
RAPE LAWS: A BROKEN SYSTEM

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ABSTRACT

This article looks at how social factors, institutional failure, and procedural delays cause rape cases in India to go unpunished or receive justice later than expected. One of the most heinous crimes, rape attacks the fundamental foundation of personal freedom and human dignity. Even with extensive laws and constitutional protections, the situation of justice for survivors in India is frequently dismal. Entrusted with protecting rights and guaranteeing responsibility, the judiciary has often come under fire for its failure to provide prompt and compassionate justice in rape cases. Systemic problems that survivors must endure are made evident by delayed trials, procedural flaws, callous cross-examinations, and inconsistent sentences. Prominent incidents like the Hathras incident in Uttar Pradesh and the Nirbhaya gang rape in Delhi have served as sobering reminders of the disconnect between the rule of law and its implementation. Even though these cases generated a lot of anger and calls for change, the public's trust in the legal system is still being damaged by the continued judicial hold-ups, parole abuses, and absence of survivor-centric procedures. Because of the judiciary's tardiness, punishments lose their deterrent effect and justice is sometimes reduced to an unmet promise. This study analyzes how institutional inefficiencies sustain injustice by looking at rape in India through the prism of judicial shortcomings. It emphasizes the urgent need for judicial reforms that ensure speedier trials, consistency in judgments, protection of survivor dignity, and stricter accountability mechanisms. Only by bridging the gap between law in books and law in action can the Indian judiciary restore trust and fulfil its role as the true guardian of justice in cases of sexual violence.

Keywords: Delayed justice, Parole, Speedy justice, Dignity, Heinous offence, Police investigation, Indian Penal Code, Bharatiya Nyaya Sanhita, Law evasion.

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INTRODUCTION

Rape, one of the gravest offences against human dignity, represents not merely a physical assault but also a blatant violation of the fundamental rights guaranteed under the Constitution of India. It strikes at the very essence of a woman's right to life and personal liberty enshrined under Article 21³, as well as her right to equality and protection under Articles 14⁴ and 15⁵. The Indian Penal Code, 1860, under Section 375⁶, defines rape in precise legal terms, while Section 376⁷ prescribes stringent punishments for the same. Despite such statutory safeguards and judicial pronouncements emphasizing the protection of women, India continues to grapple with a rising number of sexual offences, highlighting a disturbing gap between law in books and law in action.

Rape is not merely a crime in the conventional sense; it is a heinous transgression that annihilates an individual's bodily integrity, violates her dignity, and undermines the very fabric of societal morality. It is universally acknowledged as an egregious offence against humanity⁸.

LEGISLATIVE MEASURES:

- ***BHARATIYA NYAYA SANHITA, 2023***

According to Section 63⁹ of BNS, A man is said to commit "rape" if he---

(a) penetrates his penis, to any extent, into the 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 of such woman or makes her to do so with him or any other

³ (CONSTITUTION OF INDIA) No person shall be deprived of his life or personal liberty except according to procedure established by law.

⁴ (CONSTITUTION OF INDIA) The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

⁵ (CONSTITUTION OF INDIA) Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

⁶ Now replaced with Section 63 of BNS, 2023

⁷ Now replaced with Section 64 of BNS, 2023

⁸ https://www.law.cornell.edu/wex/jus_cogens (visited on 12 August, 2025)

⁹ <https://indiankanoon.org/> (visited on 12 August, 2025)

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, under the circumstances falling under any of the following seven descriptions:

(i) against her will;

(ii) without her consent;

(iii) with her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt;

(iv) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;

(v) with her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent;

(vi) with or without her consent, when she is under eighteen years of age;

(vii) when she is unable to communicate consent.

Exception 1.--A medical procedure or intervention shall not constitute rape.

Exception 2.--Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape.

Punishment of Rape as provided under Section 64¹⁰, Bharatiya Nyaya Sanhita:

(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which ¹ [shall not be less

¹⁰ <https://indiankanoon.org/>,
<https://www.indiacode.nic.in> (visited on 12 August, 2025)

than ten years, but which may extend to imprisonment for life, and shall also be liable to fine].

(2) Whoever,—

(a) being a police officer, commits rape—

(i) within the limits of the police station to which such police officer is appointed; or

(ii) in the premises of any station house; or

(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

(b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape, on a woman incapable of giving consent; or

(j) being in a position of control or dominance over a woman, commits rape on such woman; or

(k) commits rape on a woman suffering from mental or physical disability; or

(l) while committing rape causes grievous bodily harm or maims or disfigures or endangers the

life of a woman; or

(m) commits rape repeatedly on the same woman,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Section 65¹¹-Punishment for rape in certain cases

(1) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

Section 66¹²-Punishment for causing death or resulting in persistent vegetative state of victim.

Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 64 and in the course of such commission inflicts an injury which causes the death of the woman

¹¹ <https://www.indiacode.nic.in> (visited on 12 August, 2025)

¹² <https://indiankanoon.org/>, (visited on 12 August, 2025)

or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

Section 70¹³- Gang rape

(1) Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Where a woman under eighteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

Section 71¹⁴- Punishment for repeat offenders.

Whoever has been previously convicted of an offence punishable under section 64 or section 65 or section 66 or section 70 and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

¹³ <https://indiankanoon.org/>, (visited on 12 August, 2025)

¹⁴ <https://indiankanoon.org/>, (visited on 17 August, 2025)

- ***PREVENTION OF CHILDREN FROM SEXUAL OFFENCES [POCSO], ACT, 2012***

The POCSO Act specifies punishments for several types of sexual offenses against children, with the severity varying based on the nature of the offense, such as penetrative sexual assault (Sections 4 & 5), sexual assault (Section 7), aggravated sexual assault (Section 9), and sexual harassment (Section 11). Punishments range from a minimum of three years for sexual assault to a minimum of 20 years or death for aggravated penetrative sexual assault. It's further important to note that the Act was amended in 2019 to introduce more stringent punishments, including the death penalty for offenses like aggravated penetrative sexual assault.

- ***PREVENTION OF WOMEN FROM SEXUAL HARRASSMENT [POSH], ACT, 2013***

The Supreme Court in a landmark judgment in the Vishakha and others v State of Rajasthan 1997 case gave 'Vishakha guidelines'¹⁵. These guidelines formed the basis for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013¹⁶. The POSH Act is a legislation enacted by the Government of India in 2013 to address the issue of sexual harassment faced by women in the workplace.¹⁷

The Act seeks to protect women from sexual harassment and to establish a secure and supportive work environment. Unwelcome behaviors including physical contact and sexual approaches, requests for sexual favors, sexually suggestive statements, the display of pornography, and any other unwanted sexually suggestive physical, verbal, or nonverbal behavior are all considered forms of sexual harassment under the PoSH Act.

JUDICIAL MEASURES

- **Vishakha v. State of Rajasthan¹⁸**

The case arose from the gang rape of Bhanwari Devi, a social worker in Rajasthan, which

¹⁵ <https://www.drishtias.com/daily-updates/daily-news-analysis/protection-of-women-from-sexual-harassment-act-2013>

¹⁶ <https://www.india.gov.in/sexual-harassment-women-workplace-prevention-prohibition-and-redressal-act-2013>(visited on 17 August, 2025)

¹⁷ <https://dehradun.cantt.gov.in/2023/09/20/protection-of-women-from-sexual-harassment-act-2013>(visited on 17 August, 2025)

¹⁸ AIR 1997 SC 3011

highlighted the absence of legal safeguards against sexual harassment. Women's groups under the banner "Vishakha" filed a PIL before the Supreme Court, leading the Court to hold that such harassment violates fundamental rights under Articles 14, 15, 19, and 21. In its judgment, the Court framed the Vishakha Guidelines, requiring employers to set up preventive and redressal mechanisms at workplaces. These guidelines remained in force until the enactment of the Sexual Harassment of Women at Workplace Act, 2013.¹⁹

- **Tukaram and Anr. V. State of Maharashtra²⁰**

In this case, Mathura was an 18-year-old orphan girl who was called to the police station on an abduction report filed by her brother. Mathura was kept late. She was forcefully taken to the toilet and was raped by a constable Ganpat and molested by Tukaram. They had bolted the door from inside. In the sessions court, the accused were acquitted, naming it as consensual sex. The decision was challenged in the Bombay High Court, which reversed the decision, distinguishing between consent and passive submission and claiming that there was no consent and was a mere passive submission; therefore, they are liable. In the Supreme Court, they were acquitted with their charges and claimed that there were no marks and it was a peaceful affair²¹. This judgment of the Supreme Court was heavily criticized; thus, after this judgment, in an inquiry, it was held that marks on the victim's body are not important. Legal changes:

1. Changes were made in section 376²² of Indian Penal Code.
2. Custodial Rape provision Section 376(2) was added.
3. The punishment was prescribed to a term not less than 10 years.

- **Mukesh and anr. Vs. State for NCT of Delhi and ors²³.**

In this case, a young girl was returning home with her male friend after watching the movie and boarded a bus. Six people were there at the bus, including the driver, who first knocked on the guy with the iron rod, then she was brutally raped by all of them. Within 24 hours, they were

¹⁹ <https://www.studocu.com/in/document/karnataka-state-law-university/bba-llb/ut-4-answers-summary-bba-llb/101739678> (visited on 19 August, 2025)

²⁰ AIR 1979 SC 185

²¹ <https://blog.ipleaders.in/consent-will-emphasis-section-375-ip> (visited on 19 August, 2025)

²² REPEALED BY SECTION 64 BHARATIYA NYAYA SANHITA, 2023

²³ AIR 2017 SC 2161 (visited on 21 August, 2025)

arrested. The Supreme Court while pronouncing the judgment considered it as the rarest of the rare case and ordered the death penalty to the offenders. This was a landmark judgment where the court observed it as the rarest of the rare case and ordered them with the punishment of the death penalty. This case also generated a lot of public outcries which led to the formation of the JS Verma committee and various suggestions were suggested and finally an amendment was passed in the year 2013²⁴.

CHALLENGES IN LAW ENFORCEMENT AND PROSECUTION

The alarming rise of rape cases in India underscores the structural infirmities of the judicial system, wherein procedural delays, evidentiary constraints, and protracted appeals frustrate the constitutional mandate of speedy justice, thereby eroding both the deterrent effect of penal law and the faith of society in the rule of law.

● *JUSTICE DELAYED, JUSTICE DENIED*

The case of **Mukesh & Anr. v. State (NCT of Delhi)**²⁵, popularly known as the **Nirbhaya rape case**, stands as one of the most gruesome crimes in India's criminal history. On the night of 16th December 2012, a 23-year-old paramedical student was brutally gang-raped and assaulted by six men in a moving bus in Delhi. The sheer brutality of the assault, which ultimately led to the victim's death, shook the collective conscience of the nation. The trial court in 2013 awarded the death penalty to four of the accused, while one accused committed suicide in jail and the juvenile offender was sentenced to three years under the Juvenile Justice Act. The Delhi High Court confirmed the death penalty in 2014, and finally, the Supreme Court, in its 2017 judgment, upheld the punishment, describing it as falling within the "rarest of rare" doctrine.

However, despite the categorical recognition of the heinousness of the crime and the strong evidence against the convicts, the justice system revealed its serious flaws. Although the final decision of the Supreme Court came in 2017, the convicts were not executed until 20th March 2020—more than seven years after the incident. This long delay was the result of procedural complexities such as multiple review petitions, curative petitions, and mercy petitions filed by the convicts one after another. The law permits these remedies in the interest of fairness, but in

²⁴ <https://blog.ipleaders.in/consent-will-emphasis-section-375-ip> (visited on 21 August, 2025)

²⁵ AIR 2017 SC 2161 (visited on 21 August, 2025)

practice, their misuse in such high-profile cases often leads to justice being indefinitely prolonged.²⁶

“Even after all the changes to the law after my daughter’s rape, rape cases are still being dragged in the country. As a result of this, no one is scared of either the police or the courts and girls are being dragged in front of their families and being raped²⁷”.

This prolonged wait for the execution of the sentence highlighted the paradox of the Indian judicial system: while the courts recognized the brutality and gravity of the crime, the procedural delays weakened the deterrent value of the punishment. The famous maxim **“justice delayed is justice denied”** found a true reflection here, as the victim’s family had to struggle for years before justice was actually carried out. Thus, while the case reaffirmed the judiciary’s stand against heinous sexual offences, it also exposed systemic flaws—over-burdened courts, misuse of legal remedies, and absence of time-bound execution of judgments—that continue to undermine public confidence in the criminal justice system.

● **PAROLE AS A LOOPHOLE IN JUSTICE DELIVERY**

The Gurmeet Ram Rahim Singh rape case²⁸ is one of the most prominent criminal cases in India involving a religious leader. Gurmeet Ram Rahim Singh, the head of Dera Sacha Sauda, was accused by two female followers (sadhvis) of rape and sexual exploitation. He was sentenced to life imprisonment with fine of Rs. 31 Lakh²⁹. He was released on parole days before the Haryana Assembly elections. He was released on parole in the run-up to the Punjab Assembly elections in 2022 and the Rajasthan Assembly elections in 2023 as well. Singh has come out on parole 15 times, with several of these occasions coinciding with some election. In all, Singh has spent more than 250 days of his sentence outside jail.

Moreover, a video of Gurmeet Ram Rahim Singh, leader of the Dera Sacha Sauda sect, out of prison on parole and cutting a cake with Honeypreet Insan, a young woman he calls his adopted daughter, went viral³⁰. The celebration was to mark her Instagram account reaching a million

²⁶ <https://blog.ipleaders.in/consent-will-emphasis-section-375-ip> (visited on 23 August, 2025)

²⁷ Statement of Victim’s mother; <https://www.aljazeera.com/features/2016/8/18/the-slow-road-to-justice-for-indias-rape-victims> (visited on 23 August, 2025)

²⁸ <https://www.thehindu.com/opinion/op-ed/gurmeet-ram-rahim-singh-and-a-travesty-of-justice/article68725081.ece> (visited on 24 August, 2025)

²⁹ Cbi.gov.in (visited on 24 August, 2025)

³⁰ <https://www.bbc.com/news/world-asia-india-64714491> (visited on 26 August, 2025)

followers. Another video had gone viral that showed the guru cutting another, much larger cake with a sword. The videos made headlines in India, with critics asking **why the authorities are allowing Singh "frequent parole"**³¹.

The parole given in a self-styled godman's rape conviction case has once again exposed the serious weaknesses and inadequacies in the Indian legal system. The recurrent granting of parole in spite of being found guilty of egregious sexual offenses and given lengthy jail sentences has brought up important ethical and legal concerns.

First of all, when convicted criminals of serious crimes like rape are frequently granted temporary release, the deterrence concept is compromised. It gives the idea that social standing, political pressure, or influence can lessen the severity of punishment.

Second, the rights of the victim and the interests of society seem to be neglected. The goal of parole reform must be balanced with the seriousness of the offense, the effect on survivors, and public order by the courts and prison officials. In certain situations, releasing a prisoner convicted of sexual assault may be interpreted as a rejection of the victim's right to justice.

Thirdly, arbitrariness is revealed by the absence of consistent guidelines in parole determinations. High-profile criminals frequently obtain parole on dubious grounds, while thousands of undertrial inmates and those convicted of lesser offenses suffer in jails without any help. This discrepancy further calls into question Article 14's guarantee of equality before the law.

Lastly, the case highlights how judicial discretion and executive power can sometimes tilt away from the constitutional mandate of justice, fairness, and victim protection, thereby questioning the credibility of the system itself.

● ***EVASION OF LAW***

After committing the heinous act of rape, many offenders attempt to abscond in order to escape legal consequences. They often flee from the scene immediately, change their location, and avoid returning to familiar places where they may be identified. Some try to conceal their identity by altering their appearance or using false names, while others seek refuge in distant

³¹ <https://www.bbc.com/news/world-asia-india-64714491> (visited on 26 August, 2025)

towns or among acquaintances who are unaware of their crime. In certain cases, the rapist may also threaten the victim or potential witnesses to prevent them from reporting the incident, thereby buying more time to remain at large. Such absconding not only delays the process of justice but also causes additional trauma to the victim and poses a continuing threat to society, which is why strict law enforcement and swift investigation are crucial in apprehending such offenders.

DELHI POLICE's crime branch arrested a 40 year old fugitive who was convicted for life in a 2008 gang rape case registered at the Tilak Nagar police station. The accused, Raju Porwal , who was sentenced in 2013, was on the run since September 2023, when he was granted 3 weeks of parole but failed to surrender after the completion of the period. Porwal was among 3 individuals convicted in the case.

“During the investigation, all the accused were arrested, and a chargesheet was filed Against them. After a thorough trial, court found them guilty, sentencing them to rigorous life imprisonment with a fine. However, after being granted parole last year, Porwal absconded and remained untraceable despite extensive efforts by law enforcement agencies,” DCP (CRIME BRANCH) Aditya Gautam said.³²

The recurring phenomenon of rapists absconding from the clutches of law is not just a failure of policing but a grave indictment of the judicial system itself. When perpetrators of heinous crimes like rape escape trial or punishment due to procedural lapses, delayed investigations, weak bail mechanisms, or lack of stringent monitoring, it erodes public confidence in the rule of law. The very essence of justice — certainty and swiftness — is defeated when absconded offenders roam freely, leaving victims vulnerable and society unsafe. Such instances highlight the systemic flaw wherein the judicial machinery prioritizes procedural technicalities over substantive justice, thereby allowing offenders to manipulate loopholes and evade accountability. This challenge questions the efficiency, credibility, and deterrent power of the Indian criminal justice system, demanding urgent judicial reforms, stricter bail scrutiny, and robust enforcement mechanisms to ensure that justice is neither denied nor delayed.

³² <https://timesofindia.indiatimes.com/city/delhi/rape-convict-absconding-since-sept-2023-held/articleshow/119712349.cms> (visited on 27 August, 2025)

- **FAILURE OF LAW ENFORCEMENT**

In **Medha Kotwal Lele v. Union of India**³³, a group of women activists approached the Supreme Court highlighting that despite the landmark **Vishaka judgment**³⁴ (1997), which had laid down guidelines to prevent sexual harassment at workplaces, state authorities and institutions had failed to enforce them. This exposed a serious flaw in the judicial system, where even binding directions of the apex court under **Article 141**³⁵ were not effectively implemented. The Court acknowledged this gap, reaffirmed that the Vishaka Guidelines were law of the land, and warned that non-compliance would amount to contempt of court. The case revealed how judicial pronouncements, though progressive, often remained ineffective in practice due to weak enforcement mechanisms, compelling the judiciary to intervene again. Eventually, this judicial push paved the way for the **POSH Act**³⁶, 2013, but the delay and non-implementation reflected systemic flaws in ensuring women's protection against harassment.

SOCIETAL REPURCUSSIONS

Rape, as one of the most heinous criminal offenses, extends its impact far beyond the immediate victim, producing profound and multifaceted repercussions on society at large. Legally, it is recognized not only as a violation of the individual's bodily integrity and autonomy but also as an affront to societal norms, public morality, and the rule of law. The occurrence of rape cases generates widespread fear and insecurity, particularly among women and vulnerable groups, undermining the sense of safety in public and private spaces. In essence, rape is not merely an individual violation but a societal malaise that challenges the very foundation of justice, equity, and social cohesion.

Violation of Public Morality and Legal Order:

Rape is not merely a private crime; it is a gross violation of societal norms, ethics, and public morality. It challenges the rule of law by demonstrating that certain fundamental rights, including bodily integrity and personal autonomy, can be breached with impunity. Each incident reflects a systemic failure to protect citizens, weakening public confidence in legal

³³ AIR ONLINE 2012 SC 632

³⁴ AIR 1997 SUPREME COURT 3011 (visited on 28 August, 2025)

³⁵(CONSTITUTION OF INDIA) The law declared by the Supreme Court shall be binding on all courts within the territory of India

³⁶ "Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013"

institutions.

Erosion of Public Safety and Collective Security:

The prevalence of sexual violence induces widespread fear and insecurity, particularly among women, children, and other vulnerable groups. It restricts participation in public life, curtails freedom of movement, and forces communities to adopt defensive behaviors, such as avoiding public spaces, limiting social interaction, or implementing excessive protective measures.

Stigmatization and Social Marginalization of Survivors:

Survivors frequently face social ostracization, victim-blaming, and discrimination, which compounds the trauma inflicted by the crime itself. Cultural biases and patriarchal attitudes often lead to marginalization in families, workplaces, and communities, discouraging survivors from seeking justice and perpetuating cycles of silence and impunity.

Undermining Trust in Judicial and Law Enforcement Systems:

Delays in investigation, prolonged trials, and perceived inefficiency or bias within the judicial system erode public confidence in legal remedies. When perpetrators escape punishment due to procedural flaws, it signals institutional failure, contributing to a culture of impunity and diminishing society's faith in the enforcement of laws.

Psychological and Economic Ramifications:

The trauma endured by survivors extends beyond the personal sphere into the societal domain. Psychological distress, including PTSD, depression, and anxiety, often affects survivors' productivity, education, and career prospects. These individual impacts translate into broader societal costs related to healthcare, counselling, rehabilitation, and legal support.

Long-Term Societal Consequences:

When sexual crimes remain unaddressed, societies face long-term consequences such as erosion of trust in governance, increased prevalence of gender-based violence, and weakening of democratic and social institutions. The collective psyche of the population becomes marked by fear, insecurity, and cynicism, which hinders development and social progress.

Impact of release of rapists on parole:

The release of a convicted rapist, even on parole, can re-traumatize survivors and their families, causing renewed feelings of fear and insecurity.

NATIONAL ANNUAL REPORT AND INDEX ON WOMEN'S SAFETY (NARI) 2025

The National Annual Report & Index on Women's Safety (NARI) 2025³⁷, released recently, has shed new light through its latest report on how safe Indian cities really are for women.

HIGHLIGHTS OF THE REPORT

- It placed the national safety score at 65%, categorising cities as “much above”, “above”, “below” or “much below” this benchmark.
- Kohima, Visakhapatnam, Bhubaneswar, Aizawl, Gangtok, Itanagar, and Mumbai have emerged as the safest cities in the country for women, while Patna, Jaipur, Faridabad, Delhi, Kolkata, Srinagar, and Ranchi were ranked the lowest.
- Kohima and other top-ranked cities were associated with stronger gender equity, civic participation, policing, and women-friendly infrastructure.
- At the other end of the spectrum, cities like Patna and Jaipur fared poorly due to weak institutional responsiveness, patriarchal norms, and gaps in urban infrastructure.
- Overall, six in ten women surveyed felt “safe” in their city, but 40% still considered themselves “not so safe” or “unsafe”.
- Prevalence of harassment remains high, with 7% women reporting at least one incident of harassment in public spaces in 2024.
- The highest risk group is women under 24 years of age (14% reported harassment).
- Neighbourhoods (38%) and transport (29%) were the main hotspots for harassment.

³⁷ <https://vajiramandravi.com/current-affairs/national-annual-report-and-index-on-womens-safety-nari-2025>
(Visited on 3 September 2025)

- In terms of response, 28% of women confronted harassers, 25% left the scene, 21% sought safety in crowds, and 20% reported to authorities.
- The study revealed sharp drops in perceptions of safety at night, particularly in public transport and recreational spaces.
- While 86% of women felt safe in educational institutions during daylight hours, safety perceptions fall sharply at night or off-campus.
- The report shows low levels of faith in the redressal mechanism.
- Only one in three victims of harassment filed a formal complaint.
- Only one in four women expressed confidence that authorities would take effective action on their safety complaints.
- A concerning 53% were unaware whether their workplaces had a Prevention of Sexual Harassment (POSH) policy in place.
- Even when incidents are reported, only 22% are formally registered, and action is taken in a mere 16% of those cases.

SUGGESTIONS

1. Punishment for rape accused in India includes- life imprisonment or punishment up to 20 years of age, despite of this stringent punishment, there is lacuna in the strict enforcement of it. In case of life imprisonment, the rapist should be provided rigorous imprisonment and the money which he will get through this should be given either to the rape survivor or parents of the victim as compensation. This compensation would not serve as a means of satisfaction but as a means of strict enforcement of law.

3. The current scenario shows the increase in frequency of Paroles given to the rapists; this can re-traumatize survivors and their families. Granting parole in such cases sends a wrong message that even the most serious crimes can be met with temporary relief. Therefore, these paroles should not be granted to the offenders of heinous crimes like rape.

4. Children should grow up understanding that every person's body belongs only to them. A

straightforward "no" needs to be accepted without question. Boys need to be taught that genuine strength comes from kindness, understanding, and respect rather than from dominance or control. Encouraging open conversations including; talking about gender equality, healthy relationships, and respect should not be taboo. Dialogue helps dismantle harmful stereotypes.

5. The mind-set of society that, if they will file a complaint of the rape committed, then it will affect their dignity, should be changed by organising skits, awareness programs etc. thereby showing them that they should not feel ashamed, but those who have committed the crime should be ashamed of their act. Public sensitization about gender equality, respect for women, and the illegality of harassment.

6. From self-defense training to financial independence, women should be equipped with the confidence and means to protect themselves and live without fear. Promote self-defense training, martial arts, and awareness programs in schools, colleges, and workplaces.

Ensure women's equal access to education, employment, and economic independence, reducing vulnerability.

7. Safer Infrastructure including Well-lit streets, CCTV surveillance in public places, secure public transport, and better urban planning to reduce secluded unsafe zones. There must be mandatory installation of panic buttons and GPS in all the public vehicles. All this should be facilitated to prevent crime against women.

CONCLUSION

The phenomenon of rape in India exposes not only the brutality of the offence but also the systemic inadequacies of the Indian judiciary. Despite progressive legislation and judicial pronouncements, the justice delivery system continues to grapple with delays, procedural complexities, evidentiary hurdles, and inadequate victim protection mechanisms. These flaws diminish the deterrent value of law, embolden perpetrators, and erode public faith in the judicial process. The lack of speedy trials, misuse of parole, frequent acquittals due to weak investigation, and prolonged appeals create a cycle of secondary victimization for survivors. High-profile cases like Nirbhaya highlight that while legislative reforms are often reactive, the ground reality of implementation remains fragile. Unless judicial reforms prioritize swift adjudication, victim-centric approaches, accountability of investigative agencies, and stricter

monitoring of parole and bail, the gap between law in books and law in action will persist.

Therefore, addressing rape in India is not merely about harsher punishments but about strengthening the structural integrity of the judiciary. A transparent, efficient, and victim-sensitive justice system is indispensable to restoring faith in the rule of law and ensuring that justice is not delayed or denied, but effectively delivered.