



RAPE IN FILMS VS. REALITY WITH ITS IMPACT

By Hitakshi Maggo

From Fairfield Institute of Management and Technology

Rape this word is common nowadays, why? Because everyone knows about this, or say everyone care for those of victims but what is for? Rape is not done ones, every single day of a victim or a rape survivor goes through from that pain not because of that insensitive offenders just because of some people in our society. Now you may think, I am also going to write the same thoughts on this topic or tell you about basic laws like section 375, 376, 354 etc. of Indian Penal Code or Provisions of Protection of Children from Sexual Offences. But no, I am not here to tell you about this because you may know about these and after reading such articles you may feel ashamed or say many of us get goosebumps after reading articles, I am here to tell you or say share my views on reality check with Films or movies and their impacts in real life. We all are well known with these words **"Tareekh pe Tareekh"** said by Actor Sunny Deol in the movie **"Damini"** and in a Telugu Movie Actor N.T. Rama Rao Jr. asked from a court **"after watching a girl, in 2/3 minutes we can rape her and we are confessing right now but can you give us a death penalty in 2/3 days do you have enough power to do so? In our law there are several sections we can file a suit in Supreme Court for stay on execution and so on.."**. These movies and likewise many other movies are there after watching them we get goosebumps. But what is the use of these films, to aware society about the crimes and their punishment right? Yes, but is it

really helping us to overcome this situation in our country? I am not opposing or I am not saying that these types of movies should be banned on the other hand I am asking what people think after watching these kind of movies, some of people in our society still blaming victims for the act not offenders. Our law system can make laws as per our society or country's need but its successful implementation we also have to work accordingly. India is a democratic country, but women's are not free, after so many years of our independence there are several states or cities like Delhi, etc. women are not safe to walk or work according to their needs, they can not walk safely on roads in night. But society blames women "what was she doing on a road at 9 p.m., women should be aware, as a girl be aware not do this or that etc. and etc." but why? Have you ever try to say these things to a guy that " you should respect a women or a girl, she is not your slave etc.". But not only women, men also get raped by false statements or by anyone else. But no one talks about them you know why, because there are many cases in India of rape of a women then man. But there are several cases also exists where a women falsely accused a guy for a crime "rape" which is also wrong like in movie "AITRAAZ" actor Akshay Kumar (main male hero of the movie) get accused by Priyanka Chopra (his boss in the movie) of harassing her which was a false case. Hence, I am not stating that only womens get raped, I am stating that there are double the numbers of cases where the victim of rape is women then the men.

Everyone knows about the movie "Damini" of 1993 where actress Meenakshi Seshadri played a role of Damini who raised her voice against her brother-in-law and his friends who raped her house worker "urmi" but the



lawyers of Accused and her in-laws state in court that damini is mentally ill and sent her to mental asylum for treatment by the order of court. And when Actor Sunny Deol who played the role of Damini's lawyer later came to know about this and file a petition against the prosecutor and her in-laws for hiding the truth and wrongfully accused Damini that she was mentally ill. After that he appealed from court to provide justice for urmi who earlier also get murdered by accused's family, but due to Damini's husband confession court found guilty and all of the accused got the punishment of 7 years and in-laws who tried to hide the truth and the lawyer of accused got the 2 years imprisonment and 7 years imprisonment for murdering the victim. But as well known words "tareekh pe tareekh" by actor sunny Deol shows all the public that it is impossible to get justice in our legal system because of several reliefs they get dates and dates for the hearing, but if someone filled a false complaint against someone and if court order his conviction without knowing proper facts and circumstances then the justice will die right? And then our public will say court did injustice to a innocent men, for this or for providing justice to everyone court needs to analyse everything and then only court can give judgement and for this there is a prescribed procedure to do. Now why Nirbhaya (Delhi Gang rape case) known as Damin?

In the well-known horrifying case which leads to amendment in Indian Penal Code "**NIRBHAYA CASE**" where a victim (Nirbhaya) with her friend was coming from a movie theater in Saket (after watching a movie Life of PI) and after eating and enjoying her life on the night of 16th December, 2012. After enjoying they were looking for a bus at Munirka Bus Stand. The

bus with yellow and green strips on it and the word stated Yadav written on it come and they both departed into it. After some time when the conductor (one of the accused) asked for the ticket everyone started commenting on the victim with vulgarity and after feeling something wrong victim's friend call the driver (one of the 6 accused's) to stop the bus but driver didn't stop. All of 6 were highly dunked and when some of them try to snatch the items from the victim and her friend, friend refused to do so and two of the accused started beating him with iron road and fists or by blow on his head and then knocked down with an iron road. One of the accused drag the victim to the back of the bus and gang raped her for an hour. While fighting back, one of the juvenile (main accused also a conductor) inserted an iron road into the vagina of the victim and pull out the intestine out of her and after that tried kill her. While this was happening driver drove the bus all over Delhi and also crossed some of the police barriers too but no one noticed any suspicious activity. After enjoying both of them thrown out of the bus to die at the side of the road. Her friend try to call every person who passed by them for help but no one helps why? Because no one wants to be a part of any police interrogation but what about them on the winter night they were half dead lying on the road but after that one passerby person informed the Delhi Police and when they reached there the victim and her friend admitted immediately to the Safdarjung Hospital. After so many surgeries victim failed to cooperate and died at Mt. Elizabeth Hospital, Singapore on 29 December, 2012. Before dying in her dying declaration she stated that she want justice against 6 accuseds namely Ram Singh, Mukesh Singh, Akshay Thakur, Pawan Gupta, Vinay Sharma and the Juvenile,



which were get arrested and convicted by the court. But the bus driver committed suicide on 11th march, 2013 in Tihar Jail. Minor got punished by Juvenile Court of maximum sentence of 3 years in a reform facility. During this everyone in Delhi and around the world come forward on the streets and praying for justice for nirbhaya, and they also demanded for Lessing the age under juvenile act for punishing the juvenile according to me and all when a person does such a heinous crime can not be a minor minded who can think such a inhuman way of treating a women can never be a minor, but after considering all of this law commission relied on the juvenile court and stated that we can not reduce the age limit there should be a chance for him to be reform in valuable human. On 2013 trial court awarded a capital punishment to the left accused's. 3 of them appealed for reviewing the judgement and try to postponed such allegations by exercising their legal rights of do so but the court dismissed the review petition. And after that on 2019, 18 December Supreme court also denied the petition for review. Later high court stated that all of the accused will be hanged till death on 3 march, 2020. But 4th accused who didn't exhausted all of their rights filed a mercy plea to the president which was later refused by president. And Supreme Court stated that it was not normal and it is a "rarest of the rare" crime and inhuman which shook whole of the nation and Supreme Court also rejected the mercy plea and upheld the Death sentence of 4 convicts on march 20, 2020 at 5.30 am.

Why we call media as a 4th tier, because if media was not their for us no one going to know about this horrific case and there was no such candle march or so on things going to be happened but according to me media is

helpful in encouraging the public and government and courts to take corrective actions really fast. Even media is very helpful to tell or aware whole society about the events and the things happen in our country. Due to media everyone get to know about this case and everyone around the world come and march for justice. Even Britishers made a documentary on "INDIA'S DAUGHTER" which later banned by the central government because it stated the horrific review of India for women's. Many of the tweets occurred with hashtags like justice for India's daughter, justice for damini and so on. Women feminist get memento women empowerment motion get into force. Because of which government get passurised for reviewing the law and provide justice. After that the Criminal Amendment Act,2013 enacted which gave broader meaning to the word Rape under section 375 of Indian Penal Code that is "any one who involuntary and forcefully penetrates the women without her consent into her body parts like vagina, anus, mouth or urethra" is a rape.

In several movies we watch that law commission is failed to provide justice because of lack of laws or sections, which is wrong. In the movie "**Temper**" where a police officer (Telugu actor who played this role- N.T. Rama Rao Jr.) scarifies his life to provide justice to a girl who gang raped and murdered by accused. While confessing he asked court can you hang us in 2 days do you have enough power to do so? Yes court can grant such punishment if the crime is rarest of rare nature like in Nirbhaya case. Even our law commission also changed the word rape meaning under section 375 of Indian Penal Code. Not only this had changed after that horrific case but also a **Justice Verma Committee Report** announced where



quicker trial and enhanced punishment under criminal laws for people who accused for committing sexual offences against women cited.

According to the report rape should be treated as separate offence and widened to the extent where anyone try to penetrate anything into women with intent to sexual assault is considered as rape, it is recommended that marriage should not be considered as a title to have intercourse with a women without her consent, there are other recommended points to protect womens at workplace and bill issued of sexual harassment of women at workplace (prevention, prohibition and redressal) bill,2012, acid attack will not be considered as a grievous hurt it will be a part of sexual assault and govt. should take measures to compensate victims, slavery also considered as a criminalise trafficking, death penalty should not be granted in every case of rape the recommendation of life imprisonment will be imposed for rape, committee also denied the two finger test as rape can be done with a women who is habitual to sex and this test is considered as a unfair test, committee also recommend security commissions for police to make sure that government does not try to influence police in their investigation, legal assistance and online filling of FIR recommended for victims, CCTVs at entrance of police station, assistance of criminal jurisdictions to the victims of sexual offences by police, police should be trained on how to deal with sexual offences,etc. all of these measures taken by or suggested by Justice Verma Committee Report after the horrific case of Nirbhaya.

Law commission and our justice system can only make laws and implement them it is our duty to obey them and to educate the children

and everyone about these laws to stop these kind of crime. These movies effect public at large and everyone try to question police department and law department that what they are doing? Have you asked your society in which these offenders live that what you were doing at that time? While nirbhaya and her friend lying on a road half dead the public who passed over them they don't even stop to help them and after knowing the truth all are came over to do candle march and all. I am not saying all of them are same but most of them are and it is true. Our law system can make laws but to execute them properly as a citizen and human we have to work according and have to work as a team to stop these kind of crime. To help with these our law system banned the pornography sites in India, provide capital punishments to accused. But whether it is really helping our country? For fully implementation we as a citizen also have to work on this to educate everyone about these effects on victims. Have you ever think that the story of Nirbhaya or the movie which gives us goosebumps, in real life girl who suffer this how she feels or how she was trying to fight to live. How accused or offenders come to know about the ways they treat a women according to me it must be through pornography all that bdsm or any other forms, that's why our system banned such sites who influence many people to do so. But we have to understand they are actors who does that and you are doing with a real person what kind of enjoyment accused get from treating someone like this and making their life hell.

Because of movies everyone get to know about the life of a victim after these incidents and how it effects them, even movies educate us about the rules regulations and punishment



if you do such act and how these effect the country and family of the victim. Films are also made on a real life.

