



# International Journal of Research Publication and Reviews

Journal homepage: [www.ijrpr.com](http://www.ijrpr.com) ISSN 2582-7421

## Date Rape: A Nightmare

*Nandini Sharma*

4<sup>th</sup> Year BLS LLB, Student, Thakur Ramnarayan College of Law

### ABSTRACT

Crimes always leaves a scare on the soul of the victim. It's very hard to accept the reality that some disaster is happened to you specially if it's a crime of Rape and even more disheartened if that is a Date Rape committed by the person you trusted. It's a betrayal. Date Rape is something which was a crime more committed in America but now the Indian situation is getting more worst. Acquaintance Rape is a nightmare not only for women but for male and for the LGBT community too. Teenagers are mostly getting affected by this crime their lives are getting destroyed. The Date Rape Drugs are playing an important role to commit such heinous crime.

This paper talks about the meaning of date rape, the concept and origin of this crime. It talks about the current scenario of India involved in this crime. Not only women but anyone can be a victim of date rape irrespective of their gender. Some news articles are also mentioned. The Date rape drugs which are commonly used in the parties to weak the victim and commit the crime. At the end there are some helpline numbers are mentioned to help the victim to heal from this nightmare and get back to their normal life.

### INTRODUCTION

'Consent' plays a very important role whether in a contract, in a deal or in a relationship. 'Yes' means a Yes, a consent or agreeing to something similarly a 'No' means a No which clearly means not agreeing or not giving consent to something. Since, childhood we all have our own likes and dislikes, as we grow up, we all give our consent to the things we willing to do and to the things we don't want to do. We all know the difference between a 'Yes' and a 'No' but still is it so difficult to understand the meaning of these terms? Sometimes a person in his full stability also unheard these terms just to fulfill his desires and to satisfy his ego.

What is Rape? When a person forcefully uses his power on another person without other person's consent for sexual activity with that person. This is the most basic definition for even an illiterate to understand. It is an unlawful sexual activity most often involving sexual intercourse, Against the will of the victim through force or the threat of force or with an individual who is incapable of giving legal consent because of minor status, mental illness, mental deficiency, intoxication, unconsciousness, or deception. In many jurisdictions, the crime of rape has been subsumed under that of sexual assault. Rape was long considered to be caused by unbridled sexual desire, but it is now understood as a pathological assertion of power over a victim. A Rape is a rape whether it is Marital rape, Statutory rape or Date rape done by a husband to the wife, by a stranger to another or a boyfriend to his girlfriend. As per most of the report's rapes are done by the persons known to the victim. Their friends, family members, relatives, partners. In current situation there are large number of cases arising of Date rape between teenagers and young generation of India.

Date rape, also called Acquaintance rape, a term used largely in industrialized countries to describe the forcing or pressing of a victim into unwanted sexual exertion by a friend, romantic suitor, or peer through violence, verbal pressure, abuse of authority, use of incapacitating substances, or trouble of violence. Although some prefer the more- inclusive term acquaintance rape, which doesn't indicate any kind of romantic relationship between the accused and the victim, both terms admit the data that the maturity of women and men who are ravished know their bushwhackers and that the victim didn't assent to sexual exertion. It's delicate to determine the rates of date rape worldwide, especially in societies in which courting and adulterous romantic and sexual connections either don't do or do so in different surrounds. connubial rape is a affiliated conception and has been employed particularly in developing countries to describe unwanted sexual contact by a partner. It has come a part of sweats toward adding women's sexual rights as a means of precluding HIV infection.

### HISTORY OF DATE RAPE

Date rape was always in the picture but not known to many. It was introduced into public health parlance in 1980s in order to expel the myth that most of the rapes are committed by strangers or random attackers but the concept of non-stranger rape was also used to give voice to sexual experiences that many victims believed had been non-consensual but does not constitute to be a criminal offence because they occur out of romantic relationships. The victims most of the times can't able to understand that their romance is turning into some unlawful and unwanted activity until they realized that what is happening it's too late for them to backoff and their voice becomes unheard. This is really traumatizing for the victims. The term Date Rape was first

found in the book "Against our will: Men, Women and Rape" by an American Feminist and novelist, Susan Brownmiller. This word gained more popularity after the researchers in Mary Koss in 1987 conducted the first large scale study in the America about rape, surveying more than 7000 students at 25 different schools. Before 1980 rape was addressed as a concept about stranger rape but in 1990 it was known more as a concept about people with whom we like or share a romantic relationship. There has been evolution in this concept as the time passed over the years. One thing which is not changed over a period is that a rape is always a crime, an unlawful activity no matter which type is it, no matter who did that, no matter to whom it is happened whether to a male or to a female a rape is always a rape. The punishment can be different considering the situation, circumstances and trial for it.

The first story of Date Rape was of an American girl, Katie Koestner. Her story was the most popular in the BBC, she survived as an 18-year-old freshman at college of William and Marry, and she was an activist. Like many other stories of date rape, she also had an unwanted sexual experience with another student with whom she had gone out with on that particular night, which brought miseries to her life which was a nightmare for her for many years. She testified that she didn't want to have sex with him but still she never thought about being raped. Back then in 1990, rape was still a stranger rape and not about people whom you are dating, as she told it to BBC. So, when she tried to convince people at her school health center and then the dean's office, and then her dad, as no one considered the coerced sex to be rape. Koestner eventually went to the local police station to report the crime to seek help. Though she felt embarrassed at the campus police station when they inquired her about what she wore and narrate the incidents consequently, at point she herself felt guilty for trusting her partner yet she didn't step back. When she was informed that there were minimal chances of winning the case, she pursued with school's disciplinary system and the first ever campus sexual misconduct hearing took place. During the trial Koestner's attacker admitted that he heard her refusals more than a dozen of times yet he didn't bother to stop and ultimately the school found her attacker guilty of date rape. The dean kept on telling her that, they made a cute couple or they could be together if she wanted to even after hearing the news. After her case in the year 1991 there was a huge discussion differentiation between rape and date rape and this way over the years it evolved and now it became an alarming issue affecting most of the college students.

Today, she works as a rape counselor and awareness advocate. According to her, everyone's consent does matter and everyone must get the respect what she deserves from others. She tries to spread awareness because she does not want someone else to suffer like her. Hence, today's rising issue was once a teenager's nightmare since then we are being fighting hard against it not to fall in such so-called romantic traps which will only lead to destruction. Many may argue that having a romantic relationship in college life or high school life is the evil which causes destruction. It has to be clearly kept in mind that having a relationship or not is a personal matter and this fact does not give the right to do whatever they want to do physically without the consent. A relationship does not necessarily mean sexual relationship. Trusting and love for your partner is now considered to be a mistake.

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## SITUATION IN INDIA

India does have laws for 'Rape' but does not have specific laws for the crime of 'Date Rape'. Section 375 of the Indian Penal Code states that if any person does any sexual intercourse with any person without consent of victim it is considered to be as a Rape. A crime like sexual assault is always considered to be done on a woman by a male, a male can never be a victim of rape except for minors, which is termed as statutory rape. As per the interpretation made by the judiciary if consent is taken under the influence of any intoxication or if the consent is not free and if the person giving consent is not in the sense to give consent for any such intercourse, then rape would have been deemed to have been taken place. As there are not specific laws for Date Rape a victim can take help of section 375 to prove the perpetrator guilty.

As per the information over 34,600 cases of rape have been registered in the year 2015. Among these cases 33,098 cases where the offender was not a stranger to the victim as per National Crime Records Bureau (NCRB).

There was a case where an educated urban girl was being raped under the influence of drugs. A student of Delhi University, who worked part time in a garment shop, interacted with someone on social media and went on date with him. Drugs were added in her drink and then she became voiceless and got raped by the one she trusted. There are lots of cases of rape and date rape were people blame the victim girl for the reason of being rape. Their use of phone, posting pictures on social media, the sense of cloths is considered to be the reason of happening of such heinous crime. The beauty and innocence of a girl is the invitation for the accused to commit the crime. Going on a date with someone and trusting people is not a crime. According to the Indian culture if something is happened with you then surely there is your fault in any sense. Especially if you are a woman than taking birth as a woman was the main fault of yours. Indian societies never blame their sons and never support their daughters. They never skip any chance to blame a girl for provoking or seducing them to indulge in sexual intercourse. The fingers are always toward a woman.

As the climate is changing the attitude towards women are changing fortunately. The momentum gained when 3 women were elevated to the position of judge in the Supreme Court of India and since the air changed then there has been numbers of positive judgements came in the society like banning of Triple Talaq, abolishing Adultery, considering Privacy as a fundamental right and many more. In the recent judgement made by the bench of Justice R. Banumati and Indra Banerjee observed even nobody has a right to rape a woman or have sexual intercourse without the consent of a women even if she is habitual to sexual intercourse, Even assuming that the prosecutrix was of easy virtue, she still has the right to refuse to submit herself to sexual intercourse with anyone. This judgement helped any women to come forward any report cases of such cruelty happened to them without any fear of being blamed and being judged. Now rape is not a fault of the victim but the fault of the accused.

Considering only women's to be the victim of rape and date rape is not the scenario now. In today's world not only women but men, bisexual, gay, lesbian and transgender are also the victim of Date Rape. Many cases of gays and lesbians getting in touched with people on dating apps and when they meet, they get raped. The shadow of this ridiculous crime has not forgotten the community of transgenders, they also get raped and there are many cases

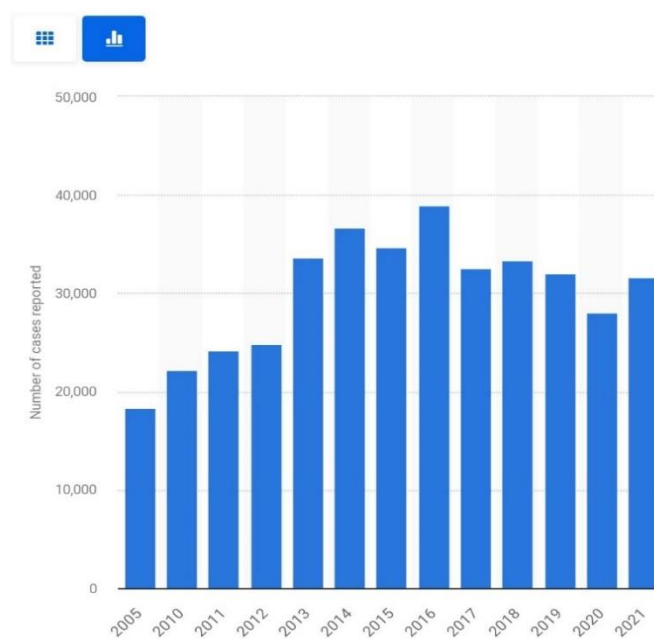
unregistered because people think that its ok for them and so this is not an issue of the matter. Today's generation is educated and knows how to raise voice in the movements against any crimes but still in some manner they are the only reason behind the such sins.

In, India the drug trade racket is very rampant. On the date 4<sup>th</sup> August 2018, Department of Revenue Intelligence (DRI) catches the major international narcotics racket red handed and seized 265 kilograms of banned drugs named ketamine and Methamphetamine, very commonly used to commit the crime of Date Rape, worth rupees 37 crore from Raigad and Navi Mumbai. This racket was assumed to be located from Malaysia. This type of drugs is enough to rob passengers and easily dissolves in the drink and people gets paralyzed and the nightmare becomes the reality. This are commonly used to exploit young females in parties. As the time passes India has become a very modern country and successful too, economically as well as scientifically. The modern culture of India is now considered to be the reason behind the rising rates of crimes in the country. If this will be the case continues India will be on the top of the list of committing date rapes after America.

## CURRENT STATISTICS ON DATE RAPE

There are numerous unreported cases of this crime, due to this it's hard to find out the exact statics. It's estimated that roughly 20 of the women becomes the victim of the crime of rape in their continuance. A large chance of women witness any kind of sexual assault or sexual violence. College womanish scholars are an especially vulnerable population as numerous as 25 report passing rape or tried rape. In utmost of those cases 84, the victim knew the indicted, and 57 of those incidents take place on a date. As per the statics and believe of the Indian society only women's can be ravished, but any person could be a victim, anyhow for gender. In the history, laws were made keeping in mind a woman to be a victim but after understanding the nature of crime and cases arising these laws are getting modified and any transgenders, gays, lesbians are also considered.

**Total number of rape cases reported in India from 2005 to 2021**



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Published by Stastita Research Department, August 22, 2023

## MALE CAN BE A VICTIM TOO

As per the taboo of the Indian culture males are considered to be stronger than a woman in all the manner economically, physically and especially financially. In the past times of the Indian history kings were allowed to marry as many queens he desires but a widow was not given a chance to live of the death of his husband. She has to go for 'Sati. One of the reasons behind this was that there were chances of them getting raped by the kings or their soldiers or any other male. The picture of be raped is always imaged as a woman to be a poor and weak and males were dominate. As the time passed slowly the table turned and now males are also the victims. There are cases where males don't file a complaint of rape in the fear of becoming a joke in the society but now the cases are getting registered. Man meets women on social media setup a date and gets rape by a woman or women. Some opinion states that How can be a man be raped? Isn't it shameful of getting raped by a woman who is not so physically strong as compared to him. They consider it to be pleasure and fun situation for a man to be a part of but this can be dangerous now.

A male can be raped by not only a woman but by any person. According to the statistics from the National Sexual Violence Resource Center, 9% of all rape victims are male, one in 71 men is a victim of rape, and one in 45 have been made to access a mate. Government is trying hard to control the situation of date rapes and rapes against male and passing laws in their behalf. As this concept of date rape known from 1980 a case was registered where a 19-year teenage was forced to involve in sex with 55-year women to satisfy her desires. A case was registered when the family of the victim got to know about this incident. The males are now getting equally harassed.

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## DATE RAPE DRUGS

There are cases when a rape happens but the victim can't able to fight because she was not in a state of mind to understand what happened. Not all rape starts with violence, no fight, no screaming but with some sort of calmness. Young generation is more involved in living their dream life, making friends, making money easily and fulfilling all the desires anyone could have and the main part of their dream lives is be a part of Parties and clubbing, especially with their partners and friends. Parties are the place where the young generation feel free, they enjoy their teenage life in making friends but what if their friends become their nightmare?

The worst nightmare of girl of 12<sup>th</sup> standard, a resident of Dwarka (the city of God) came true when she trusted a youth on social media. They became friends and soon they met each other and then after a few meets they started dating. She went on a party with the love of her life and then she learnt the lesson to never trust anyone. She was given date rape drug in her drink. The suspect raped her and she was paralyzed but she could see what was happening with her but she was so helpless that she could not shout, not scream, could not fight with him. He clicked her nude pictures. When she woke in her presence of mind, she left the place and for her the nightmare was over but this did not happen. He trapped her with the use of those pictures and blackmailed her for over the next few months. The boy asked her to transfer money and there was no limit for him. However, the blackmail still continued. Her was forced to steal money from the house. His threats were just words for him but for her they were like a knife which was stabbing through her soul every moment.

The case came into limelight when the guy fixed a deal with his friend and asked the girl to sleep with him. That was the movement when she realized that it's the time to fight for herself. She registered a complaint with the help of her family in the police station.

DCP of Dwarka Mr. Santosh Meena who handled the case and the accused named, Himanshu from Karnal, Haryana got arrested with the help of technical surveillance. The accused was using 2 iPhones and he deleted his WhatsApp and Instagram data 2 days ago which was later retrieve by the cyber expert. He accused was an educated person from Singapore and since it was the time of lockdown, he decided to make money easily and he got the idea to trap girls and the date rape drug helped him.

The problem is the drugs are easily available in such clubbing and parties and the dealers know how to trap the young generation. They do this to earn money but the consequence of this is barred by some innocents who can't smile for their rest of the life. There are a lot of cases where youths gets drugged by others and they get raped. For some this is not an issue because they take it as a matter of enjoyment and a source to earn money easily.

India there is a large chain of drugs these drugs are easily available. And harmful for the youth mentally and physically. Date Rape Drugs are specially used to commit the crime of date rape they are named after this. They get easily dissolved in alcohols and the victim has no idea when the drugs become effective. Drugs and alcohol can make a sound person confused. They can't able to defend themselves against unwanted sexual contact, or unable to remember the situation. Approximately 11 million women in United States have been raped while drunk, drugged or high.

The most common Date Rape Drugs include flunitrazepam (Rohypnol), gamma-hydroxy butyric acid (GHB), gamma- butyrolactone (GBL), and ketamine. These drugs have been named as 'Club Drugs'. Some of these drugs may look like pills, liquids or in a form of powder. They don't have any specific color, smell, and no taste when mix in anything. They might change the color of a clear drink but its hard identify them in the drink of dark colors. Its hard to find if your drink have any sort of drugs in it. They affect the body quickly and sometimes the length of the effect lasts varies. It depends upon the quantity of drug used and if there more than 1 drug is used. The consumption of these drugs in more then a required quantity can lead to serious medical problem and can even cause death in some cases.

Being a victim to any crime is not easy and being a victim of a crime like rape is always heartbroken. At the end of the case the criminal gets punishment and compensation too that depends upon the case and a scarce to the soul for lifetime. It is very hard to get heal from this nightmare and it takes a lot to heal and move on. Some organizations work with the motive to help this victim to get back their normal life. They help people for free and keep their problems confidential.

✓ **National Commission for women**

Contact- +91-11-26944880, +91-11-26944883

Email- [complaintcell-ncw@nic.in](mailto:complaintcell-ncw@nic.in)

✓ **Women Helpline (All India)**

Contact- 1091

✓ **The Pranjya Trust**

Contact- +91 4424811255

✓ **Snehalaya**

Contact- +91 02412778353

Email- [give@snehalaya.org](mailto:give@snehalaya.org)

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