



# Are the Cries to Soft or the World Toned Deaf: Neutrality Pertaining to the Rape Laws in India

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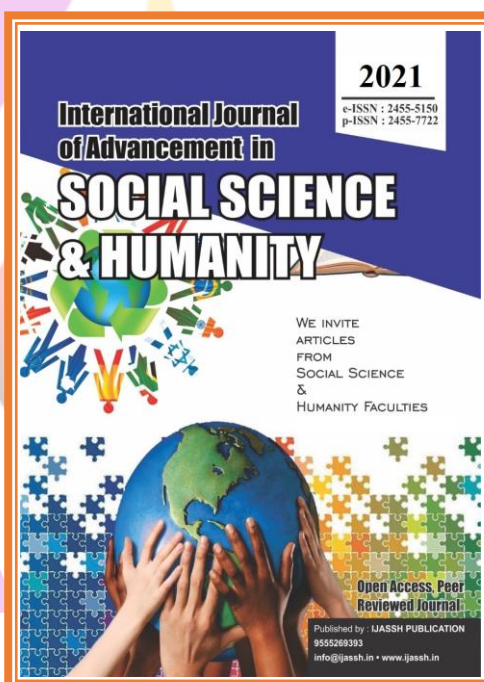
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**ABSTRACT**

The paper aims to open all the closed windows of our minds by highlighting the rape laws in India, the internet has been exploding the number of articles on rape yet the nightmare haunts us day in day out, I hope every article we read on the internet pertaining to the rapes is not side lined after a minute of aggression, crush the rape culture, lets educate one another and together bring a reform. Ringing the bells in your head and hoping you dive deep into the subject is the only aim, I wish to achieve through this article on rape laws in India.

The article would be analysing the following aspects:

1. Women & Rape Laws in India
2. Marital Rape
3. Men & Rape Laws in India
4. Sex Education in India

**Highlights:** *Sex Education, Gender Equality and Rape Laws.*

The Newspapers sobbed rape after rape, the system had failed, it's just another rape. My legs trembled, my heart raced with each passing face, are we even safe? Are the cries too soft or the world, toned deaf? Is this our fate?

**-Mehak Sachdeva**

Stop the Rape! Stop the Rape! This is not our fate; you will control your actions for they have repercussions. The Rape laws and the system in India have miserably failed to ensure safety of its women while equality is the essence of our constitution, no rape laws subject to men exists in India. The sky rocketing spike in the number of rape cases, reported or not reported, seems like an inevitable curse to the Indian society, accuse the laws, the system or both. Not all women

are lying, not all men are telling the truth and vice versa, are the two slippery sides of the same rusted coin. How do we sleep at night knowing it could be anyone next?

**RESEARCH METHODOLOGY**

The researcher has primarily taken to observation on men/women and matters along with a number of books and surfing the internet.

**MOTIVE GUIDING THE ARTICLE**

I started the article and thought to myself, isn't there enough on the internet about "Rape", instantly, I thought to myself if there is enough said and written, why isn't there enough done to bury our worst nightmare, that's when I knew the paper has to outbreak all the closed doors and windows, knocking our brains.

**WOMEN: BENT AND BROKEN**

**National Crime Record Bureau (NCRB)**, under the Union Home Ministry, in 2019 reported an average of Eighty-Seven (87) Rapes Cases Daily, Women (Source: "The Wire" via the NCRB Report) whereas in 2020, the data indicated Seventy-Seven (77) Rape Cases Daily, Women (source: NCRB Report, 2020), the reported digits are highly debatable for the year 2020, keeping that aside, do the math for the yearly digits, hard to gulp in, isn't it? The NCRB Report, 2020, highlights the methodology to put forward the aforesaid report, the estimated number of Rape Cases not reported is swept under the carpet, the estimated rape cases not reported is not incorporate in the report. We often come across individuals rumbling, how women are lying to have an upper hand over men by filling malicious cases, malicious prosecutions are observed irrespective of the gender and pervades in the other areas of crimes as well, for instance, two brothers caught in a tussle over a disputed property

may maliciously accuse one another of enumerable crimes, in that moment, the Judiciary and the Police shall restore the faith of its citizens by ensuring an effective system administration of justice. Is the Indian Judiciary System, victim friendly? Don't robe their dignity/privacy while they fight for their dignity/privacy, decency can be upheld in the due course of the process and procedure of seeking evidences or questioning the victims. Often times we are betrayed by the family members, the police, unfortunately certain Judges spat hideous remarks through their judgments, our justice system can not slack, the crime in the country is at its peak and the faith of the people is melting faster than our glaciers, the public needs you, let our system not be deluded by the co-inherent poisonous greed decaying the human race which shall be repressed to put an end to the greater evil of the demeaning our society.

**MARITAL RAPE: HOME OR HOLLOW**

Home or Hollow, the predators are crawling in to steal your dignity and privacy while the Government of India expediently pounds over the criminal status pertaining to Martial Rape, home is not a feeling anymore rather a death trap, irrespective of the gender. The underlining value for non-recognition of Martial Rape is a mere fallacy, a put-together marriages supersedes two divorced

fulfilled individuals, 21<sup>st</sup> century preferences, if the concept of marriage is truly sacred, marital rapes should not be prevalent despite which Marital Rape is extremely common and reiterated, the sacred nature of marriage cannot veil the inhumane crime, Marital Rape, against a husband or a wife. India is one of the Thirty-six (36) countries failing to criminalise Marital Rape irrespective of the deep-rooted patriarchal mindset hogging India to which women in particular are the convenient victims, you cannot deny it and the Marital Rape against Men are equivalent to Mr. India (Source: Arun Verma from Mr. India) for our law makers while the evidence lingers in the corners of their safe homes. Article 21 of the Indian Constitution, the fundamental rights, the basic rights, connotes the right to life under which right to privacy and life with dignity are flagged, therefore, letting the accused off the hook, contravenes the Fundamental Rights 'the basic rights for human existence' of the victims. An eye for an eye becomes the natural course of action when the law fails to protect its citizens, beating around the bush by declaring Marital Rape as a ground to seek divorce or backhanded status under Section 498-A Indian Penal Code. Section 375 of IPC, in the exception states sexual intercourse by a man with his wife, wife being of 18 years or above is not Rape, is a mere loose pair of shoes demanding

replacement, the immunity provided under this particular section chokes the words of the victims (male/female), there is no exit sign, they continue to suffer in silence and ultimately succumb to the injuries out handed by the system. Marital Rape shall not be defined by age (I do not support child marriage in any form), a marriage isn't high school or college, marriage is the longest phase in an individual's life, therefore, suffocation shall not be the normal course of marriage, the ultimate deaths are grossly painful.

#### **MEN: HUMEN**

No Recognition, No Data. The data for the number of men raped in India is obnoxiously non-existence, cherry on the top, sadly Indian Rape laws are alien to the very existence of Rapes Against Men. Yes, Rapes against Men are as real as the Rapes against Women. Rapes Against Men are staring at us dead in the eyes, it is a brutal crime, recognition or no recognition, the lawmakers would rather play Hindu/Muslim than recognize the societal requisites. Article 14 of the Indian Constitution allows reasonable legislation, a rational nexus between the intelligible differentia and the laws shall prevail, Section 375 of IPC, the wording, "sexual intercourse by a man" is in itself handicapped and non-recognition of Rape Against Men is absurd without rational

backing since the evidence of Rape Against Men screams loud enough for itself. 'Men cannot be Raped' is embodied deep within the men of our society, to stir it up, the laws fail to acknowledge the crime, how do we expect men to come forward and report their torments, rape?

### **CHILDREN: DAMMED BEFORE DEVELOPED**

'You were gifted to us by god', 'You came from your mom's stomach' and it follows, when your children ask you- How were they born? Do not blindsides the question like it's a plague or throw some imbecile fairy dust, sit them down and impart the knowledge, consent/ safety will rhyme while awareness dances along. Majority of Children fail to acknowledge or comprehend, whether what is happening to them, is abuse, ignorance is not always bliss, it dampens the roots of a fragile mind waiting to explore. The existence and the trauma of abuse, rape in particular, hits like a tornado, once the child advances from the stage of childhood to adulthood only to discover all this while consent/abuse weren't a part of their vocabulary. Juveniles who are not born rapist, their mind flow like slime, the society, the parents and the schools shall lead the flow of the slime, somewhere the train is off the track. One in Five Children always live-in fear of being subject to sexual abuse (Source: World Vision India, 2017 via

Hindustan Times- May 16, 2017), it is a growing pandemic.

### **CONVINCING HALF THE WORLDS POPULATION THAT MY BODY IS NOT THEIR BED: EXIGENCY**

I fail to apprehend, half the world's population has to be convinced that my/your body is not their bed, privacy and dignity is the foundation of a civilised society while caught up in self-aggrandising, we fail to acknowledge the slippery foundation, our futures are mounted upon. From flashy headlines to the hidden corners, the newspapers are flooded with rape cases, mind you, every day, the common narrative flows, isn't this a grave failure to control the inhumane crime?

### **HIDE AND SEEK: SEX EDUCATION**

The Reproduction chapter in my 8<sup>th</sup>/ 9<sup>th</sup> Grade sums up my sex education, stumbling upon porn sites, the alternate path, how do you learn to spell "CONSENT" in a world full of taboos? The Indian Education System is blind to the word "SEX", the New Education Policy, 2020, the education system of the 21<sup>st</sup> Century India fails to map the word "Sex Education" in its dictionary. Did your parents or teachers give you a "Sex Talk"? I cannot recall rather I recall how the length of my skirt was always in moot. Sex Education shall be a mandatory part of the school curriculum, make it the new vogue,



ensure the huss-huss sessions include consent/condoms/confrontation/abuse and not just the SlideShare ppts and segregation of boys and girls for the sex education sessions. Enticing the nation with fancy laws and money incentives to the victim's family is not sufficient, while chasing the temporary, we forgot the permanent, the root cause. The taboo surrounding sex incites certain rapists, victims are barely supported rather looked down upon, certain Judges have let us down with their remarks, the custodial rapes by police officers or the failure to register an FIR or the family members abandoning the victims are the direct consequence of our ignorance and lack of education. Sex addiction is not a moral issue rather it is a disease, acceptance and awareness in the society will ensure the suppressed voices are heard, further, the acts done in order feed their addiction can be prevented, rape can be one such act. People with sex addiction are not their disease, mere patients waiting in a public hospital to get a bed. Our definition of sex is begging for a revamp, sex is not our salivating lust or toying around, it's a natural biological process and an expression of love between two consenting human beings.

### **THE CHASE: GENDER EQUALITY**

Look what we have done, two legs, one body, one burial each yet the sense of superiority never fails to dominate the

society. I remember telling my mother, I feel the world is so big and my opinions are too small and often buried, instantly, I corrected myself, I missed the MCQs - Male/Female/Others, therefore, no choice, mom, you think they will respect what we are deliberately choosing "our opinions"? Women and Men are not equal and never have been, at least in the suffocating society I come from, it's heart-breaking and nerve-racking to hate ourselves for not being them, it is a constant fight, I am oblivious to the MCQs laid out by the universe to choose my gender. The reflection of the Constitution-Preamble and Article 14, scream "Equality" on the other hand Article 21 dictates the words, right to life (privacy/dignity) of every "Person", the ground reality is demanding vaccination before the disease rots us because the word "Persons" excludes certain genders in the practical world. Women are raped more than Men, a universal truth, tripping over the fact, women are equity why did I even mention equality, equality is a far fetch dream, all we are chasing today is safety. I am so overwhelmed by the question- why do certain women hate men? Well, I do not hate men, let the fake feminism cloud burst, I am rooting for all the gender, imagine we saw each other equal; I think the world would be a better place.

### **OUTCRY FOR JUSTICE**

Words are an illusion while the Actions are the reality, enacting fancy laws or the compensation to the victim's family will not equate for the failed actions. Every time we let the leash lose, a victim loss not just their privacy/dignity but also their faith in the system, a gentle reminder, law is a noble profession and so is that of a police officer. The majority of victims file a case to cut short the line for the next in the queue not with the desperation to attain soul-filling vengeance, the least, the system owes is timely justice. Judgements of the cases are life/death, therefore, shall undergo right scrutiny and the length procedure, if requisite, to prevent injustice in the name of justice, acquit the convict or convict the acquit, we wouldn't like that, would we? Therefore, the lengthy procedure is potent in certain cases, keeping that in mind, delay is characterized as grave injustice another side of the same coin, very must prevalent in our legal system, in order to attain justice for one injustice, the victim has to undergo another injustice, the delay is an injustice, the dirt has to be dusted only then can one flirt with justice.

#### **PEN-DOWN: NOTE**

I could waste your and my time by penning down tonnes of cases like your best friend, social media, frequently does, I am choosing to refrain from the conscience sin because time is cutting you and me by each second,

saying that, I would recommend you to twiddle your fingers on google and read, "the top 10 rape cases that startled India", just for the insight though your daily newspaper reading sessions are extremely efficient at fulfilling the job. Rape is a conscience choice though often diluted with liquor, drugs, sex addiction, porn addiction, rage, injustice, hate but that does not deviate from the narrative, rape is a conscience choice, choice and responsibility walk hand in hand, responsibility is like the cheating slip in your shoes, primary school cheaters like me would know, take action and hold the culprits liable, jail, rehabs, therapy and the list of possible repercussions is endless like my bucket list. Don't you dare ask, why do the victims choke? Ask yourselves, look around, I hope you see what makes them choke and I hope you do something about the cries. The moot on rape laws in India and the root of rape laws in India, Supreme Court of India and certain High Courts in India have recently taken a stance (certain humble Judges) despite all the noise our lawmakers choose to sleep. Forgive my amateur errors if spotted, I only intend to centre your lingering attention onto our common nightmare, let's together leave the humanity better than we found and rape is a humanitarian cry. My heart goes out to every victim, I stand by you.