will going to marry her and if the accused has strong political and economic backing following the stagnant and lethargic nature of police and judiciary suffering from incapability, they have no fear of being convicted, and they blame the women for her dressing, which is one of the worst reason that the worst minds give.

Also, there is lack of police force to protect the victim, especially the women in police force, so victim cannot explain the crime freely. According to National Crime Record Bureau, Madhya Pradesh became rape capital of India.

In Hyderabad encounter, if fake then it's not the act to cheer because in a democracy there is rule of law and provision of fair trial and in long run with such instances if repeated may lead to police state and it should not be called as an act of bravery, what was done by police. People call it as a justice served but justice will be served when women are well protected. No matter how many encounters they do. Law and order should be of a kind where there is no need of such encounters. It failed as a system. Laws are not sufficient and not have effective

implementation, so to avoid such situation the strict and strong laws are needed and along with that the fast track courts also needed which especially deal with the rape cases and no other nature of case.

A new police teams and forensics to be set up exceptional of all other cases but only for rapes and speedy trials are must in such cases in order to avoid public aggression.

Punishment in Arab and Islamic countries are death and percentage of rape cases is also low as compared to India where the punishment is given in books but not practically and which is also not death. In India, the punishment for rape of below the age of 12 will be given death penalty. Rape is Rape; it is immaterial whether commit to person below age or above age of 12. Why the age has been considered as important factor? Because in both the above and below 12, the factor consent is missing, then what is the reasonable classification for not giving death penalty?

Our criminal system follows the death penalty to be given in rarest of rare cases but every rape case in India is new and commits in a new manner, so the theory of rare cases to be upholder in murder cases only and not the rape cases because in murder the deceased becomes the “laash” but in rape cases the victim becomes the “zinda laash”

The other factors which are primary to reduce the crime is parent should teach the boy and girl, the sex education, the moral values and not confine their girl to remain in kitchen but also to work outside along with her colleagues and boys should be teach that they are meant not for outside world but also to household chores, the boy not being the aggressive and girl not being the submissive.

Educate the men about women’s equality, fight patriarchy and misogyny, eradicate the women’s operation, better reporting mechanism, improving conviction rate and believing survivors.

Our mindset, our attitude can only change when we promote feminism and root out patriarchy. Police reforms and specialized forces with enhanced training and modern technology at their disposal.