

AQUAINTANCE RAPE

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ABSTRACT

It is not that the force is to be physical only. The perpetrators of sexual assault, especially acquainted ones, may try to use manipulative reasoning with the victim. It maybe through threats, bribery, or exchange for some-thing desired (e.g. love, attention, gifts, etc.). Most of the times, perpetrators try to use the guilt of the other person in order to achieve their motives. This can be an easier way to manipulate someone they know, as compared to a stranger.

It must be noted that the acquaintance rape is not at all about trust, love or passion rather it is about fraud, control and power. It may include forced, manipulated or coerced sexual contact. It must be understand very clearly that if someone has forced you to have sex, that is rape - even if you know the attacker. And knowing the attacker means it is acquaintance rape (sexual assault crime by someone who knows the victim).

Keywords- date rape, assault, rights, consent, manipulate, known, attacker, offender, victim

WHAT IS ACQUIANTANCE RAPE?

In order to understand the term Acquaintance Rape, we must go by understanding separate meaning of both the terms. The word ACQUIANTANCE simply means ‘having slight knowledge of someone’ and the word RAPE means ‘forcing the other person for sexual intercourse whether oral, vaginal or anal’. Now we can easily make a thought that acquaintance rape means use of coercive force(including drug or alcohol) by the person (the known person) in order to rape or unwanted touch the other person. The known person can be

one's boyfriend, girlfriend, relatives, neighbour, friend or in short he/she is the one the victim is familiar with. In simple way if you are forced to have the sex you then it is rape even if you know the person .

The acquaintance rape is also known as DATE RAPE. But the perpetrator need not be the one whom the victim is presently dating. So here the term date rape must be used cautiously.

STATISTICS

1. Exceeding 70% of the victims of the rape know the offender(s).
2. Approximately 90% of the rape victims do not report the case.
3. Acquaintance rape mostly happens between the age of 13-24 years.
4. The average age of victims who are adolescent or in college are 18.5 years. And 38% of the acquaintance rape victim are between 14-17 years of age.

Every day we come across many rape news which are really dreadful. Recently there were two headlines in the news which were far away from even one's thought. The one of the news read as **“Father rapes daughter twice during COVID-19 lockdown in MP, mother stands by as mute spectator”**¹ and the other as **“mentally ill girl raped, killed by brother, friends in Jaipur”**² . When a woman is in trouble she finds peace in her father's lap, no one can even imagine what that girl is going through. How will she face this time when her father and mother who are there to support are the only offenders.

One need to understand that cloths can never be the reason for rape. We need to teach our girls never to bear any kind of violence whether it is sexually, physically or orally no matter who does it

A VICTIM

When there is any kind of sexual assault with a person (boy/girl), one experiences few emotions like shame, guilt, anger, lost of trust, shock, depression, worthlessness, etc. Being a rape survivor is never a small thing, it takes up a lot of courage to go through such circumstance.

¹ <https://www.msn.com/en-in/news/other/father-rapes-daughter-twice-during-covid-19-lockdown-in-mp-mother-stands-by-as-mute-spectator/ar-BB1420cO#image=1>

² <https://timesofindia.indiatimes.com/city/jaipur/mentally-ill-girl-raped-killed-by-brother-friends/articleshow/75928102.cms>

Being a victim one must try to keep following in their mind-

- Never ever lose hope of living. Though at such time it is much more difficult but one has to do so.
- If you are injured and can help yourself then show little more courage and try to contact your family and emergency services for help.
- Talk about it with someone who you feel safe.
- If you are willing to report the case then contact the police as soon as you decide to do so.
- Try to keep all physical evidence.
- If you want then you can contact psychiatrist for your mental health condition.

IF MALE VICTIM

It is a myth that men cannot be raped, but the truth is getting raped is nothing to do with It's a appearance, body size, etc. A man can also be raped (sexually assaulted) by an acquaintance as well as a stranger. A man may be sexually assaulted by any of his relative, friend, date or any other acquaintance. A guy is also entitled to same legal remedies which are available to any other rape victim. If a man is raped it is not that he is a gay and there is no right to anyone to question his masculinity. Mostly if a man is a rape victim then few common thoughts grab his mind like-

- ✓ he is incapable of defending himself,
- ✓ he is the only one or this has happened to any other man earlier,
- ✓ if he is attacked by any female then no one will believe him and will make fun of him.

[Always remember that assaulting someone sexually is always a crime and a man is also entitled to same support and care as any other rape victim. A man can move to police for reporting the case and can fight for his rights as well.]

WHY DOES ACQUAINTANCE RAPE HAPPEN ?

Acquaintance rape is somehow the forced sex on the victim reason being to punish, torture and humiliate the victim. Not considering the needs and want of the victim as considering them to be entitled to force himself on the victim. Some dominants think they have their right

to sex on another person and generally do not consider this as a crime even if the victim says “no”.

- ❖ BLAMING PROVOCATIVE CLOTHING = There is a tendency to assume that the assault was somehow brought upon themselves by victims. In 1996 survey of judges in India , 68 % supported the provocative clothing as an invitation to rape. Survey shows 70 % know their attackers.

- ❖ STIGMATIZING THE VICTIM = When verbal harassment is ignored rather than intervened by the public and compromising on the side of victim rape supporters so as to keep peace between families or clan groups.

- ❖ FEW CONVICTIONS = There is patriarchy system of male desiring to dominate. Men are scared of women so that is needed to be suppressed. Lack of safety measures as in village women have to venture all those thing difficult for them such as toilet facilities missing out and no sex education. Educations, gender sensitization and legal awareness are need of the hour to control rape.
Cognitive restricting is needed to remove the myths clogging our minds. Accused is needed to be questioned rather than victim. Sensible thoughts and sensitivity is essential to counter their crime against the humankind.

DRUG USED-

Date rape, also known as “drug-facilitated sexual assault”. Date rape drugs can make people become physically weak or pass out. This is why people who want to rape someone use them—because they leave individuals unable to protect themselves.

Many of these drugs have no colour, smell, or taste, and people often do not know that they’ve taken anything. Many times people who have been drugged are unable to remember what happened to them.

The three most common date rape drugs are-

1. **Rohypnol** (also known as roofies, forget-me-pill, and R-2)
2. **GHB** (also known as cherry meth, scoop, and goop)
3. **Ketamine** (also known as cat valium, k-hole, and purple)

RIGHTS OF A VICTIM

In 1985 the general assembly of united nations, a declaration was made on justice for the victims of rape known as magna carta of rights of victims. Article 21 of the constitution of India has been applied and expanded by the apex court of India in aspects of rape. Earlier victims felt kind of detached from the adjudicating process which was considered to be their human right of the victim. Victim is considered as the active component in the judicial proceedings.

To make a balance between the rights the Supreme Court attempted to regain the dignity and wounds sustained by the victim. In this long journey it was found rights comprise of four ingredients-

- Access to justice and fair treatment,
- Restitution,
- Compensation and
- Assistance

After the Code of Criminal procedure (Amendment) Act,2008 and Criminal law amendment act 2013, a radical and impactful change is found in the Indian criminal justice system by introducing and redefining the rights of victim in the following manner:

- ✓ **Section 2(w)(a) of the Code of Criminal Procedure**, which includes a guardian or legal heir of the victim as a victim and confers them the right equivalent to victim.
- ✓ **Section 24(8) of the Code of Criminal Procedure**, states victim is able to engage his advocate of his choice to assist the public prosecutor.
- ✓ **Section 26(A) of the Code of Criminal Procedure**, provides that offense under section 376 and 376 (A) to 376 (D) of the Indian penal code shall be tried as far as practicable by a court presided over by a woman.
- ✓ **Section 157 of the Code of Criminal Procedure**, in the second provision of the said section, it is inserted that the statement of the rape victim will be recorded at the residence of the victim or in a place of her choice or as far as practicable by the woman police officer in the presence of her parent or guardian or near relative or a social worker of the nearby locality.
- ✓ **Section 357(a) of the Code of Criminal Procedure**, an amendment was incorporated in order to provide for the state government to prepare in coordination

with the central government a scheme called “Victim compensation scheme” for the purpose of compensation to the victim or his dependents who suffered loss or injury as a result of the crime.

RIGHT TO PARTICIPATE IN THE PROCEEDING

In the existing criminal justice system a victim to a crime does not have any significant role to play. The investigation of the crime is the exclusive domain of the police officer. The victim has a role only if the police consider it necessary. The existing law envisages that the prosecutor appointed by the state is the proper authority to plead on behalf of the victim. Though the Code of criminal procedure does not completely prohibit the victim from participating in the proceeding but the role of the lawyer engaged by the victim is too limited and the lawyer so engaged by the victim has to act with the permission of the court to the extent of assisting the public prosecutor.

BAIL

Victim has been vested with a right to cancellation of bail under **Section 439 of the Code of Criminal Procedure**, but in practice little importance is given to the interest of victim and hardly there is any proof of crime and hence are released on less charges .