



India is often celebrated as a land of rich culture, deep spirituality, and sacred energy. While this perception is shared by many around the world and is not without truth, it is also a country where cows, considered holy and valued due to their religious significance, often receive greater protection than women. In Hinduism, animals hold a special place, each serving as a vehicle for a specific deity, and among them, cows are particularly adored. Killing a cow in India can lead to legal consequences, and the consumption of beef is widely prohibited. However, this reverence for cows starkly contrasts with the reality faced by many women in India. While harming a cow can result in harsh penalties, the crime of raping a woman often does not carry the same weight in the eyes of society or the legal system. This contradiction raises important questions about the value placed on women's safety and rights in a society that otherwise upholds the sanctity of life in its various forms. Statistics show that a woman is raped every 4 minutes in India, an average of 90 women per day. Before this number appals anyone, it is important to note that this is the number of only rape cases that are reported. Given the various different reasons ranging from shame and life-ending repercussions of the heinous act to unawareness of laws, mistreatment by authorities, invasive line of questioning, fear, trauma, etc., majority of the cases go unreported in India. Only 15% of the total number of rape cases get reported this is without considering

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marital rape. With the inclusion of marital rape, 99.1% of rape cases go unreported. If these numbers are any indication to go with, the situation of women in India is dire and the current legal provisions are not enough and need a stricter implementation.

### **Rape case in Kolkata:**

Following the discovery of the brutally violated body of Dr Moumita, the country experienced an uproar in protests. The medical resident was sleeping in the hospital library during a night shift and was violently raped and murdered.

The brutal case not only highlighted the poor conditions in which healthcare providers work but also shone light on the lack of safety of women in the workplace. The synchronicities of this case triggered flashbacks to 11 years ago, reminding people of the barbarity of the *Nirbhaya* gang rape case in Delhi.

Since news broke about the case, West Bengal, the capital city of Kolkata has witnessed public outrage. The outrage hasn't been limited to West Bengal, medical professionals as well as the common public have united to make their discontent towards the systems failure as well as the heinous act known.

### **Rape Culture in India:**

If rape in itself wasn't a horrifying reality, the Indian rape culture takes it a step further with the existence of gang rape as if one person raping a woman wasn't bad enough, the fight is made even more unfair by force of power by sheer brute physical strength. Why have boys' night and go shoot some hoops or play video games

together when you can rape a woman in a group right? Definitely a better group bonding activity to partake in an inhuman, immoral and barbaric act than resolving whatever sickness they might have within, right?

The possibility of rape, looms over women in India at all times. From a young age, girls are told to cover up so as to not gain attention. The reality of rape instils fear in women from a young age, even in the relatively safer cities they are still conscient of their surroundings and the time of day. Carrying safety objects like pepper spray and sharing live locations is the norm not a precaution. Yelling ‘fire’ instead of ‘help’ or in the worst case not resisting the attack so as to not be killed are the kind of survival training instructions given.

Anytime a woman hears about a rape case, there is empathy for the victim but also fear for herself, because it could be her in any moment. It takes one wrong moment, being in the wrong place at the wrong time for the nightmare to become a reality. What a sickening reality to live in, what is even worse that it happens so often that it’s just accepted as a reality when it shouldn’t. A woman will cover up, carry a jacket for the road ‘to be safe’ so as to avoid being catcalled, being stared at, being followed or worse: being raped.

### **Rape Laws in India:**

According to Section 376 of the Indian Penal Code, rape of any kind at the base level is a punishable offence and can range between 10 years to lifetime imprisonment. In cases of rape of a minor the punishment is 20 years to a

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lifetime. The severity of the punishment depends on the aggravating circumstances of each case (e.g., by a police officer, public servant, armed forces member, during sectarian violence, or against vulnerable individuals). Imprisonment is also accompanied by a fine. While some might consider lifetime imprisonment harsh it clearly isn’t harsh enough since the numbers of rape victims has yet to see a decline. Following the barbaric reality of the rape and murder, the state of West Bengal has unanimously cleared The Aparajita Woman and Child (West Bengal Criminal Laws and Amendment, 2024) Bill to a death penalty in case of rape and murder instead of the standard punishment of 10 years in prison. The statute has always included a death penalty in case of rape and murder or leaving the victim in a vegetal state after rape. However, a death penalty is often times prolonged as much as possible through appeals and is not often executed.

While a death penalty seems fair given the nature of the crime, many argue that it is a ‘quick fix’ to a problem that is deeply ingrained and a violent approach does not guarantee a resolution. The issue of systemic violence against women must be uprooted from its core to ensure their safety and well-being.

### **Rape Laws in other countries:**

Violence against women is a global issue and the severity of the violence mirrors the severity of punishment laws in different countries. Some countries take stricter actions against the rapists while some others shift the narrative and have a

'marry your rapist' law which subjects the victims to not just an isolated case of exploitation but also subjugates them to the nightmare of a lifetime by being legally bound to their perpetrator. Countries like Russia, Thailand and Venezuela are some of the 20 countries that embrace this law. In India as well, there have been cases where a rape conviction has been overturned if the convict chooses to marry the victim. So not only do the convicts convict a crime that they do not get punished for, they somehow get a bride out of it. Meanwhile, the victim spends the rest of her life looking at her offender.

In cases of rape of minors, child molestation or gang rape take stricter actions are taken. Punishment for such a crime in Pakistan is the death penalty, Pakistan also used to have chemical castration as a punishment but it is no longer in execution. South Korea and some states in the United States continue to have chemical castration as a punishment in cases of threat of repeat offenders and pedophiles. China too has a death penalty and in extreme cases castration. Saudi Arabia beheads the convict publicly within days of committing the crime whereas North Korea's punishment is a death sentence by firing squads.

Whether the punishments to the crimes are ethically justifiable and whether the response to violence is through violence are debates that lose their standing given the barbarity of the crime to begin with. Rape as an act is disgusting, vile and cruel beyond bounds that perhaps stricter

punishments that instil fear is what is necessary to rid society of this sickness.

### **Cows' vs Women in India:**

If women in India were asked, do they feel safe, there would be a unanimous response; they don't. Cows on the other hand, if they could respond, they would say, they live comfortably. This might come off as an exaggeration or even satire but the sad truth is, women have a subordinate position in Indian society. From the days of practises like *sati*, where widows were burnt alive so they died with their husbands; India has come a long way where a select percentage of women are able to get an education, build their careers and work. However, this is not the case for all women. Urban cities have progressed enough for women to attempt at breaking the glass ceiling. However, their safety still remains overtly questionable. Women in the rural parts of India still adhere to the traditional gender and societal norms, which means they are in even more vulnerable positions, unaware of their rights. Many women remain unaware to the fact that it is considered marital rape if the husband forces himself onto the wife.

In India, there is a saying called, *गाय हमारी माता है* (*Gaay humari maata hai*), which translates to the cow is our mother. Cows get the dignity and respect reserved for mothers but mothers, sisters, daughters don't receive the same reverence as cows.

Artist and activist, Sujatro Ghosh started the cow mask art project as a form of silent protest to explore the safety of women vs cows in India. His

art campaign saw women wearing cow masks as form of protest towards the lack of safety, the cow mask acting as a form of protection due to the holy status of the cow. His statement, “Do women have to become cows to feel safe in this country?” emulates the frustration of many women. The movement is impactful in making one wonder just how unsafe women are in India for them to resort to wearing an animal mask to feel safe.

### **Conclusion:**

As per the Women Peace and Security Index 2023 released by Georgetown Institute for Women, Peace and Security, India ranks 128 out

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of 177 countries in terms of women’s inclusion, justice, and security. India might slowly be emerging as a powerful adversary in the world but that doesn’t hide the fact that India is also a long way from building a safe space for women and implementing the rights that exist on paper. The bridge between the rights in the constitution and the rights that women actually enjoy is worlds apart.

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### **References**

- Johnson, S. (2021, April 14). “Marry your rapist” laws in 20 countries still allow perpetrators to escape justice. The Guardian. <https://www.theguardian.com/global-development/2021/apr/14/marry-your-rapist-laws-in-20-countries-still-allow-perpetrators-to-escape-justice>
- Kaul, R. (2024, August 16). FIRs to be lodged within 6 hours of assault on on-duty health workers: Centre. Hindustan Times. <https://www.hindustantimes.com/india-news/firs-to-be-lodged-within-6-hours-of-assault-on-on-duty-health-workers-centre-101723799901943.html>
- Mallick, T. (2021, December 27). Articles – Manupatra. Articles.manupatra.com. <https://articles.manupatra.com/article-details/An-Extensive-study-of-Rape-Laws-in-India>
- Namita Bhandare. (2024, September 8). The death penalty cannot fix India’s rape problem. Here’s why. Hindustan Times; Hindustan Times. <https://www.hindustantimes.com/opinion/the-death-penalty-cannot-fix-india-s-rape-problem-here-s-why-101725739033368.html>
- Punishment for rapists in different countries. (2020, October 12). The Business Standard. <https://www.tbsnews.net/world/punishment-rapists-different-countries-144115>
- Rajagopal, K. (2024, August 17). Harsher anti-rape laws alone do not deter crimes against women, Supreme Court had warned government in Nirbhaya verdict. The Hindu. <https://www.thehindu.com/news/national/harsher-anti-rape-laws-alone-do-not-deter-crimes-against-women-sc-had-warned-govt-in-nirbhaya-verdict/article68537350.ece>

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