



RAPE: A SOCIOLOGICAL ANALYSIS

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ABSTRACT

Rape is an act that highlights severe sexual violence without any consent. It is the most vicious act that challenges the freedom of the individual. Rapes are promoted acts which are done to establish power, anger and control that is why the rape survivors are commonly women, children and weak section of the society that includes old aged people, transgenders and lower caste population. It can be evidenced in history that rapes were committed to symbolize power and control over the weak leading to suicide, honour killing and genocidal mass killings. One of the practices named as Jauhar were practiced by women surrendering themselves into the fire so that they can save themselves from the heinous act of the winning party. Rape is considered as a legal crime, but still, it is one of the most reported and increasing crimes, with different punishments as per the country. The present study focusses upon rape as a social problem and factors facilitating the crime. The present study is descriptive in nature, delving upon the secondary sources presenting the quantitative and qualitative parameters. Rapes are one of the prominent crimes in the modern society with acts, rights and judicial body that are accountable for protecting us from the social evils. The question still remains if the society is failing to protect the members or if the justice itself is a failure.

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Introduction

Rapes are committed in times when the aspects of power, dominance and control have to be presented when these aspects are not socially shown, it is shown on the biological basis by committing rape as the weakening and humiliating act by the dominant sex. In this way the survivor of the rape is silenced because of the fact that major number of the societies believe that this would lead to the assassination of the character, refusal of marriage in future and the honour of the family would be diminished. The fact that a rape survivor is guilt trapped and shamed and the rapists are free is not surprising anymore. Rape is further justified as a revenge. According to IPC Section 375 Rape is defined as

- a) penetrates his penis, to any extent into vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or
- c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body such woman or makes her to do so with him or any other person; or
- d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

First, Against her will

Secondly, Without her consent¹.

The POCSO (The Protection of Children from Sexual Offences) Act 2012 defines Sexual assault as Whoever, with sexual intent touches vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other contact with sexual intent which involves physical contact without penetration is said to commit sexual assault.²

OBJECTIVES OF STUDY

1. To define the crime rape
2. To analyse the social factors promoting rape
3. To analyse the implementation of IPC section 375 and POCSO act 2012
4. To analyse the increasing number of the crime rape
5. To present the rape cases and the outcomes

The consent and will presents the freedom of the individual, if these two aspects are abandoned and not respected the individual would retaliate. The absence of these two aspects embarks the violation of rights and freedom that is promised to the individual. The major number of societies are patriarchal in nature that inevitably welcomes the dominance of a male figure through religion, rites, rituals, folklores and preference of son as the lineage would continue through the male. Through this the female members of the society are considered as burden and more vulnerable to the social problems such as eve teasing, sexual harassment, dowry, and rape. The socialization of the girls starts from their births under the control of a male member such as teaching how to serve and cook meals, maintain order and discipline according to the family culture, denial of education, wearing modest clothes as to not to provoke the male. The birth of the son is celebrated and is a mark of pride. The birth of a daughter is considered as burden.

The fascinating fact is that the honour of the family is dependent upon the girl's virginity and she shall remain virgin till marriage, if she is not then she is accountable for diminishing the honour of family. The fact that the rape survivors are silenced is contributed to the fact that the honour of the family shall not be compromised. The lack of civic sense in the Indian society is evidenced by the fact that boys could piss on the roads and walls, could touch their private parts in public places and

transportations, could flash their private parts to girls. We have normalized these things that we are not triggered anymore by this. These are common scenes that could be seen in every Indian transportation and streets.

Review of Literature

Kaushal, T. 2020 in her book *Why Men Rape* discussed about the causes of rape as well as interviewed her subjects who were rapists. The three prominent aspects that were found common in all of the rapists were a) the hunger for power and the greed for money and the second was b) they didn't know what rape was and c) they all were religious. All of the rapists came from different backgrounds and professions. They told her that this was a common phenomenon that the girl would resist at first by saying "no". They perceived no as a signal of yes and thought that the rape survivors are playing hard to get and it was every girl's fantasy to say no but enjoyed the sexual pleasure. They named famous personalities and justified their action by saying that if they aren't able to control who are we to control the desire of sexual intercourse. The hunger of power and greed for money was cultivated from their childhood experiences; they taught that if they had money and power no one would be able to stop them. Religion played a dominant role for the foundation of inequality, as the rapists professed to Hinduism and Islam. The rapists belonging to Hinduism justified their action by giving example of specific incidents in Mahabharata and Ramayana so no one can challenge their actions. The rapists that professed to Islam faith justified their actions as religion itself gave them the right to be married with several wives. She explained the influence of Bollywood, lack of sexual education in India and glorification of having a son even if he is doing nothing.

According to the report published by National Crime records bureau in 2015 total of 34651 rape cases in which the leading state was Madhya Pradesh. It was observed that 95 percent of the rape survivors knew their offenders, which raised the question if the female member were safe inside their own house. This contributed to the fact that many survivors were silenced to keep their relationship safe and avoid conflicts as the patriarchal mindset has an important role to condition the female members to remain silent and suffer for the honour of the family and save themselves from social stigma of rape.

According to the report published by National Crime records bureau in 2024, a total of 29,536 cases of rapes were lodged in which the highest amount came from Rajasthan. The survivors of rape were categorized on the basis of age in which 28,950 survivors were above the age of eighteen and 784 survivors were below the age of eighteen. There was another category added which was known as murder with rape or gangrape, the vicious mixture of the act of sexual violence and death. There were 266 cases lodged under this category contributing to the state of Madhya Pradesh. The common factor noticed was that all the crimes against women were done by their Husbands and in-laws contributing to the fact that the crimes were done by the knowns as we have evidenced this in the report that was published in 2015.

Addlakha, R. and others 2020, conducted a narrative interview with the rapists including the juveniles residing in observation homes, Sewa kutir, Special homes for boys and Tihar jail that is one of the largest prison complexes in South Asia. The sample consisted of 50 juvenile offenders and 20 convicted adults. In the study case studies were presented in order to make understand the situations of the offenders. The responses were categorized in four major aspects a) acceptance of rape or a gang rape committed b) denial of rape committed (that includes false accusations) and c) acceptance of being in a consensual sexual intercourse. According to the respondents there were false accusations made by girls as they could not fulfil the promises to give them certain amount of money or not being able to marry them. In some cases, the family of the girls accused the boys even if they had consensual sex and reported fake rape cases. The inmates that accepted that they have committed rape confessed that the reason behind committing rape was peer pressure, under the influence of drugs or alcohol and not knowing if they were committing rape. They never heard the definition of rape. There were some inmates that confessed of being in a wrong place at a wrong time as they hadn't done anything but were found nearby the one who truly committed rape. The social factors seen were lack of education, economic instability, maximum offenders were migrants, drug abuse, lack of representatives, loopholes in laws such as even they had consensual sex it would be

considered as a crime and to save the family's honour they would report it as a rape.

According to BBC news 2020, rape is increasing day by day even after the 2012 gangrape incident that led to strict laws and secure women from this social evil. There are rape incidents but the justice system is so slow that the justice is not given. There are loopholes in legal mechanisms even after fast-track courts the justice is delayed. Rape is committed to show the dominance of the upper castes to the lower castes known as Dalits. There are forensic reports being delayed, witnesses being transferred and gigantic amount of money spent to achieve justice. There were 95 thousand pending rape cases in 2013 that has increased to 145 thousand in the year of 2019 that highlights the fading and slow processes in the courts as no special facility is provided. There are fake rape cases reported by parents under the POCSO act that evidences abuse of law. This shows the both sides of the law not being properly implemented. The sufferers remain waiting for justice. It is mandatory to recognise fake rape cases from the real ones.

U. Dandona, 2023 in her article the Gendering of Partition Violence and how it Continued with the interdominion treaty, discussed that the biggest sufferers of partition 1947 were women as they had to suffer sexual violence, rapes and impregnated by their abductors. Men participated in religious conflicts by raping the girls as in the patriarchal society the honour of the family is related to the female members. The rapes committed signified the dominance of the other nation. They targeted female members that lead to the Interdominion treaty which ordered female members to return to their original family and place signed on 6th of December 1947. The strange fact highlighted by the social workers that the female members didn't want to go their families as they knew for a fact that their families would not accept them as they did not remain pure and were merely used for sex. There were difficulties as the female members developed emotional attachment with their abductors also known as Stockholm syndrome and established families knowing the fact that the abductors were responsible for the death of the families. The duality of the perspectives of returning back to their home or remaining with the abductor, where the most horrifying question as the question was of acceptance of the individual who suffered from sexual harassment, still they were questioning themselves if the society would accept excluding the fact that they were sexually harassed, committing rape only to symbolize their victory. They were degraded and used by men from the two nations.

N. Madaan and others, 2017 analysed gender stereotyping in Bollywood movies. They analysed Bollywood movies from 1970 to 2017 to study the gender stereotypes in the movie as movies influence our behaviour, ideology and is a part of our daily consumerism and mass media. The points that they have highlighted was the male lead was introduced with a profession but in a female's case she was introduced as someone's daughter, sister or wife reflecting that the female's existence is dependent upon others. The occupations of males were more than the females. The two prominent verbs for male were kills and shoots and for the female it was loves and marries. The female was always characterized by her physique, facial beauty and innocence. The dialogue delivery was more of the male character compared to the female character. The movies from 1970 to 2017 includes four thousand movies which highlighted that the female shall be dependent, performing her role as a caring partner and emphasized on her looks and physiques. The fact that the movies portrayed the females to be a pleasing object to male confirms the gender stereotyping that influences more male domination and females to give more clarification as the role always demands to reveal, realise, to get molested, to get married and love. From so many years the trend has been not changed but accepted. This shows and influence the mindset of the society.

ANALYSIS

In the year 2012, at night in a bus a gang rape was committed in Delhi by five adults and amongst them was a 17-year-old boy. This case also known as Nirbhaya case shook the nation as it was so brutal the candle march and numerous protests were conducted to achieve justice. The capital of the nation Delhi gained the name of rape capital infamously after this case. The survivor of the gang rape was declared dead within a few days. This case challenged the Acts. The Juvenile Justice Act 2015 implemented that the children in conflict with law between the age of 16-18 shall be treated as an adult offender for committing such heinous crimes. One of the offenders committed suicide and the

four accused were hanged till death in the famous Tihar jail. The 17-year-old offender was released after 3 years. This was the case that enforced new laws for the security of girls from this social evil rape that gave hope that the rape cases would decline in number.

In the year 2020, a nineteen-year-old Dalit girl was found in the fields, bleeding bruised, and battered. She confessed that she had been gang raped and named the four offenders. She was declared dead within a few days. The nation stood to achieve justice. There were loopholes and blunder mistakes done by the police in the investigation. Her body was cremated at the middle of night to erase all of the evidence. All of the offenders belonged to the upper caste that bought out the fact that there had been rampant sexual violence faced by 80 million Dalit women. The offenders were charged for rape, gang rape and culpable homicide but later all charges were dropped without any justification. The case highlights the prominence of the caste discrimination.

In the year 2021, there was an incident in which an eleven-year-old girl was targeted for rape by two individuals, they groped her breast and untied her pyjama. The girl shouted and screamed which attracted the public and resulted the abusers to flee. In the year 2025, Justice Ram Manohar Narayan Mishra stated a controversial statement by differentiating preparation for rape and committing rape. These two different actions would contribute to greater degree of determination. This controversial statement gave rise to conflicts whether the judicial body is trying to save the rapists. The mental health of the survivor has been affected. The statement given by the judge contributes to the promoting factors of sexual and mental harassment maintaining the fact that there is an absolute difference between preparation of the rape and committing rape in actual. The court notified that the judgement shall be stayed.

In the year 2024, a 31-year-old doctor was found dead and half naked in the seminar hall of the R.G Kar Medical college and hospital. Her postmortem report highlights that she was strangled and the signs of fighting back was evident. The accused was under the influence of alcohol that questioned the security and protection of doctors in the hospitals as well as the patients too. This triggered the nation and protests as well as candle march was conducted to achieve justice. The question mark appeared of who was accountable for such heinous crimes committed. The accused was given life imprisonment, but the question still remains if there was only one rapist or more that were being protected from the crime they did because it wasn't possible for a single man to commit rape under the influence of alcohol.

An article published by BBC named the rapes that India forgot lists numerous cases which includes a crippling rape incident happened in the year 1973 to a Mumbai nurse named Aruna Shanbaug aged 25. She was raped and later on strangled with metal chains that caused her being in a vegetative state for 39 years. The rapist was only charged under attempt to murder and robbery in which he only spent mere seven years in prison and later was free and worked in a new hospital with changed name. The numerous rape cases are a proof of the slow judicial processes and low conviction rate. India is shamed for the lack of execution of anti-rape laws slow and long processes to achieve justice which promotes the rapists to roam around with freedom and on the other hand the rape survivor is socially shamed and stigmatized.

In the year 2017 A religious influencer known as Baba Ram Rahim was charged under custodial rape and was imprisoned for twenty years. 40-50 women came also accused him of rape. The surprising fact was his followers defended him knowing that he sexually abused and were in a violent rage that after his conviction thirty-eight people were killed. The accused has been on parole 16 times since 2017. It highlights the freedom given for a convicted rapist. These paroles and furloughs are repeated again and again and an estimate of four hundred days he was out of jail. These contributes to the public outrage and the question of justice and the implementation of conviction.

The statements given by the politicians which contributed to the contradiction and controversy sparked in public:

In 2012 February, Kolkata, a woman named Suzzette Jordan a mother of two girl children was gang raped by three rapists. She revealed her identity bravely as she was the one who survived the rape and challenged the stereotypes and social stigma. But Mamata Banerjee instead of supporting her, she told the victim that it was a fabricated story and stated the reason of rape being "Rape cases are on the rise because boys and girls interact more freely now. Earlier, if men and women held hands,

they would be caught and reprimanded by parents, but now everything is so open. It's like an open market with open options."

In December 2021, in Karnataka assembly he stated "When rape is inevitable, lie down and enjoy it."

In June 2025 an unfortunate incident happened when a 24-year-old law student was gang raped in Kolkata inside the college campus. Trinamool MLA Madan Mitra stated "If the girl had not gone there, this incident wouldn't have happened."

In October 2025 the gang rape of a second-year medical student aged 23 years happened in Durgapur. MLA Mamata Banerjee stated "Especially girl children at nighttime, they should not be allowed to come outside. They have to protect themselves also."

Every statement highlights the misogyny, sexualism, patriarchal mindset and gender inequality.

Rape is not limited till women; dogs are also raped by the male member. The headlines reminded that in India not even an animal is safe. This rises the question are we still humans doing inhumane activities.

Stray dog gang raped by group of men in Chikkanayakanahalli

Bihar: Man rapes a dog in Patna, probe underway

FIR registered for rape of a female dog in Kandivali East, Mumbai following PETA Indian Intervention

Men held bestiality as clip sparks outrage

Pune shock: Shocking incident of female dog being abused in Handewadi captured on cctv

Dog raped inside shopping complex in Mumbai

The socialization in Indian society is more focused on the special treatment and the birth of the sons. They are celebrated more than the daughters that are considerably treated as burdens or "Paraya Dhan". The gender inequality begins in the house when the girl is taught how to do household work and serve every family member. The restrictions such as coming late to home, night outs, hanging out with friends, having parties even having girlfriend is welcoming but for a girl the case is not the same. The girl is reminded of being the honour of the family, not allowing to go alone, hiding the fact of menstruation, lack of privacy, surveillance of her gadgets, and not allowing her to talk to the opposite genders. The son is declared as "Raja Beta". The girls are restricted that even the public spheres are not allowed for women as it welcomes the male members. Males touching their private parts, wearing only undergarments in public places even in religious places, spitting on roads and even pissing on roads is considered normal. The lack of sex education is also a prominent factor. The consent is not compulsory. The mass media promotes the male gaze in every factor let it be in movies, songs, beauty standards are marked and the concentration is to meet the male gaze. The statements given by politicians are so controversial that one would question itself whether the country is a democratic country. The women are degraded as they are been hypersexualised and the slangs we use is always directed to the female members of the society highlighting the relationship with the male members such as "mother-fuckers" and "sister-fuckers". The nation of India is listed as one of the pro-rape countries as the rapists are enjoying the freedom and the justice is delayed or the other case is that the rapist is charged under the committed offence but the conviction is always reduced. There are no rehabilitative measures taken to ensure that the rapist would not commit the offense again. The rapes committed are also incest in nature. Blame-game is played. The animals are not even safe in the country as there are numerous incidents are reported of sexually abusing animals by the males specially dogs. Are we so normalized by the fact that rapes are committed and no action is taken, especially when the rapist holds a specific status in the society. The mindset of the society would focus on deteriorating status of women. The educated members and the uneducated members of the society is committing the crime. The influencers are free after destroying the lives of girls through rape. The members of parliament include rapists and the system never ever took any action. The fact that there are fake spiritual gurus that influences Indians on the basis of religion has also made misogynist remark such as Jagadguru Ramabhadacharya who stated that the full form of wife is wonderful instrument for enjoyment, this shows the degrading position of women even in present era.

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