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# **RAPE: THE GRIM HARSH REALITY IN INDIA** **AND THE LOOPHOLES IN THE LEGAL** **SYSTEM**

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## **Abstract**

This article delves into the persistent issue of rape in India, examining the transition from the Indian Penal Code (IPC) to the Bharatiya Nyaya Sanhita (BNS) Act, and how it addresses sexual violence. Despite legal reforms, systemic loopholes continue to thwart justice and the safety of women. By analyzing historical cases, legislative changes, and cultural factors, this article underscores the need for a holistic approach to tackling rape and improving the legal framework.

**Keywords:** Rape Crisis in India, Bharatiya Nyaya Sanhita (BNS) Act, Legal Loopholes, Sexual Violence, Justice Verma Committee, Women's Safety

## **Introduction**

Rape is a devastating crime that not only violates the victim's body but also shatters their dignity and sense of security. In India, rape has long been a deeply entrenched societal issue, exacerbated by systemic failures and cultural attitudes that often blame the victim rather than the perpetrator. Despite numerous legal reforms, including the recent introduction of the Bharatiya Nyaya Sanhita (BNS) Act, rape remains alarmingly prevalent.

When sexual violence against a woman is inflicted, how should the law conceptualise and formulate that offence? Should such an offence require proof of the violation of the chastity or the dignity of the woman? If it is based on chastity and virginity, the offence is perceived as being against the honour of family, especially the father or the husband, reducing the woman to mere property. If it is based on dignity, it is perceived as being against the person of the

woman and is built upon a woman's understanding of abuse and violation of her bodily integrity. Should the offence of rape be based on a gender-neutral, gender-protective or a gender-corrective model of equality? This policy brief argues that, since rape is a form of gender based violence, the law should be built upon women's paradigm and experiences, perceiving rape as a violation of the dignity and sexual autonomy of the woman rather than as an infringement of her virginity or chastity.

According to the National Crime Records Bureau (NCRB), a woman is raped *every 16 minutes* in India. This statistic is a grim reminder of the pervasive nature of sexual violence in the country. The public outcry following the 2012 Nirbhaya gang rape case led to significant amendments in the law, but these changes have not sufficiently deterred the crime. This article seeks to explore the reasons behind the persistence of rape in India, critically analyze the new BNS Act, and highlight the legal and societal loopholes that allow this crime to continue unabated.

## **Concept of Section 375 of the Indian Penal Code vs. BNS Act**

### **Section 375 IPC: Historical Overview and Analysis**

Section 375 of the Indian Penal Code (IPC) defined rape as a non-consensual act involving sexual intercourse under specific conditions, such as when it is committed through force, threat, or deception. The section explicitly excluded marital rape, considering intercourse within marriage as lawful unless the wife was below the age of 15. This legal framework, rooted in colonial-era morality, was severely criticized for its narrow definition of consent and its failure to recognize the autonomy of married women.

Legal precedent under Section 375 often hinged on the interpretation of consent, with many cases highlighting the challenges in proving the absence of consent. For example, in the **\*Tukaram v. State of Maharashtra\* (1979)** case, commonly known as the Mathura rape case, the Supreme Court acquitted the accused based on the presumption that the victim had consented, as there were no signs of resistance. This ruling sparked widespread protests and led to the first wave of reforms in rape laws in 1983, introducing amendments that emphasized the importance of understanding consent.

## **BNS Act: Modernizing the Definition of Rape**

The Bharatiya Nyaya Sanhita (BNS) Act, introduced in 2023, marks a significant departure from the IPC by providing a more expansive and contemporary definition of rape. The BNS Act recognizes all non-consensual sexual acts as rape, irrespective of the marital status of the victim, thus criminalizing marital rape—a long-standing demand from women's rights activists. The Act also introduces stringent penalties for offenders, including life imprisonment for the most heinous cases.

Under the BNS Act, consent is defined with greater clarity, considering factors such as coercion, intoxication, and abuse of power. This shift reflects a more nuanced understanding of the power dynamics involved in sexual violence. Additionally, the Act mandates that consent must be unequivocal and voluntary, thereby eliminating the ambiguity that often led to the acquittal of accused persons under the IPC.

## **Comparison and Implications**

The transition from the IPC to the BNS Act represents a significant legal reform. However, the effectiveness of this reform depends on its implementation and the judiciary's interpretation of the new provisions. The article analyzes how the BNS Act addresses the shortcomings of Section 375 IPC, particularly in terms of consent, marital rape, and the burden of proof. By comparing key legal precedents under both laws, the article assesses whether the BNS Act is likely to lead to more convictions and better protection for survivors.

For instance, in the *\*State of Punjab v. Gurmit Singh\* (1996)*, the Supreme Court emphasized that the absence of physical injuries does not imply consent, setting an important precedent under the IPC. The BNS Act builds on such precedents by clearly defining scenarios where consent cannot be assumed, thus aiming to reduce wrongful acquittals.

## **Sexual Violence: A Scenario in India and the Global World**

### **India's Struggles with Sexual Violence**

India's struggle with sexual violence is reflected in its alarming statistics. *According to the NCRB's 2022 report, over 31,000 cases of rape were reported, with a conviction rate of just 27.2%*. These figures only represent the reported cases, with many more likely going unreported due to societal stigma, fear of retaliation, and lack of faith in the legal system. The Nirbhaya case was a turning point in India's battle against sexual violence, leading to the

enactment of the Criminal Law (Amendment) Act, 2013. However, the persistence of rape cases indicates that legal reforms alone are insufficient.

Cultural factors play a significant role in the prevalence of rape in India. Patriarchal norms that view women as subordinate to men, victim-blaming attitudes, and the commodification of female bodies in media contribute to a society where sexual violence is normalized. Additionally, the intersection of caste, class, and gender further exacerbates the vulnerability of certain groups, particularly Dalit women, who face higher risks of sexual violence.

### **Global Perspective on Sexual Violence**

Globally, sexual violence is a pervasive issue, but different countries have adopted varying approaches to combat it. Sweden, for example, introduced a law in 2018 that requires explicit consent for sexual acts, making it a criminal offense if consent is not actively given. This law reflects a broader understanding of consent and has led to an increase in reported cases and convictions. Canada's victim-centered approach, which emphasizes the survivor's experience rather than the actions of the perpetrator, has also been effective in increasing conviction rates.

Comparing these global approaches with India's legal framework, particularly under the BNS Act, provides insights into the potential strengths and weaknesses of India's strategy in addressing sexual violence. The article discusses how India can learn from these examples to improve its legal and societal response to rape.

### **Gender Sensitivity Analysis**

Just as the Jyoti Singh rape case of 2012 came to be also known as the 'Delhi Rape case' in news media, the Shakti Mills case was at the time often referred to as the 'Mumbai Rape case'. This could be because the two crimes, committed in a gap of less than a year, were equally horrendous gang rapes and shook the conscience not just of the metropolitan publics of Delhi and Mumbai but the nation at large.

Most of the stories covered were very sensitive with only a very few being insensitive. In a headline, the expression 'those perpetrators' is put in single quotes. It is how the survivor calls them. This is also the way the accused will be referred to in several news reports. The readers are told the specific assignment she was on, that is shooting pictures of the chawls. The story also tells us about the male colleague who had minor abrasions. Sensitive stories bring out the

trauma as the survivor was under treatment and stable, she was unable to speak in the initial phase of being admitted. Concerns about survivor's trauma and other medical conditions also reflect sensitive coverage.

The poor conviction and high acquittal rate have been highlighted in one of the sensitive stories. Such stories often give voice to the survivor's feelings and opinion, objectively report on the investigation process, stories list the kind of help and resources available to survivors, what actions will be taken next to ensure swift justice, convey the extent of physical injuries, highlight how defunct public spaces easily become havens for drunkards, addicts and criminals, making them unsafe for women. However, stereotypes complicate the stories that got reported on the side-lines of the Shakti Mills crime as the story has reference to drug addicts lurking in remote places and rich kids racing their cars. In stories of sexual harassment, the expression 'chhedkhani' (teasing) may not sufficiently represent the nature and intensity of harassment. The harassers are often referred to as 'mischief mongering youth' or 'roadside Romeos.'

## **The Roots of the Rape Crisis**

### **Cultural and Social Factors**

The roots of the rape crisis in India are deeply embedded in its cultural and social fabric. Patriarchy is a dominant force, dictating the roles and behaviors of both men and women. Traditional gender roles, which prioritize male dominance and female subservience, contribute to a culture where violence against women is often normalized or excused. The concept of "*family honor*" is frequently used to silence survivors, who are pressured to remain silent to avoid bringing shame to their families.

The portrayal of women in Indian media also plays a significant role in perpetuating these norms. Bollywood, for instance, has historically depicted women as objects of desire, often glorifying toxic masculinity and aggressive male behavior. Such representations reinforce harmful stereotypes and contribute to the social acceptance of violence against women.

The article examines these cultural factors in detail, drawing on studies and sociological research to explain how they contribute to the rape crisis. It also explores the role of education in challenging these norms and promoting gender equality.

### **Legal and Institutional Failures**

Legal and institutional failures are critical factors in the persistence of the rape crisis in India. The judicial system is often slow, with cases dragging on for years, causing immense trauma to survivors. Police apathy, corruption, and lack of proper training further compound the problem. In many cases, survivors face hostility from law enforcement, leading to underreporting of rape cases.

The article critically examines these failures, using case studies to highlight the systemic issues that prevent justice. For example, the *\*Unnao rape case\* (2017)* involved the manipulation of the legal process by a powerful politician, resulting in delays and obstruction of justice. The analysis also considers the role of the media in shaping public perception and influencing legal outcomes.

### **Economic and Educational Factors**

Economic dependency and lack of education make women more vulnerable to sexual violence. In rural areas, where literacy rates are lower and economic opportunities are scarce, women often have little autonomy and are more susceptible to exploitation and violence. The article explores how poverty and lack of education contribute to the rape crisis, particularly among marginalized communities.

Studies show that empowering women through education and economic independence can significantly reduce their vulnerability to violence. The article discusses initiatives that have successfully addressed these issues and suggests ways to replicate these efforts on a larger scale.

### **Fatherhood and Property, Virginity and Chastity**

During British India, in an era of codification of Indian laws, the offence of rape was defined in the Indian Penal Code of 1860 ('IPC'), drafted by Lord Macaulay. As per Section 375 of IPC, the definition of rape requires coercive non-consensual sexual intercourse by a man with a woman. The explanation to the Section stated that penile penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. The requisite condition necessary for rape to be committed is that there must be the commission of sexual intercourse by the man with the woman. Thus, the offence of rape required proof of penetration of the vagina by the penis. This requirement excluded all other possible ways in which women may experience

sexual abuse or violence that are no less humiliating, for example, insertion of the penis into the woman's mouth or anus or insertion of fingers or other objects into her vagina. The feminist analysis of this requirement reveals that penetration of vagina by the penis to the exclusion of all other forms of penetration protects the rights of the legitimate father rather than the woman's integrity and dignity. The penile penetration requirement is linked to the patriarchal notions of chastity and the fear of pregnancy by someone other than the legitimate father. Section 377 of the Penal Code is, on the contrary, gender neutral.

### **Rape Law: Should it be Gender-Neutral or Gender-Specific?**

The concept of equality has traditionally been understood as 'treating likes alike', aiming to avoid differential treatment of similarly situated persons. Based on this concept, gender equality may have two approaches. The first approach – known as 'formal equality' or 'gender neutral' – ignores the gender differences between men and women, treating them 'alike'; the second approach acknowledges these differences by treating them 'not alike'. The problem with the formal approach is that it does not take into consideration biological and gender differences between women and men and disadvantages to women in the long run. In its desire to treat men and women equally, it promotes 'gender blindness' which reinforces dominant standards based on male experiences and interests. As a result, there is an additional burden on women to achieve male standards when in fact the social and economic reality of women is not similar to that of men. The difference model of equality sees men and women as differently 'situated' and therefore not needing the same treatment. The problem in relation to this approach arises not in the recognition of difference, but in how it treats the difference. In recognising the difference, the 'protectionist model of equality' may reinforce the social assumptions that perceive women as modest, weak, subordinate and in need of protection. The 'corrective model of equality' takes into account diversity, difference, disadvantage and discrimination, but instead of reinforcing them, tries to correct the discrimination and imbalances. It focuses on assumptions behind the differences and their outcomes for women that help to identify and correct disadvantage.

When applied to the offence of rape, the gender-neutral, formal model of equality, treating man and woman alike, is not acceptable from a feminist perspective for two reasons. First, social realities are not the same for men and woman; second, as has been explained above, rape is a form of Gender Based Violence, and women suffer this sexual violence as a class, based on their gender whereas men suffer it as individuals. The 'protectionist model' reinforces the

stereotyped gender roles wherein woman is seen as the property of the man to be protected and preserved, inviting the law to protect the virginity and chastity of woman. The 'corrective model of equality' is most desirable in this context as it takes into consideration the dignity, self-esteem, sexual autonomy and bodily integrity of woman.

### **Barriers to Credibility: Understanding and Countering Rape Myths**

Human beings understand the world in terms of stories. Good prosecutors develop a theme and story for each case to make their view of the events charged accessible and credible to the jury. But what happens when the jury comes with its own story of what events would constitute a particular crime, and the prosecutor's case does not match the story line? Nowhere is this a greater problem than in rape cases. Here a narrative about what constitutes "real rape" is so deeply embedded in society's consciousness, and so at odds with the reality of the vast majority of these cases, that the prosecutor must struggle not just to tell a credible story, but to tell it in a way that overcomes jurors' expectations.

In *People v. Iniguez* there were no weapons, no physical assault apart from the rape and no threats. Indeed the rapist never said a word. But the victim was so frozen with fright that she not only offered no physical resistance, she did not even say "no." She lay still and silent throughout the brief assault, yet the rape conviction was affirmed. California law defines rape as "an act of sexual intercourse accomplished...against a person's will by means of force, violence, or fear of immediate and unlawful bodily injury on the person or another." After *Iniguez* was convicted, the California Court of Appeal reduced his rape conviction to "sexual battery" on the ground that the evidence of force and fear of immediate and unlawful bodily injury was insufficient. Later on, The California Supreme Court reversed and reinstated the rape conviction. It noted the testimony of the rape trauma expert who appeared at trial that victims respond in a variety of ways to being raped. Some try to flee, others are paralyzed by fear in the reaction known as "frozen fright". The court addressed the objective and subjective components of the element of fear of immediate and unlawful bodily injury.

Certainly there are some false allegations. But on a statistical basis they appear to be infrequent, even less frequent than false allegations in other types of cases. Many commentators have observed that rape laws have historically been premised on men's fear of women making false allegations of rape.

Discussion of so-called false allegations is confused by the confounding of false allegations with cases that are “unfounded”; that is, determined by police or prosecutors to be unverifiable, nonserious or unprosecutable. For example, in 1975 the FBI published statistics that there were more false reports of rape than of any other crime. In fact, the FBI does not publish statistics on false reports, and was referring here to "unfounded" complaints. Such FBI statistics do not correctly identify what they purport to measure. In most jurisdictions police can declare a complaint unfounded in their initial report. Thus, cases can be declared unfounded after a routine, cursory investigation. In so doing, police are often influenced by extralegal considerations and biases, and they evaluate victim credibility within the context of the rape myths described in this article. Belief in rape myths raises the number of "unfounded" reports. Even in cases where victims sustained bruises, black eyes, cigarette burns and bitten nipples, police have "unfounded" cases if there was a previous sexual relationship between the parties. Police are more likely to believe a victim if it is a stranger rape, if there was more than one offender, if weapons were used, if the victim made a prompt report, and if the victim had a reputation for chastity. In Oakland, California in 1990, 228 rape cases were reopened for investigation following disclosure that one in four reported rapes and attempted rapes were classified as "unfounded." The police conceded that in some cases victims were not interviewed by the police and were never contacted after the initial report was made. Many of these victims were women of color, prostitutes, drug users, or were acquainted with their assailants.

### **Case Studies of Rape Incidents: Critical Analysis**

India has recently adopted a heavily punitive approach to sexual offences. This is evident from the Criminal Law Amendment Act, 2013 (CLA 2013), which expanded the definition of rape and introduced a mandatory minimum punishment of seven years for rape, and the Criminal Law Amendment Act, 2018 (CLA 2018), which enhanced the mandatory minimum punishment for rape to ten years and introduced the death penalty for rape of children below 12 years of age. The Indian Parliament also amended the Protection of Children From Sexual Offences Act, 2012 (POCSO) in 2019 and increased the mandatory minimum punishments for sexual offences against children. Further, the Andhra Pradesh State Legislative Assembly introduced amendments to the Indian Penal Code (IPC) introducing the death penalty for rape in response to the outrage following a brutal gang-rape and murder in Hyderabad in December 2019.

**Nirbhaya Case (2012)**

The Nirbhaya gang rape and murder in December 2012 was a watershed moment in India's fight against sexual violence. The brutality of the crime sparked nationwide protests and led to the formation of the Justice Verma Committee, which recommended sweeping changes to India's rape laws. The subsequent Criminal Law (Amendment) Act, 2013, introduced stricter punishments for rape, including the death penalty for repeat offenders.

Despite these reforms, the case highlighted significant flaws in the legal system, including delayed trials, victim-blaming by defense lawyers, and the influence of media coverage on the judicial process. The article critically analyzes these aspects and examines whether the legal reforms introduced after the Nirbhaya case have led to tangible improvements in the justice system.

**Kathua Rape Case (2018)**

The rape and murder of an eight-year-old girl in Kathua, Jammu & Kashmir, shocked the nation due to the involvement of local politicians and police officers in the crime. The case was marked by attempts to obstruct justice, communal tensions, and protests in favor of the accused. The eventual conviction of the perpetrators was a rare instance of justice being served, but the case exposed the deep-seated communal and political divisions that can obstruct justice.

The article uses this case to discuss the challenges of delivering justice in politically and communally sensitive cases. It also highlights the role of civil society and media in ensuring accountability.

**Unnao Rape Case (2017)**

The Unnao rape case involved a minor girl who was raped by a powerful politician from Uttar Pradesh. The case became notorious for the blatant misuse of power to intimidate the victim and her family. The victim's father was killed in custody, and the family faced numerous threats. It was only after a public outcry that the case was transferred to the Central Bureau of Investigation (CBI), leading to the conviction of the accused.

The case study is used to explore the intersection of power, politics, and justice in India. The article examines how political influence can subvert the legal process and delay justice for survivors.

**The Hyderabad Case (2019)**

The gang rape and murder of a 26-year-old veterinarian in Hyderabad in 2019 shocked the nation. The crime, characterized by extreme brutality, led to nationwide protests demanding swift and severe punishment for the perpetrators. Just ten days after the crime, the four accused were killed in a police encounter, sparking a polarizing debate. While many applauded the police for delivering "instant justice," legal experts criticized the encounter as a violation of due process.

This case highlighted the growing public frustration with the slow pace of the judicial system and the rising acceptance of extrajudicial killings as a means to achieve justice.

**The Hathras Case (2020)**

In September 2020, a 19-year-old Dalit woman from Hathras, Uttar Pradesh, was gang-raped by four upper-caste men. The case drew national attention not only because of the horrific nature of the crime but also due to the authorities' handling of the case. The victim succumbed to her injuries two weeks later, and her body was cremated by the police without the family's consent, leading to widespread outrage.

This case underscored the intersection of caste, gender, and power in India, highlighting how marginalized communities often face significant barriers in accessing justice. The incident sparked massive protests and debates over caste discrimination, police accountability, and the treatment of sexual violence survivors.

**The Uttarakhand Nurse Rape and Murder Case (2023)**

In May 2023, a 25-year-old nurse was raped and murdered in Uttarakhand. The brutality of the crime, coupled with the fact that it took place in a supposedly safe area, sent shockwaves across the state. The investigation revealed systemic failures in protecting women, even in environments where they are expected to be safe.

This case also highlighted the delays in investigating and prosecuting crimes against women, as well as the societal stigma that often hinders the pursuit of justice. Public pressure led to the swift arrest of the accused, but the trial's slow progress has reignited debates on the need for fast-track courts for sexual violence cases.

### **The RG Kar Medical College Rape and Murder Case (9 August 2024)**

The RG Kar Medical College case involved the brutal rape and murder of a female medical student in Kolkata in August 2024. The crime occurred within the premises of the medical college, raising serious concerns about the safety of women even in educational institutions. The incident led to widespread protests by students and civil society groups, demanding better security measures and stricter enforcement of laws against sexual violence.

This case also brought to light the challenges faced by women in pursuing their education and careers in an environment where their safety is constantly under threat. The ongoing investigation has drawn attention to the gaps in institutional security and the need for comprehensive measures to protect students.

### **Justice Verma Committee Report - Background and Formation**

In the aftermath of the Nirbhaya case, the Justice Verma Committee was formed in December 2012 to recommend amendments to India's criminal laws related to sexual violence. Headed by former Chief Justice J.S. Verma, the committee submitted its report in January 2013, proposing comprehensive changes to address sexual violence more effectively.

### **Key Recommendations**

The Justice Verma Committee made several groundbreaking recommendations, including:

- 1. Criminalization of marital rape:** The committee argued that the concept of marital rape violated women's autonomy and should be criminalized, irrespective of the relationship between the perpetrator and the victim.
- 2. Stringent punishment for sexual assault:** The committee recommended harsher penalties for sexual assault, including life imprisonment and even death in the rarest of rare cases.
- 3. Gender sensitization and police reforms:** The report emphasized the need for gender sensitization among law enforcement and recommended reforms to ensure more effective investigation and prosecution of sexual violence cases.
- 4. Fast-track courts for sexual violence cases:** The committee called for the establishment of fast-track courts to expedite trials in rape cases.

## Impact and Implementation

While many of the committee's recommendations were incorporated into the Criminal Law (Amendment) Act, 2013, some critical suggestions, such as the criminalization of marital rape, were not adopted. The article evaluates the impact of the Justice Verma Committee's report on legal reforms and discusses the challenges in implementing these recommendations effectively. It also explores the gaps between the committee's vision and the actual legal framework, considering the current state of sexual violence laws in India.

## The New Criminal Law on Rape Cases: BNS Act

### Introduction to the Bharatiya Nyaya Sanhita (BNS) Act, 2023

The Bharatiya Nyaya Sanhita (BNS) Act, introduced in 2023, represents a significant overhaul of India's criminal justice system, replacing the Indian Penal Code (IPC). The BNS Act aims to modernize the legal framework, address the gaps in existing laws, and provide a more robust mechanism for dealing with sexual violence.

### Key Provisions Related to Rape

- 1. Comprehensive Definition of Rape:** The BNS Act expands the definition of rape to include all forms of non-consensual sexual acts, ensuring that no act of sexual violence goes unpunished.
- 2. Criminalization of Marital Rape:** One of the most significant changes under the BNS Act is the criminalization of marital rape, a long-awaited reform that recognizes the autonomy and dignity of married women.
- 3. Enhanced Penalties:** The Act introduces harsher penalties for rape, including life imprisonment and death for the most heinous cases, as well as special provisions for repeat offenders.
- 4. Victim-Centered Approach:** The BNS Act emphasizes a victim-centered approach, ensuring that the survivor's dignity, privacy, and rights are prioritized throughout the legal process.

### Challenges and Criticisms

While the BNS Act represents a significant step forward, it is not without challenges. Critics argue that the Act's success depends on effective implementation, particularly in rural areas where access to justice is limited. The article discusses these challenges and assesses whether the BNS Act can deliver on its promise to protect women from sexual violence.

## **Loopholes in Legislation and Ensuring Safety for Working Women in India**

### **Identifying the Loopholes**

Despite the legal reforms, significant loopholes remain that hinder the effective prosecution of rape cases. These include:

- 1. Judicial Delays:** The slow pace of trials often leads to prolonged trauma for survivors, who must relive their experiences repeatedly in court.
- 2. Police Apathy and Corruption:** In many cases, the police fail to conduct proper investigations, leading to the destruction of evidence and weakening the prosecution's case.
- 3. Inadequate Witness Protection:** Survivors and witnesses are often threatened or intimidated, leading to hostile testimonies and weakened cases.
- 4. Societal Stigma and Victim-Blaming:** Social attitudes towards rape victims continue to be a major barrier to justice, with victims often facing ostracization and blame.

### **Ensuring Safety for Working Women**

In recent years, there has been growing awareness of the need to ensure the safety of women in the workplace. However, incidents of sexual harassment and violence against women at work continue to surface, highlighting the gaps in existing policies and practices. While the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, was a significant step forward, implementation remains inconsistent, particularly in smaller organizations and unorganized sectors.

### **Addressing Workplace Harassment**

To effectively ensure safety for working women, the following measures are critical:

- 1. Strict Enforcement of Anti-Harassment Policies:** Companies must enforce stringent policies against sexual harassment, with zero tolerance for offenders. Regular training and sensitization programs for employees, especially those in supervisory roles, can help create a safer work environment.
- 2. Accessible Reporting Mechanisms:** Women must have access to confidential and accessible reporting mechanisms. The Internal Complaints Committee (ICC), mandated by the 2013 Act, should be strengthened and given more authority to address complaints promptly.
- 3. Legal Safeguards and Support Systems:** Legal protections for women in the workplace must be complemented by support systems, including counseling and legal

aid. Fast-track courts for cases of workplace harassment can ensure timely justice and act as a deterrent.

4. **Safety Audits and Infrastructure Improvements:** Organizations should regularly conduct safety audits of their premises to identify and mitigate risks. This includes ensuring well-lit spaces, functional security systems, and safe transportation options for women working late hours.
5. **Inclusive Policies:** Companies must adopt policies that promote gender equality and create an inclusive work environment. Providing maternity leave, flexible work hours, and opportunities for career advancement can empower women and reduce their vulnerability to exploitation.

### Conclusion

The issue of rape in India is a complex and deeply rooted problem that requires a multifaceted approach. While the transition from the IPC to the BNS Act represents progress, it is not enough on its own to address the pervasive culture of sexual violence. Legal reforms must be accompanied by societal change, with a focus on education, gender equality, and the empowerment of women. Ensuring the safety of working women is a crucial part of this effort, as it addresses one of the many fronts on which women in India continue to fight for their rights and dignity.

By addressing the legal loopholes, implementing effective policies, and challenging societal norms, India can take significant steps toward reducing sexual violence and ensuring justice for survivors. It is only through sustained effort and commitment at all levels—legal, societal, and governmental—that the grim reality of rape in India can be transformed into a future where women are truly safe and respected.

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