



Right to Life of a Rape Victim

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ABSTRACT

The research paper deals about right to life of a rape victim where this paper discusses about the factors and condition of the women who has been victim of rape .Apart from punishment given to the convicts, the rape victims are entitled for compensation which is guaranteed under Article 21 (Right to Life and Personal Liberty) where right to compensation is also guaranteed under the provision. And also under 357A of CrPC, the victim compensation guarantee compensation for the rape victims. Apart from discrimination and other physical backlogs faced by a rape victim the biggest problem is that the foetus that is developed after a rape, where the victim will be carrying a child in her womb without her consent and choice, where this is one of the biggest question whether a rape victim has the right to abort the child of her choice or not. The aim of the study is to know about the problems faced by the rape victims and their position in the society. The current study based on the empirical research. It is consisting of the scientific frame of research. It began with the finding of research problem based on the review of literatures. The major contribution of the study is to collect the legal facts of particular area and to test hypothesis of a cause –effect relationship between variables. The sample size is 205. Data is collected through the primary and secondary sources. The research design is exploratory and experimental.

KEY WORDS- Rape, Victims, Right to Life, Law, Protection

INTRODUCTION

Rape and Sexual assault against women is considered as one of the most heinous crimes which can be committed by a human being, even a murder which is also considered one of the heinous crime but still in some instances a murder can be justified, but a rape cannot be justified at any instance by any law, customs and authority. The important aspect of this paper is where generally once a Judgement is given and the accused once been convicted, people consider justice is rendered and everything has been sorted after the judgement but the life of rape victim after the post Judgement is not seriously taken into account by the society where this paper discusses those aspects of victims life after post Judgement.

Accused who are found guilty of rape are given the highest penalty in most of the cases like death or lifetime imprisonment in most of the countries. Especially countries like China, North Korea, Egypt, Saudi Arabia, Afghanistan, Iran to name a few where these countries punished convicts with death penalty in different forms. In India, the recent amendment in IPC states that, if a person found of repeat offender of rape the person can be awarded with death punishment which is stated under Section 376 E "Punishment For Repeat offenders " and also a accused who has raped a girl child below the age of 12 also can be punished with death penalty stated under Section 376 AB of IPC. On 20th March 2020, In Nirbahaya Gang Rape Case out of 5 Rape Convict's 4 where hanged in, where the hanging was finally upheld after appeals and mercy petitions filed by the convicts which were declined and eventually where the Nirbahaya case was an a eye opener in the society which was largely spoken and debated in the country where before that even though many cases has been registered it was not seriously taken into account by the public at large especially rape that is committed in the rural part was not debated or did not turn as a sensation like Nirbahaya case turned out.

Sexual assault or Rape is nothing but outcome of Male Dominance and Superiority where men consider women as just a piece of flesh for their sexual desires and consider them as weaker and less powerful than them. So as outrage of Men's sexual desires and dominance crimes like Rape and other sexual assault occurs in the society. Even though Law and authority are there to control men from committing rape and other sexual assault against women, but the question arises "whether even though all those Law and authority really it prevents from men committing rape?". The answer is "No" where it eventually hasn't prevented men from committing rape though the crime rate may decrease in a year but still it hasn't completely stopped. The Authority has the biggest liability to control and prevent these activities. And another question that raises is, "What will the life of a rape victim after a rape? What are the problems that she faces in the society and what can be done to restore her right to life after a rape?".

REVIEW OF LITERATURE

The emotional trauma or the 'invisible wound' caused by crime is the least evident and understood but offers the most brutal effect of crime, not only on the direct victim but on victims' dependants, friends and survivors (Waller,1982). Most victims feel the effects of crime as a sudden and arbitrary loss of their security. This loss of control results in immediate distress, fear, anxiety and trauma. Change of residence due to increased fear of crime and suspicion over their safety in the neighbourhood is also sometimes found to be an effect of criminal victimization. Studies conducted by Burgess and Holmstrom (1974), Veroner et al.,(1979) and Kilpatrick et al., (1981) have shown that rape victims experience profound psychological and physiological symptoms like shaking, trembling,pain, tight muscles, headaches and other physiological correlates of extreme stress. Symptoms like excessive worry, exhaustion, restlessness, fright and terror were found to continue during the post-rape period. The entire process of criminal justice functions on the rational "Hundred guilty men may go unpunished but one innocent man should not be found guilty", which in practice amounts to giving importance to the prevention of injustice to one suspected accused in preference to the denial of justice to one hundred victims (Narasimhan, 1985). In many of the cases of rural and urban crimes against person, the socio-economic level of the victim was not different from that of the offender (Chockalingam, 1985). Similarly, in the case of property offences, majority of the victims belonged to the middle classes, for whom the loss due to theft, robbery or dacoity would amount to the loss of whatever they had saved out of their monthly earnings.

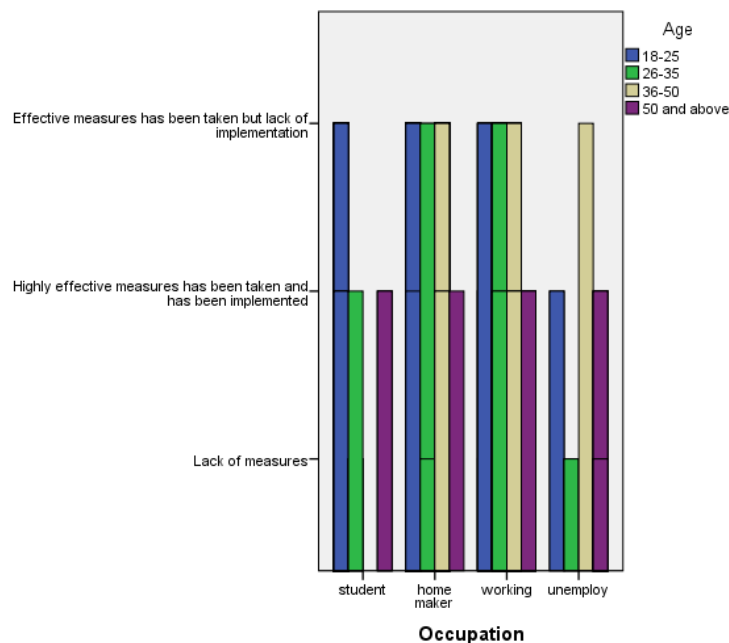
RESEARCH METHODOLOGY

The current study based on the empirical research. It is consisting of the scientific frame of research. It began with the finding of research problem based on the review of literatures. the major contribution of the study is to collect the legal facts of particular area and to test hypothesis of a cause – effect relationship between variables. The research design is exploratory and experimental. It explored the problem tested with hypothesis and provide the solution from the analysis. Convenience sampling method is used (Non probability sampling). The sample size is 55. Data is collected through the primary and secondary sources. Questionnaire is used as the primary data collection and the articles, journals, reports, newsletters are considered as the secondary sources. The analysis is done by using SPSS . The analysis is carried out for demographic statistics (Gender, Age, and Occupation) and hypothesis testing correlation and cross tabulation is used.

DATA ANALYSIS

1. Whether Government has taken enough measures to safe guard the rights and privacy of the Rape victims?

1. Lack of measures
2. Highly effective measures has been taken and has been implemented
3. Effective measures has been taken but lack of implementation



LEGEND-

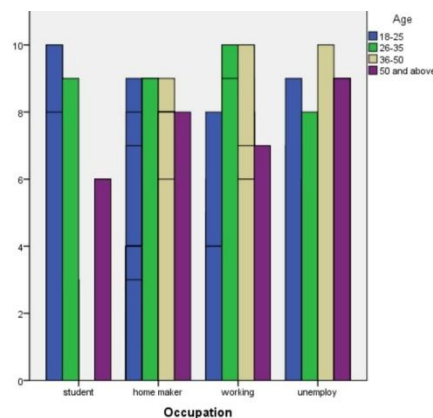
Figure 1 shows about the various age and occupation and their opinion on whether Government has taken enough measures to safe guard the rights and privacy of the Rape victims.

RESULT:

1.The question that was raised to the respondents that Government has taken enough measures to safe guard the rights and privacy of the Rape victims. People of various class of occupation ere approached to fill the survey and the people of age group between 18 – 25 years were the maximum number to answer; followed by the age group of 26 - 35 years and 35 - 50 years and followed by the age group of above 50 years whether least to answer the survey.

2. Whether the Rape victims deserve special need and care to regain the confidence to live a normal life ?

Options were given from rating 1-10



LEGEND-Figure 2 shows about the various age and occupation and their opinion on Whether the Rape victims deserve special need and care to regain the confidence to live a normal life ?

RESULT-

The question that is raised is whether freedom of speech and Whether the Rape victims deserve special need and care to regain the confidence to live a normal life to fill the survey and the people of age group between 18 – 25 years were the maximum number to answer; followed by the age group of 26 - 35 years and 35 - 50 years and followed by the age group of above 50 years whether least to answer the survey.

DISCUSSION

From Fig.1 the question that shows about the various age and occupation and their opinion on whether Government has taken enough measures to safe guard the rights and privacy of the Rape victims. Most of the respondent have stated that they consider that effective measure has been taken but in practical terms it the implementation lacks to safeguard the rights of rape victim. From Fig 2 Whether the Rape victims deserve special need and care to regain the confidence to live a normal life and rating option were given from 1 to 10 and many people have opted 10 which indicates that people consider that they feel that rape victims deserve certain benefits and care to regain their life with certain amenities and consideration for the victims .As a society and being a developing country the women who has gone through rape and other sexual harassment or abuse must be free from all types of discrimination in the society which is liberated through UN convention where The non-segregation statement is seen noteworthy as it is determined in practically all human rights instrument with the supposition that, human rights are all inclusive and every person have human rights since they are 'brought into the world free also, equivalent in respect and rights' (UDHR Art. The Article of the UDHR, UN Charter Article 1 and 55, ICCPR Article 2 (1), and the ICESCR Article (2), all these noteworthy instruments stresses on the person's basic opportunity with no sort of qualification.

CONCLUSION

Every individual in our country has right to life and personal liberty, in our constitution even a accused has a certain right during arrest which is guaranteed under article 22 of the Indian Constitution. A country that provides rights even to a accused, whether he/she can commit any vigorous crime and at the same time the victims of rape should be highly privileged with Right to Life, Personal Liberty and free from discrimination. And When we right to life of rape victim is been discussed another point should be pointed is that about marital rape where in this society a marital rape is not considered as an rape the victims of marital rape right to life and dignity also must be taken account and their voice also must be heard in this society where eventually it is not been largely spoken and considers in this society.

The context of right to life, privacy and liberty of a rape victim cannot be charged alone by through laws and legislation. The right to life of rape victim hugely depends upon the society where society make sure that a rape victim should not go through any mental trauma or stress from the society where as a society we should include, encourage and support them to live a normal life like other women lives Rehabilitation process of rape victim lies in the hands her parents, relatives, Colleagues, Neighbour's and Friends or if a married women has been a victim of rape the husband's support is immensely important for the wife to regain her normal life and these people are important players in women's life to bring back a rape victim to lead a happy life without going through any agony, stress and discrimination.