



Rising Rape Crimes in India

For Prelims: [Bharatiya Nyaya Sanhita \(BNS\), 2023](#), [Marital rape](#), [Protection of Children from Sexual Offences \(POCSO\) Act, 2012](#), [Zero First Information Report](#), [Two finger tests](#), [National Legal Services Authority](#), [National Crime Records Bureau](#)

For Mains: Rape Crimes, related Challenges and Way Forward, Women's Safety in India and Legal Reforms, Issues Related to Women, Impact of societal norms

Source: [IE](#)

Why in News?

The **surge in rape crimes across India** has reignited demands for **comprehensive legal reforms and changes in societal behaviour** to address sexual violence.

- These incidents have fueled calls for harsher punishments, including the death penalty for rape, and urgent action to create a safer environment for women.

What are the Legal Framework Regarding Rape in India?

- **About:** Rape, according to the [Bharatiya Nyaya Sanhita \(BNS\), 2023](#) occurs when a man has sexual intercourse with a woman without her consent, against her will, through coercion, deception, or when the woman is under 18 or unable to consent.
- **Types of Rape in India:**
 - **Aggravated Rape:** Rape committed by someone in a position of authority or trust over the victim (e.g., police officers, hospital staff, or guardians).
 - **Rape and Murder:** When rape leads to the victim's death or a vegetative state.
 - **Gang Rape:** When a woman is raped by multiple individuals simultaneously.
 - **Marital rape:** The term '[marital rape](#)' refers to forceful sexual intercourse between husband and wife **without the consent of either party**.
- **Laws Governing Rape in India:**
 - **Bharatiya Nyaya Sanhita (BNS), 2023:** The newly enacted BNS, 2023, which replaces the colonial-era [Indian Penal Code \(IPC\), 1860](#) introduces significant changes in the treatment of sexual offences.
 - The BNS further defines aggravated forms of rape, including [gang rape](#). It imposes harsher punishments for the **gang rape of minors under 18**, including life imprisonment or the death penalty.
 - **Criminal Law (Amendment) Act, 2013:** In 2012, the [Nirbhaya rape case](#) in Delhi led to the introduction of the **Criminal Amendment Act 2013**, which increased the **minimum sentence for rape from seven to ten years**.
 - For cases resulting in the **victim's death or vegetative state, the minimum sentence was increased to twenty years**.
 - Further, the [Criminal Law \(Amendment\) Act, 2018](#) was enacted to prescribe even more stringent penal provisions including the death penalty for the rape of a

girl below the age of 12 years.

- **Protection of Children from Sexual Offences (POCSO) Act, 2012:** Protect children from sexual assault, harassment, and pornography.

▪ **Rights of Rape Victims in India:**

- **Right to Zero FIR:** Victims can file a **Zero First Information Report (FIR)** at any police station, regardless of jurisdiction. The FIR will be transferred to the appropriate station for investigation.
- **Free Medical Treatment:** Under Section 357C of the **Code of Criminal Procedure (CrPC), 1973 (now replaced as Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023)**, all hospitals must provide free medical treatment to rape victims.
- **No Two-Finger Test:** No doctor shall possess the right to do **two finger tests** while doing the medical examination, which was deemed a violation of the survivor's dignity.
- **Harassment-Free and Time-Bound Investigation:** The statement shall be recorded by a women police officer or any other officer at a time and place convenient to the victim.
 - The statement shall be recorded in the presence of the victim's parents or guardian. If the victim is dumb or mentally disabled, an Analyzer Educator social interpreter will be present to understand the sign.
- **Right to Compensation:** Section 357A of the CrPC mandates compensation for victims, guided by the **National Legal Services Authority's compensation scheme.**
- **Trial with Dignity and Protection:** Trials should be conducted on camera, with no invasive questions about the victim's sexual history, and by a female judge if possible.

Why is There an Increase in Rape Cases in India?

- **Normalisation of Rape:** It refers to a sociological environment where **sexual violence is normalised and excused leading to increased rape cases.** It thrives on a range of behaviours and attitudes.
 - **Rape Jokes:** Humorous remarks about sexual violence that trivialise the severity of such crimes.
 - **Sexist Behaviour:** Actions and attitudes that undermine or demean women, often perpetuate harmful stereotypes.
 - **Victim Blaming:** Holding survivors responsible for the violence they experienced, instead of focusing on the perpetrators.
 - Cultural attitudes persist in blaming victims for their attire, with 68% of judges surveyed in India holding this view. This harmful perspective reinforces a **culture of victim-blaming.**
 - Victims are often shamed and blamed, which **worsens their trauma and discourages them from reporting the crime.** This lack of reporting **contributes to an increase in rape incidents.**
 - This culture not only diminishes their personal freedom but also restricts their opportunities and social standing.
- **Alcoholism:** Alcohol consumption is a significant factor contributing to **higher rape rates.** It impairs judgement and can lead to more aggressive and violent behavior.
- **Misogynistic Representation in Media:** Movies and shows in India often **objectify women, presenting them as mere objects of desire.** This portrayal reinforces harmful stereotypes and behaviors that contribute to rape culture.
- **Sex Ratio Imbalance:** A higher number of **men compared to women** in a population is associated with **increased rape rates.**
 - According to the **2011 Census**, the country's sex ratio was 943 females for every 1,000 males. This **gender imbalance creates a demographic environment where the incidence of sexual violence is higher.**
- **Insufficient Female Police Representation:** India's police force had **11.75% female officers in 2022.** This low percentage means that **women who are victims of sexual assault may struggle to report their cases to female officers,** who are often preferred for handling such sensitive issues.
- **Acceptance of Domestic Abuse:** This normalisation of **domestic violence** extends to a **broader tolerance for sexual violence,** reinforcing harmful behavior patterns and reducing

the likelihood of victims seeking help or receiving adequate support.

- **Blaming Victims for Immoral Behaviour:** Women engaging in behaviours deemed "immoral" (such as drinking or late-night outings) **are unjustly blamed for their assaults**, reflecting broader societal issues.
 - This blame **perpetuates a culture that fails to protect women adequately, contributing to an increase in rape crimes.**
 - Some individuals believe that sexual harassment and violence can be avoided by women simply by **modifying their behavior, which shifts the blame onto victims rather than addressing systemic issues.**
- **Advising Silence:** Victims are frequently advised against reporting their assaults, due to fears of societal judgement and personal embarrassment. This silence protects offenders and **perpetuates the cycle of abuse.**

Why are Rape Conviction Rates So Low in India?

- **Low Conviction Rates:** The number of reported rapes remains alarmingly high, with annual reports consistently exceeding 30,000 cases since 2012, except for a decline during the [Covid-19 pandemic](#) in 2020.
 - In 2022, over 31,000 rape cases were reported, reflecting the ongoing severity of the issue. Despite tougher laws, **conviction rates for rape have remained low, fluctuating between 27%-28% from 2018 to 2022 according to [National Crime Records Bureau](#) data.**
- **Systemic Issues:** [Corruption](#) within the legal and law enforcement systems can undermine efforts to address rape cases. Bribery and misconduct can result in cases being mishandled or dismissed.
 - Many incidents of rape are not reported due to fear of retaliation, lack of trust in the system, or perceived inefficacy of the legal process.
- **Socio-Cultural Factors:** Societal attitudes often place undue scrutiny on survivors, leading to victim-blaming and discouraging them from pursuing justice.
 - The **fear of societal rejection and stigma can lead survivors to withdraw from the legal process.**
- **Inconsistent Law Enforcement:** The effectiveness of rape laws in India is frequently undermined by inconsistent application, hampering equitable enforcement.
 - The **BNS, 2023** does not adequately address **sexual crimes against men and transgender persons reflecting a significant gap** in the legal framework and the challenge of ensuring consistent and inclusive law enforcement across the country.
 - [Marital rape remains non-criminalised in India](#), supported by outdated notions of marriage sanctity. This legal loophole perpetuates a culture where **consent within marriage is often ignored**, contributing to the broader problem of rape culture.
- **Poor Evidence Collection:** Inadequate or poor evidence collection and investigation can weaken cases, making it difficult to secure convictions.
 - **Corruption and inefficiency within the police force can exacerbate these issues, leading to poorly handled investigations.**
 - **Example:** The **Hathras case of 2020** revealed serious lapses in policing, including delayed action and mishandling of evidence, highlighting the systemic issues within investigative processes.
- **Ineffective Legal Support:** Many survivors of rape do not receive adequate psychological, legal, or medical support, which can impact their ability to pursue justice effectively.
 - The absence of robust support systems **can make the process of seeking justice more daunting** and less likely to result in a conviction.
- **Judicial System Overload:** The Indian judicial system often faces an overwhelming number of cases, which can lead to delays and **compromises in the quality of justice delivered.**
 - Overburdened courts may struggle to give each case the attention it requires, impacting overall case outcomes.
 - The slow pace of judicial proceedings contributes to prolonged delays in delivering justice. Delays in trials can lead to a weakening of evidence and witness testimonies, which impacts the chances of securing a conviction.
 - **Example:** The **Nirbhaya case**, despite being fast-tracked, took over **seven years to reach a conclusion**, demonstrating inefficiencies in the legal system.

What are the Implications of Rising Rape Cases?

- **Restrictions and Safety Concerns: Women already face significant restrictions on their movement and independence due to societal norms and safety concerns.**
 - The rising number of **rape cases further limits their freedom, as fear of violence constrains** their ability to travel and participate in public life.
- **Impact on Workplace Dynamics:** Increasing sexual offences in workplaces can deter women from pursuing or remaining in careers, impacting gender diversity in companies.
 - Companies may face difficulties in **recruiting and retaining female employees** if workplace safety and harassment issues are not adequately addressed.
 - Survivors of rape may face challenges in maintaining employment or pursuing career opportunities due to trauma or stigma.
- **Economic Consequences: The need for medical treatment and psychological support for survivors adds to healthcare costs.**
 - These expenses can strain **public health resources** and affect the economic stability of individuals and families.
 - The economic impact of sexual violence can extend to families and communities, **affecting overall productivity.**
- **Erosion of Trust:** The prevalence of rape can **erode public trust in law enforcement and the justice system**, leading to a sense of insecurity and disillusionment.
- **Reinforcement of Gender stereotypes:** Rising rape cases can reinforce harmful gender stereotypes and discriminatory attitudes, perpetuating gender inequality and limiting women's opportunities.

Way Forward

- **Legal Reforms:** Evidence suggests that harsher punishments, like the death penalty, are unlikely to prevent sexual violence. **The Laws should focus on the certainty of punishment rather than its severity.** With conviction rates in rape cases under 30% in India, the real issue lies in the **efficiency and fairness of the judicial process rather than the harshness of the penalty.**
 - Additionally, there should be **increased awareness campaigns about the consequences of rape and the associated punishments** to deter potential offenders, as many people are **not aware of the legal repercussions.**
 - Implementing the [2013 Justice Verma Committee Report](#) recommended significant reforms, including police reforms to address rape crimes and the **criminalization of marital rape**, many of these recommendations remain unimplemented.
- **Changing Societal Attitudes:** Educating society about **consent and respectful behaviour is crucial.** This includes rejecting rape jokes and **challenging victim-blaming attitudes.** Promoting empathy and support for survivors can help shift public perceptions.
- **Media Responsibility:** Media outlets should be held accountable for the portrayal of women. Content that objectifies or demeans women should be criticised and regulated.
- **Comprehensive Health/Sex Education:** Schools and colleges should incorporate thorough **sex education programs.** This education should address **consent, respect, and the harmful effects of pornography.**
- **Support for Victims:** Creating a supportive environment for survivors, where they are not judged or blamed, is vital. Providing mental health resources and legal aid can help survivors recover and seek justice.

Conclusion

Rape is a severe crime that damages individuals and erodes societal values and safety. While India's legal framework strives to support and protect victims, significant challenges persist. To foster a safer society, it is crucial to enforce laws rigorously, educate the public, and transform societal attitudes towards sexual violence. **Ensuring justice for survivors and holding perpetrators accountable is vital for creating a more just and secure environment for all women.**

Read more: [Persistent Issue of Violence Against Women in India](#)

Drishti Mains Question:

Q. In light of the surge in rape cases in India, evaluate the impact of legal reforms. Suggest strategies to tackle systemic issues and shift societal attitudes for better survivor support and conviction rates

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains

Q. We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this menace. **(2014)**

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