

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS (ISSN 2582 - 6433)

VOLUME 2 ISSUE 5  
(February 2022)

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**IJLRA**

INTERNATIONAL JOURNAL  
FOR LEGAL RESEARCH & ANALYSIS

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2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

**NIRBHAYA: THE COUNTRY'S REDEMPTION OR JUST ANOTHER DELAYED  
FUNCTION?**

**BY**

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Justice delayed is justice denied ~ William E. Gladstone

**The above quote forms the basis of our commentary on the case of Mukesh and Anrs. Vs NCT Delhi (Nirbhaya Case)(2017). The Nirbhaya case stirred the country and its judicial system. However, the extremely delayed judgment and the multiple connotations, events that accompanied the case through its judgment duration, and the harrowing journey of Nirbhaya's parents are some areas of the case that examines the context of justice delivered by the Indian Judicial System and puts the alarming question of what rape victims could expect in terms of seeking justice from the Indian Judiciary. This paper shall attempt to comment on the aforementioned prospects of the case.**

Before diving into the issues associated with this case, here's a brief summary of the case. The case represents Nirbhaya (pseudo name), her companion and the six men one of whom was a minor who raped her brutally. Her body was explicitly damaged, sexually violated, mutilated and private parts were ruptured to give vent to their degenerate sexual appetite. Her intestinal tracts were pulled out, and private parts were ruined and mutilated and she became a prey to the lust of gang of six and brutal assault. The companion of the young lady was able to survive regardless of being tossed outside the transport alongside the young lady and the endeavor of the charged appellants to run over them got vain as Nirbhaya and her companion, by their slight movement, could escape from being squashed under the transport, and the appellants left them believing that they were not anymore alive. (Legal desire, 2020).

Was the case successful in sending the expected message or did it instead prove the inefficiency of the Indian Judiciary with its piled-up cases and extremely delayed judgments?

A case that aroused everyone up from sleep but one person who did not get up for so many years. Who is the one who could not decide by watching everything? The courts. Why did the judgement take such a long time, and in the meantime there have been many rape cases whose decision is still pending. India witnesses 88 rape cases in a day, from this it is comprehended how many will have been raped from 2012 to 2020 and how many of them would have got justice till now, and additionally, the conviction rate is below 30 percent. A survey by Thomas Reuters Foundation in 2018 ranked India as the most dangerous country for women. (The Times of India). So why it is taking so long to punish a bestial action as such? Subsequently rising massive amounts of national and worldwide attention, Delhi's Nirbhaya" rape case "a barbaric crime" that had "shaken society's conscience" turned into an urgent defining moment and a turning point for India's women's activists and the feminist movement. Gathering Mahatma Gandhi's name, legal advisor A P Singh says, "God gives life and only he can take it and not man-made courts" Life imprisonment is the standard and death punishment is a special case. Death is irreversible; the purpose of justice is reconciliation and reform. Her outbreak launched a significant movement, known as the "Nirbhaya Movement," which resulted in attention to the prevalence of sexual brutality against women in India. The government of India came under pressure both nationwide and globally, which made into existence of an elevated high-level committee; run by the previous Chief of Justice of India, Justice Verma, called the Verma Committee. Their key suggestions were to enlarge the meaning of "rape" to incorporate non-penetrative sex, make new offenses for acts, for example, acid attacks and sexual harassment, and increment punishments for those sentenced for rape. These recommendations were completely brought into the Indian Penal Code (IPC) through the Criminal Law Amendment Act of 2013 called the anti-rape act. It amended the definition under Section 375 of the IPC. Section 375 of the IPC, after the amendment, defines rape as *any involuntary and forceful penetration without the woman's consent into the woman's body parts like the vagina, urethra, mouth, or anus*. The National Crime Records Bureau (NCRB) turned out with a declaration saying that rape reports had increased, while conviction rates had decreased, the National Commission for Women ceased the need to redesign provisions for sexual assault in the Indian Penal Code. These provisions included reclassifying consent, rape, and molestation.

*"The law of rape is not just a few sentences. It is a whole book, which has clearly demarcated chapters and cannot be read selectively. We cannot read the preamble and suddenly reach the last chapter and claim to have understood and applied it."* – Kiran Bedi., Joint Commissioner, Special Branch.

Human nature has aggression and lust as some of its natural constituents. As per neurologists,

this appetitive aggression, the disposition towards a lust for violence, is by no means a psychopathological anomaly but an intrinsic part of the human behavioral repertoire. Morality, culture and the state monopoly on violence constitute the guards that regulate aggression potential and to channel it into socially useful forms. Therefore, through proper sex education, stringent application of laws, enhanced effectiveness of Indian courts, our country might be expected to be heading towards a brighter future.

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