



CRITICAL STUDY OF PSYCHOLOGY OF HUMAN SOCIETY TOWARDS RAPE VICTIM

Sandeep Kaur^{a,*}, 

Dr. Ramesh Kumar^{b,*}, 

^a B.A.LL.B. Final Year Student, School of Law, Lovely Professional University, Phagwara, Punjab (India).

^b Assistant Professor, School of Law, Lovely Professional University, Phagwara, Punjab (India).



KEYWORDS

Law related to rape, Rape victim, Rehabilitation of rape victims, Patriarchal society, Mentality, Disgrace, Impact of the Law in the society.

ABSTRACT

Rape is most heinous crime against the women. In the recent times rape is increasing day by day and many new amendments in laws are introduced by the legislature. This paper is study about how the society behaves towards rape victim? Rape is only crime where victim become accused. How Indian society treats man and woman differently and still man dominance society exists in India. From the birth of the child people start to teach their children girl and boy are not equal. Girls are not weak the physical strength does not make anyone weak or strong but people make girl mentally weak and boy strong and give dominance to boy and these things led to crime against women. The people who work for a public or who are sitting in higher position or the ministers of India gave statements about the rape and shows there mentality about women. The rape victim faces many problems and criticism even she is not at fault and many girls who is victim of sexual offences never report about it due to fear of society and lack of support.

Introduction

Give me an educated mother, I shall promise you the birth of civilized, educated nation.

-----'Napoleon'

We feel happy that we have reached the moon, but what is benefit of that, when we cannot let girls go out of our homes after 6 o'clock. Even though when that girl can operate a plane or a fighter jet, then also but on the day of marriage, she has to walk slowly to get on stage and that to four people will hold her to get there. At the same time, a boy is chill and people will make him a fake king one day. Our society sends the girl away to another's house by giving her 5% dowry and remaining 95% of the property is ruled by the son, the heir of the family. The world largest democratic country's 48% population¹ goes into Curfew after 6 pm. The Right to equality, right to freedom, right against exploitation, all these become worthless. And there can be no greater war than this.

If you ask someone where a female is unsafe? So, most people think that females are unsafe when they are outside the house. They are most at risk outside the house when they are travelling to unknown places. I also believe it, until I got the data.

Almost 90 percent of rape cases have been done in the victim's house by their acquaintances.² One organization estimates that more than 10 million female fetuses may have been illegally aborted in India since 1990s,³ and 5 lack girls killed every year⁴ in form of fetus because they are girls, all these decisions are taken in the house. The person who is smoking a cigarette on debt also needs a descendant a son to run his empire. After seeing the data, it was understood that girls are unsafe inside of the house and not outside.

Every day when we see news or read newspaper, we can see two to three rape news in daily news but there are many cases which are not even reported because it is committed by family members or acquaintance or hide by a family member of the victim because their reputation is important, or they think what people will say! If they come to know about it. Society plays important role in normal life.

In this paper I will discuss about the society thinking towards rape

victim and the rapist.

Definition of Rape


"The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."⁵

Cause of Dominance Of Man

- Human himself made a difference between the girl and boy because God has made both boy and girl equal kept the similarity in both. Some differences are kept so that the reproduction cycle can be completed, But it is not based on physical strength that the boys are stronger and girls are weak or who will be outside the house and who will stay inside the house.
- When the child is born and if it's a girl then Barbie doll, kitchen and house sets, and all caring and cooperative toys are given to the girls. When a boy is born, we give him guns, racing car, superman and all aggressive and competitive games are provided. It is not a choice of children their choice is made this way.
- Running like a girl, dressed like a girl, crying like a girl when parents are saying all these things to a boy. So along with him, his sister is also listening to all these things. What she thing about it? That doing something like a girl is bad? A girl can wear a boy's clothes, but if a boy wears a girl's clothes, then it's like he commits a crime. At a particular age taught how to sit, where to go, on what time to get home. But for boys, there is full freedom.
- A boy can unzip his pants on roads and urinate, that is a very normal thing, but at the same time, if a girl wears a skirt that is a very abnormal thing. Now if we see what is more abnormal?
- Even though the girl has done PhD, but if she goes a little far, then also if not adult family member, then small child will accompany her. If she faces any threat, then a child cannot do anything about it. And when that boy grows up, he thinks of himself as very strong and protective and thinks girls as weak. From childhood, this training is of such level that it dominates the mind of boys. They can lose with anyone in the world but cannot tolerate losing with a

Corresponding author

*E-mail: sandeepka0555@gmail.com (Sandeep Kaur).

 <https://orcid.org/0000-0002-6996-3089>

**E-mail: jmsdrameshkumar@gmail.com (Dr. Ramesh Kumar).  <https://orcid.org/0000-0003-2771-7274>

DOI: <https://doi.org/10.53724/lrd/v7n1.08>

Received 15th August 2022; Accepted 25th August 2022

Available online 30th Sep. 2022

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girl. A boy is most vulnerable when he gets rejected by a girl. And somewhere the reason these attacks and rapes the same psychology is followed behind them.

- A person needs money the most as compared to the other things. But a bank does not get robbed every day, because everybody knows that the system there is very strong. If they rob the bank they will get caught. Even they will not be sentenced to death, but they will get caught, but rape cases occur every day because criminal think of the victim as very weak and if he commits a crime, he can escape from it easily.

Society View Towards Rape Victims And Rapist

- There was a case in Goa; the investigation was turned toward the character and conduct of the victim instead of the actual investigation of the accused. The judge provided a judgment saying that the victim's, past relationships, social life, her dress's length, and her undergarments at the time of incident describes her intentions towards her colleague. The personal opinions of judge that were given in this judgment show her mentality towards the victim. It shows the mentality towards the gender inequality.
- In 2012 there was a rape case in Delhi, people said that "women who go out at night have only themselves to blame in case they attract attention of male molesters."
- Minor girl died due to a gang rape and alleged that she has been assaulted by son of party leader and his friends. West Bengal minister said that in protection of one of the leader's sons that reason of her death is unknown, it might be a suicide due to her love affair or she might be pregnant or raped. The minister is leader of a state and is highly educated but she is blaming the victim and protecting the accused son of one of the leaders. It shows her mentality regarding the patriarchal society even though she is also a woman. What can be more shameful than women disgracing the girls?
- One of Uttarakhand minister said the prime cause of the rape is the clothing of girls. The minister said that the girls dressing sense provoke males. He solely blames the women's clothes, her lifestyle, behavior and presence at inappropriate places instead of blaming the accused. And one of MLA said that "when the rape is inevitable, lie down and enjoy it".⁶ This kind of opinions and statements about the victim is what makes the accused strong. When this type of statements comes from the ministers of the nation, the women became afraid of reporting the incident.
- One of the Uttar Pradesh Women's Commission members said that it is fault of parents the rape cases are increasing because they give mobile phone to their daughters. It is parent carelessness the crime against women is increasing. In 21st century people think like that then there is no development in the country when educated women is think like for other women and promote man made society.
- There was horrified case in the Uttar Pradesh 50-year-old women is gang raped and dead during night. The National Commission for women member speaks about it that incident will never happen if the women had not step out the house at night. Nation must pull out the discrimination against women.
- People give a statement to the media says that why should rape lead to the hanging? Boys are boys, they made mistake all the times, but they never say that girls are girls they can wear anything, we have to teach our boys how to control themselves.
- Some peoples give statements that decent girls cannot roam around at night after 8:00 pm and that Girls are made for household works not to roam around at night in bars. Many times we hear a statement that only 20% girls are good. If they are not good, man have the right to teach her a lesson, it's her responsibility to silently accept the assault and rape and shouldn't fight back.
- Man says that it is not about sex, it is about power, control and violence over women. We live in such a patriarchal society where

women are oppressed even when they are the victims. The society norms about men being above than women is what leads to rape in most cases.

- Minister of our country often says that girls should marry in early age to man then rape cases can be prevented or girls and boys should marriage at the age of 16. It is not boys fault currently it is open market with open options, earlier if women and man would talk or hold each other hand and caught by their parents they were hang by their families, but now they talk and hold each other hand freely that's why rape cases are increased.
- Public figure maid a statement that rape is right sometime and sometime it is wrong, until the complaint is not filed it is right.
- On 15 August 2022, 11 rapist of Bilkis Bano case was released from the jail they was on life imprisonment and because they rape pregnant women and kill her girl child in her womb and women is also lost her six family members in the riot in Gujrat. Any one is not against the families of rapists but it is look like they care coming from war or coming after doing some good deed their family or other there known people welcome them with garlands and sweets seeing this things is very hurt full for the victim family they were not even informed that accused are going to release from jail and they even not complete their sentence, they are released from jail because their good behavior like they are not committee any heinous crime only some small crime.

Reasons of why most of the cases are not report?

- **What will people say:** Most of the case are not report because in our society women's are always taught the man is superior then women, never voice your opinions, it is wrong. And self-blaming is also a reason of it because in Indian society people always blame a victim first. Sometime women does not tell to her family about it, if she disclose it to the family their reaction is like "what will people say" about us and our family.
- **Reputation:** "Honour over life or Izzat" is also biggest reason of not reporting about sexual offence. Women believe that if she report about it will dishonour to her family. If women want to speak then her family her family silenced her like reporting will only bring shame to the family repetition.
- **Forbidden lifestyle:** In India society sex education is taboo, women and children often does not understand such incident as sexual abuse or rape.
- **Non sporting system:** It is also a reason women or her family cannot report about sexual offences because when the go to police station or any other government system for help or report then the officers does not treat a victim well they disrespect her and joke on statement or ask her to repeat how this is happen with her? Where the accused touch? For their own satisfaction. They make her uncomfortable or they are also blame's her for all this things happen with her.
- **Media:** In has many laws related to the rape victim. One of them is non-discloser of her identity. But media always disclose her identity and ask her for interview or sit for debate on channel with the different parties' ministers who says many hatred things on channels.

Laws related to Rape

In Indian penal code (IPC) 1860, sexual offences are covered under section 375-377. According to IPC, a man commits a 'rape' if he inserts his penis in any body part of women or use his mouth or any object in the women's vagina, mouth, anus or urethra or make her do any of the above to him or anybody else under the following conditions:

- i. Against her will
- ii. Against her consent
- iii. When a woman or her loved one is threatened with hurt or death
- iv. When consent is taken by a man pretending to be her husband

- v. If the woman is of unsound mind
- vi. If she has been drugged
- vii. If she is under 16 years of age
- viii. If a wife is under 15 years of age

According to IPC, consent means voluntary agreement by a word, gestures, or any form of verbal or nonverbal communication to participate in sexual acts.

PUNISHMENTS OF RAPE UNDER IPC IN SECTION 375-377⁷

Section	Offence	Minimum Punishment	Maximum Punishment	Fine
Section 376A	Causing death or resulting in a persistent vegetative state of the victim	20 years	Life term or Death Penalty	No
Section 376AB	Rape of a girl under 12 years	20 years	Life term or Death Penalty	Yes. Fine paid directly to the victim will be just & reasonable to meet medical expenses & rehabilitation costs
Section 376B	Rape by husband on his wife during separation	2 years	7 years	Yes.
Section 376C	Rape by a person in a position of authority	5 years	10 years	Yes.
Section 376D	Gang rape	20 years	Life Term	Yes. Fine paid directly to the victim will be just & reasonable to meet medical expenses & rehabilitation costs
Section 376DA	Gang rape of a woman under 16 years	Life Term	Life Term	Yes. Fine paid directly to the victim will be just & reasonable to meet medical expenses & rehabilitation costs
Section 376DB	Gang rape of a girl under 12 years	Life Term	Death Penalty	Yes. Fine paid directly to the victim will be just & reasonable to meet medical expenses & rehabilitation costs
Section 376E	Repeat Offenders	Life Term	Death Penalty	No
Section 377	Carnal intercourse against the order of nature with any man, woman or animal	Up to 10 years	Life Term	Yes

Laws Under The Protection Of Children From Sexual Offences Act (Pocso), 2012

From 2000-2011, there are many cases about sexual offences against minor and rape is criminalized is under IPC with regardless of consent. Since majority cases of child abuse that's why the protection of children

from sexual offences act, 2012 was made. This act is gender neutral and recognized other forms of penetration other than vaginal penetration. Child pornography, abetment to child abuse, sexual harassment of children all things covered under this act and the police is responsible for looking after the child victim during the trial.⁸

Case Laws:

Nirbhaya gang-rape case⁹

In 2012, a girl in Delhi was brutally gang raped in moving bus and then she was thrown out of the bus after few days she died because of internal injuries. This shook entire country because of horrified nature of crime the public outrage and government change the law to prevent crime of this degree if this happens again. It led to amendment in 2013 in the Indian Penal Code act and the juvenile justice act. This amendment wider the rape definition and include death penalty in case of vegetative state and increase punishment up to 20 year and life time imprisonment.

Kathua rape case¹⁰

There was case in January 2018 in the Kathua District of Jammu and Kashmir, an 8 year old girl was raped and killed by group of men. Rape takes place in the temple and temple priest was also include in this. Even one of them is police man who has to save that child but he was also includes in it. This case led to national protest and a demand strict law on rape. This led to Criminal amendment in POCSO act in 2018 mainly changes are the rape against a child. The minimum punishment is a 20 years' imprisonment and made death penalty possible in case the rape of minor under 12 years. And section which dealt with rape against a minor under the age of 16 years the penalty was 20 years to life imprisonment inserted in the IPC.

Hathras Gang rape case¹¹

The 19 year old Dalit girl was brutally raped in Hathras, Uttar Pradesh by four men who considered as "upper caste" form girl. The victim is died in Delhi hospital after two weeks. The worst thing is that the UP police personnels cremated the rape victim without the permission or presence of the family member of the victim. This case spread wider protect of public in the country.

Consequences Faced By Victim After Rape

- Sometimes patriarchal society holds a victim responsible for the crime. And these things put a victim in trauma and self-blaming. And self-pity and self-blaming lead her to suicidal thoughts.
- Physical injuries damage her body parts and it causes many physical problems.
- Some people even make joke on her or pass unusual comments.
- Some women's never cure the trauma and avoid any physical and social interaction with the men. She never trusts any stranger or any men.
- Financial problem are also faced by women because she loss of actual earning. Sometime she drop a job because she cannot cope up with social interaction or not comfortable with people or have mental issues.
- Family relationship and friendships also be affected by sexual offence against her. Sometime family and friend's negative reaction toward her lead her to less recovery.
- No one wants to marry the rape victim. In present time people are educated and more understanding. If any person wants to accept the women then his family never accept her and there are many people say we are not affected with these thing, it is not her fault she has right to live her life and start new chapter of her life and get marry and live happy but they do not want her in their house, she can marry in their neighbor but not in their house. Only some peoples are there who accept her whole heartedly.

Suggestions

- Parents need to teach their children that girls and boys are equal and need to treat them equally and teach their son to respect the girls, make him good person then a man and softness is not mean that you are a girl. A gentleman never disrespect any girl and harm

them. If a girl feel unsafe in your presence that means you are not a good person.

- Parents need to teach their girls self defence more than a round chapatti. They does not need to put curfew on the girls at night but need to teach their son not to rape any girl.
- Government need to allow a sex education in the schools. Awareness comp's in the schools and rural areas. So, people can be aware about sexual offences and related laws.
- Government has to strict the laws so victim identity cannot be disclosed by media. Strict action against any police officer who harass the victim.
- Special and speedy court so justice can be provide fast to the victim.

Conclusion

Rape is the only crime in which victim become accused. According to our constitution men and women are equal. But not according to our society. Either society can change the constitution or society should accept that the society is doing wrong. If girl go out after six pm, it is her fault, because the boy outside at night is doing his job! It is only girl fault. Is even human who enjoys the touch of girl's shoulder in bus? Rape is most heinous crime on earth and it is happening in every five minutes. The problem with people who deal with rape is that they try to teach women how to defend themselves. What in reality they need to teach a men not to rape. Go to the source and start there. "In compliance of Rule of Law, in democratic & republic India, subjecting to principle of natural justice, Equity, justice, good conscious, morality and welfare state, not only Human rights but also all rights are incomplete, meaningless and worthless without the Enforcement system."¹² "Speedy justice must be delivered without having violations of Human Rights and its Law with respect to aforesaid slept Governments must be wake up now with vigilance mandatorily because sovereignty is found in people for welfare of people."¹³

Endnotes

¹ Gender ratio, available at: <http://statisticstimes.com/demographics/country/india-sex-ratio-.php> (visited on 25 September 2022)

² 90% rape is committed by people known to victim, available at: <https://www.reuters.com/article/india-women-crime-rape-idINKCN0QQ0S20150821> (visited on 25 September 2022)

³ Illegal abortion in 1990s,

<http://www.theguardian.com/world/2006/jan/09/india.sarahboseley> (visited on 25 September 2022)

⁴ Girl fetus killed every year, available at: <https://vikaspedia.in/social-welfare/social-awareness/female-infanticide> (visited on 25 September 2022)

⁵ Definition of rape, available at : <https://www.justice.gov/archives/opa/blog/updated-definition-rape> (visited on 25 September 2022)

⁶ <https://www.shethepeople.tv> (visited on 25 September 2022)

⁷ The Indian Penal Code, 1860 (Act 45 of 1860),

s.375,376,376A,376AB,376B,376C,376D,376DA,376DB,376E,377

⁸ The protection of children from sexual offences act, 2012 (Act 32 of 2012)

⁹ *Nirbhaya gang-rape case*, (NCT of Delhi) [(2017) 6 SCC 1]

¹⁰ *Kathua rape case*, (2018) 2 SCC 494

¹¹ Hathras gang rape cases, (2020) 1 SCC 874

¹² Kumar, Ramesh. (2017). A Critical Appraisal of Law relating to Human Rights with Special Reference to Enforcement System. *Legal Research Development (An International Referred e-Journal)* Vol.1.Issue III March 2017. 63-75. doi: <https://doi.org/10.53724/lrd/v1n3.06>.

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