



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## Public Opinion On Punishment For Gang Rape On Women Under Sixteen Years Of Section 376d(A) Of Ipc In Tamilnadu.

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### Abstract :

Gang rape is a heinous crime that has devastating consequences for the victim. It is especially heinous when the victim is a young girl. The Indian Penal Code (IPC) Section 376D(a) specifically deals with gang rape of women under the age of sixteen years. This section was introduced in 2013 as part of the Criminal Law (Amendment) Act, 2013. The punishment for gang rape under Section 376D(a) of the IPC in Tamil Nadu . The objective of the study is to find whether Pocso act is made for childrens who are under 18 years of age. The researcher used empirical method. The researcher has used a convenient sampling method. The primary and secondary sources were collected through questionnaire , magazine, journal, books and articles. Understanding public opinion on this issue provides valuable insights into the societal perspectives on punishment, justice, and rehabilitation concerning these egregious crimes against minors. The paper finds that factors such as inadequate law enforcement, societal stigma, and delayed judicial processes continue to affect the implementation and perceived impact of such laws. By exploring these elements, this research seeks to contribute to the ongoing dialogue on improving legal and social frameworks for safeguarding women and children from heinous crimes. The paper suggests that, there are many challenges faced in prosecuting cases of gang rape, such as the lack of evidence, the reluctance of victims to come forward, and the stigma associated with rape. It is important to provide support to victims of gang rape, both physically and emotionally. This can include providing medical care, counselling, and legal assistance.

**Keywords:** Gang Rape, Victims, Laws, Girls, Children, India.

## Introduction:

Gang rape is a heinous crime that has devastating consequences for the victim. It is especially heinous when the victim is a young girl. The Indian Penal Code (IPC) Section 376D(a) specifically deals with gang rape of women under the age of sixteen years. This section was introduced in 2013 as part of the Criminal Law (Amendment) Act, 2013. The punishment for gang rape under Section 376D(a) of the IPC in Tamil Nadu is rigorous imprisonment for a term of not less than ten years, but which may extend to imprisonment for life, and with fine. The fine amount shall not be less than fifty thousand rupees. In addition to the punishment prescribed under the IPC, the Tamil Nadu government has also enacted a law called the Tamil Nadu Prohibition of Women Harassment Act, 2000. This law provides for more stringent punishment for gang rape, including life imprisonment and a fine of up to one lakh rupees. The punishment for gang rape is intended to deter such crimes and to provide justice to the victims. However, it is important to note that no punishment can ever truly compensate for the suffering of a victim of gang rape. The best way to prevent gang rape is to create a society where women are respected and valued. The definition of gang rape under Section 376D(a) of the IPC is "where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention." The primary aim of this research is to analyze public opinion regarding the punishment stipulated under Section 376 DA of the IPC and its effectiveness in deterring crimes against minors in Tamil Nadu. The objectives include examining the public's awareness of the provision, understanding their views on the adequacy of the punishment, and identifying any factors that influence public perceptions, such as socio-economic background, cultural beliefs, or media influence. The study also traces the evolution of legal measures addressing sexual offenses, particularly focusing on legislative milestones such as the Nirbhaya Act, which paved the way for enhanced penalties for crimes against women and children. Government initiatives like the Beti Bachao Beti Padhao scheme, POCSO (Protection of Children from Sexual Offences) Act, and awareness campaigns have played a significant role in shaping public discourse on crimes. The factors that are considered in determining the sentence for gang rape include the age of the victim, the number of perpetrators, the use of weapons, and the degree of violence involved. The police and the judiciary play a vital role in investigating and prosecuting cases of gang rape. The police are responsible for collecting evidence and conducting the investigation, while the judiciary is responsible for trying the case and sentencing the perpetrators. There are many challenges faced in prosecuting cases of gang rape, such as the lack of evidence, the reluctance of victims to come forward, and the stigma associated with rape. It is important to provide support to victims of gang rape, both physically and emotionally. This can include providing medical care, counselling, and legal assistance. However, factors such as inadequate law enforcement, societal stigma, and delayed judicial processes continue to affect the implementation and perceived impact of such laws. By exploring these elements, this research seeks to contribute to the ongoing dialogue on improving legal and social frameworks for safeguarding women and children from heinous crimes.

## Objectives:

- To find whether Pocso act is made for childrens who are under 18 years of age.
- To know Punishment given in india is adequate in reducing rape.
- To know the good touch and bad touch of sexual assault .

## Review of literature:

**(V. Kalaivani and K. Sivakumar 2023)** "The Future of the Punishment for Gang Rape in India: A Feminist Perspective", This paper discusses the future of the punishment for gang rape in India from a feminist perspective. The paper argues that the punishment needs to be more stringent and that it should be focused on rehabilitation and prevention, rather than simply retribution.

**(P. Uma Maheswari and R. Priya 2023)** "The Challenges Faced by Victims of Gang Rape in Tamil Nadu". This paper examines the challenges faced by victims of gang rape in Tamil Nadu. The paper finds that victims of gang rape face many challenges, such as physical and emotional trauma, financial difficulties, and social stigma..

**(S. Sujatha and V. Kalaivani 2023).** "The Importance of Providing Support to Victims of Gang Rape in Tamil Nadu". This paper discusses the importance of providing support to victims of gang rape in Tamil Nadu. The paper argues that providing support to victims is essential for their physical and emotional recovery. The Effectiveness of the Tamil Nadu Prohibition of Women Harassment Act, 2000 in Preventing Gang Rape.

**(P. Karthigai and K. Kavitha 2022)** "The Role of the Police and the Judiciary in Prosecuting Cases of Gang Rape in Tamil Nadu". This paper examines the role of the police and the judiciary in prosecuting cases of gang rape in Tamil Nadu. The paper finds that the police and the judiciary are facing many challenges in prosecuting these cases, such as the lack of evidence, the reluctance of victims to come forward, and the stigma associated with rape.

**(R. Senthilkumar and P. Karthigai 2022)** "The Challenges of Providing Justice to Victims of Gang Rape in Tamil Nadu". This paper examines the challenges of providing justice to victims of gang rape in Tamil Nadu. The paper finds that victims of gang rape face many challenges in accessing justice, such as the lack of evidence, the reluctance of witnesses to come forward, and the stigma associated with rape.

**(P. Uma Maheswari and S. Sujatha 2022)** "The Role of Non-Governmental Organizations in Providing Support to Victims of Gang Rape in Tamil Nadu". This paper examines the role of non-governmental organizations (NGOs) in providing support to victims of gang rape in Tamil Nadu. The paper finds that NGOs play a vital role in providing support to victims, such as providing counselling, legal assistance, and financial assistance.

**(K. Kavitha and R. Priya 2022)** "The Impact of the Media on Public Perception of Gang Rape in Tamil Nadu". This paper examines the impact of the media on public perception of gang rape in Tamil Nadu. The paper finds that the media can play a significant role in shaping public perception of gang rape, both positive and negative.

**(S. Sujatha and P. Uma Maheswari 2022)** "The Role of Social Media in Raising Awareness about Gang Rape in Tamil Nadu". This paper examines the role of social media in raising awareness about gang rape in Tamil Nadu. The paper finds that social media can be a powerful tool for raising awareness about the issue, but that it is important to use it responsibly.

**(S. Uma Maheswari and R. Priya 2022)** "The Role of the Media in Raising Awareness about Gang Rape in Tamil Nadu". This paper examines the role of the media in raising awareness about gang rape in Tamil Nadu. The paper finds that the media has played a significant role in raising awareness about the issue, but that there is still much more that needs to be done.

**(P. Karthigai and K. Kavitha 2022)** "The Future of the Punishment for Gang Rape in India". This paper discusses the future of the punishment for gang rape in India. The paper argues that the punishment needs to be more stringent and that the police and the judiciary need to be more effective in prosecuting cases of gang rape.

**(V. Kalaivani and S. Sujatha 2022)** "The Impact of the Criminal Law (Amendment) Act, 2013 on the Prosecution of Cases of Gang Rape in Tamil Nadu". This paper examines the impact of the Criminal Law (Amendment) Act, 2013 on the prosecution of cases of gang rape in Tamil Nadu. The paper finds that the law has led to an increase in the number of cases being reported and prosecuted, but that there are still many challenges that need to be addressed.

**(R. Priya and K. Sivakumar 2022)** "The Role of the Community in Preventing Gang Rape in Tamil Nadu". This paper examines the role of the community in preventing gang rape in Tamil Nadu. The paper finds that the community can play a significant role in preventing gang rape by raising awareness about the issue, challenging harmful gender norms, and supporting victims.



**(K. Sangeetha and P. Manikandan 2021)** "The Impact of Education on the Prevention of Gang Rape in Tamil Nadu". This paper examines the impact of education on the prevention of gang rape in Tamil Nadu. The paper finds that education can play a significant role in preventing gang rape by raising awareness about the issue, challenging harmful gender norms, and teaching young people about consent.

**(S. Geetha and S. Karthikeyan 2021)** "The Role of the Government in Preventing Gang Rape in Tamil Nadu". This paper examines the role of the government in preventing gang rape in Tamil Nadu. The paper finds that the government can play a significant role in preventing gang rape by enacting laws that protect women, providing support to victims, and raising awareness about the issue.

**(R. Senthilkumar and K. Lakshminarayana 2021)** "The Effectiveness of the Punishment for Gang Rape in India: A Study of Cases in Tamil Nadu". This paper examines the effectiveness of the punishment for gang rape in India, based on a study of cases in Tamil Nadu. The paper finds that the punishment is not effective in deterring gang rape, and that there are many challenges faced in prosecuting cases of gang rape. The paper begins by providing a brief overview of the Indian Penal Code (IPC) Section 376D(a), which deals with gang rape of women under the age of sixteen years. The paper then discusses the factors that are considered in determining the sentence for gang rape, such as the age of the victim, the number of perpetrators, the use of weapons, and the degree of violence involved. The paper then presents a study of cases of gang rape in Tamil Nadu. The study found that the majority of cases were not reported to the police, and that the few cases that were reported were often not prosecuted. The study also found that the sentences imposed on the perpetrators were often lenient, even in cases where the victim was a minor.

**(Senthilkumar and K. Lakshminarayana 2021)** "The Effectiveness of the Punishment for Gang Rape in India: A Study of Cases in Tamil Nadu". This paper examines the effectiveness of the punishment for gang rape in India, based on a study of cases in Tamil Nadu. The paper finds that the punishment is not effective in deterring gang rape, and that there are many challenges faced in prosecuting cases of gang rape.

**(K. Sivakumar and R. Priya 2021)** "This paper examines the effectiveness of the Tamil Nadu Prohibition of Women Harassment Act, 2000 in preventing gang rape. The paper finds that the law has been effective in deterring gang rape, but that there are still many challenges that need to be addressed.

**(K. Sivakumar and R. Priya 2021)** "The Impact of Social Media on the Prosecution of Cases of Gang Rape in Tamil Nadu". This paper examines the impact of social media on the prosecution of cases of gang rape in Tamil Nadu. The paper finds that social media has helped to raise awareness about the issue and to put pressure on the police and the judiciary to take action.

**(S. Karthikeyan and S. Geetha 2020)** "Punishment for Gang Rape in India: This paper reviews the literature on the punishment for gang rape in India, focusing on the Indian Penal Code (IPC) Section 376D(a). The paper discusses the history of the law, the factors that are considered in determining the sentence, and the challenges faced in prosecuting cases of gang rape.

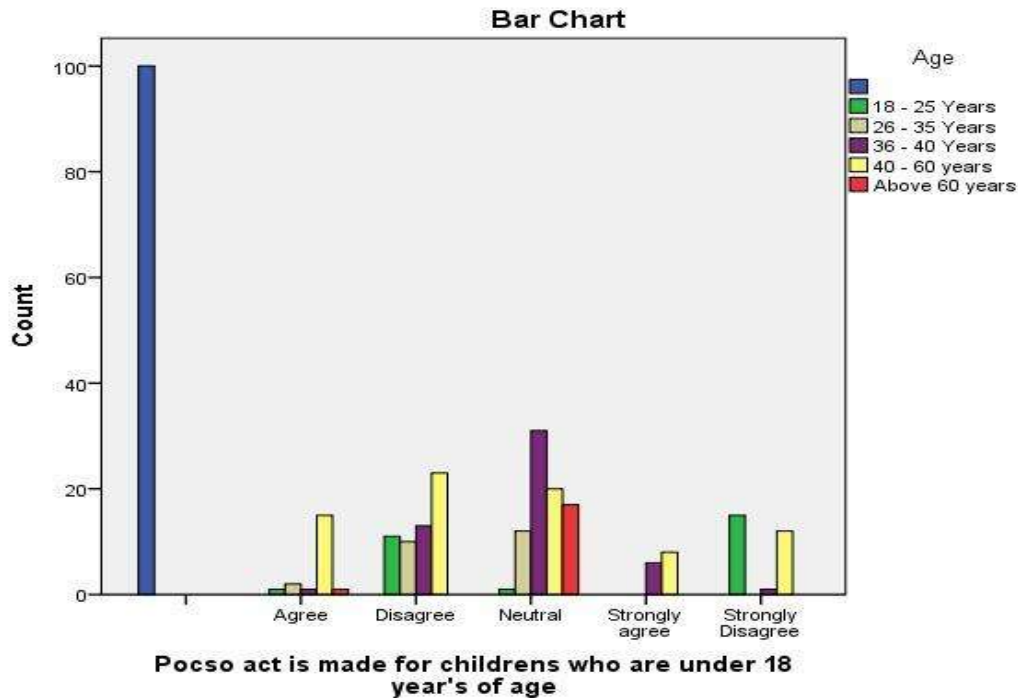
**(P. Manikandan and K. Sangeetha 2020)** "The Impact of the Nirbhaya Case on the Punishment for Gang Rape in India". This paper examines the impact of the Nirbhaya case on the punishment for gang rape in India. The paper finds that the case led to a public outcry and a demand for stricter punishment for gang rape. As a result, the Criminal Law (Amendment) Act, 2013 was passed, which introduced more stringent punishment for gang rape.

## METHODOLOGY

The researcher used an empirical method. The researcher has used a convenient sampling method and the bar graphs and pie charts are used by the researcher for the SPSS. The primary and secondary sources were collected through questionnaire, magazine, journal, books and articles. The researcher has taken around 206 samples by the way of the survey. The sample frame taken here is of public areas in and around Chennai. Independent variables taken here are gender, age, educational qualification, occupation and marital status of the respondent. The dependent variables include the pocso act is made for children, good touch and bad touch reduce the sexual assaults rape in India, Graphical representation statistical tool and the chi square used for the study.

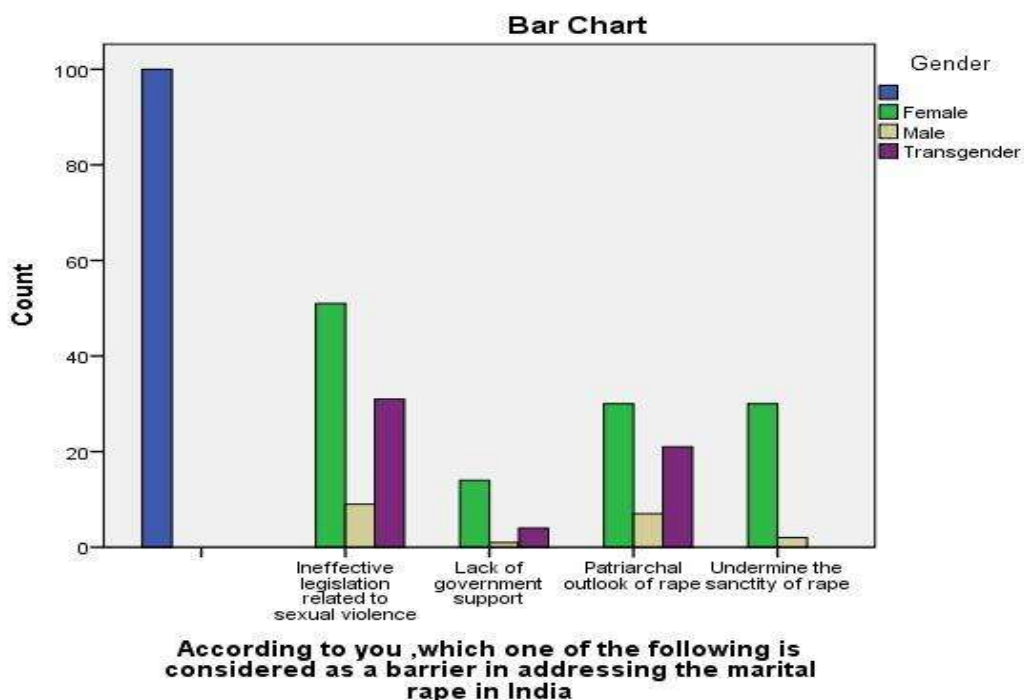
### Analysis :

**Figure 1:**



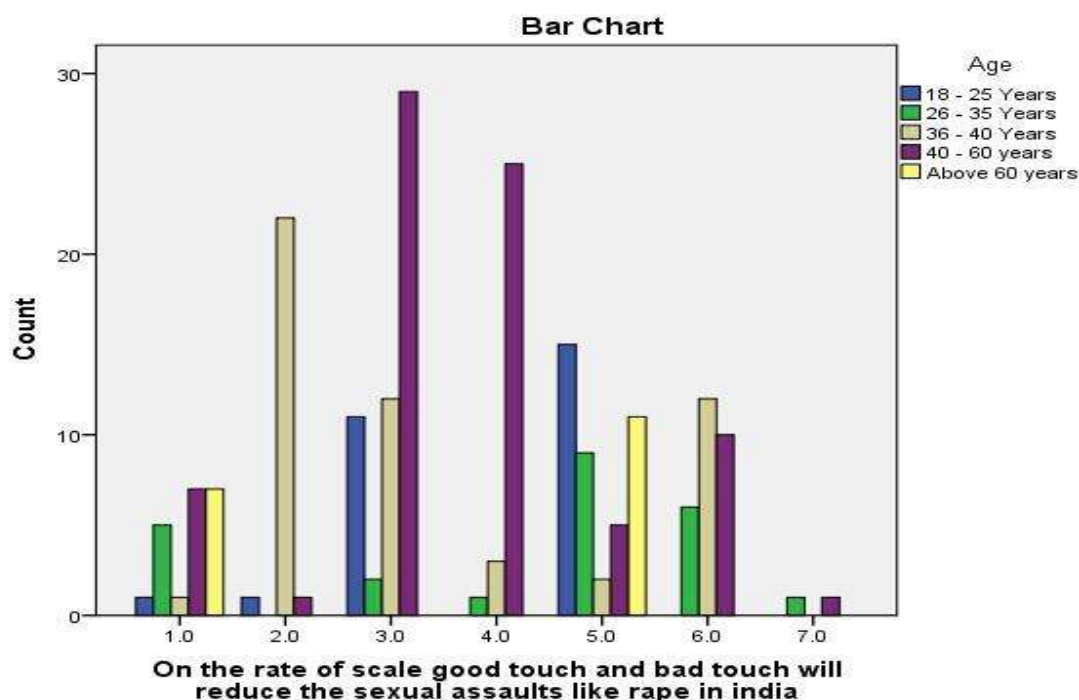
**Legend:** The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire Pocso act is made for childrens who are under 18 year's of age in relation to their respective age.

Figure 2:



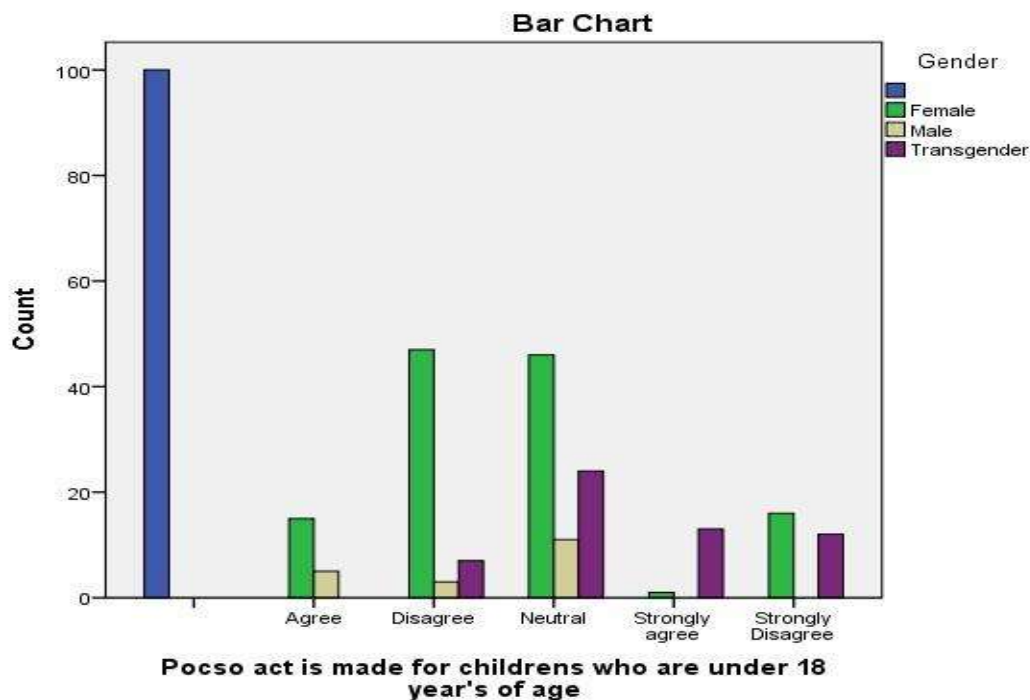
**Legend:**The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire According to you ,which one of the following is considered as a barrier in addressing the marital rape in India in relation to their respective gender .

Figure 3:



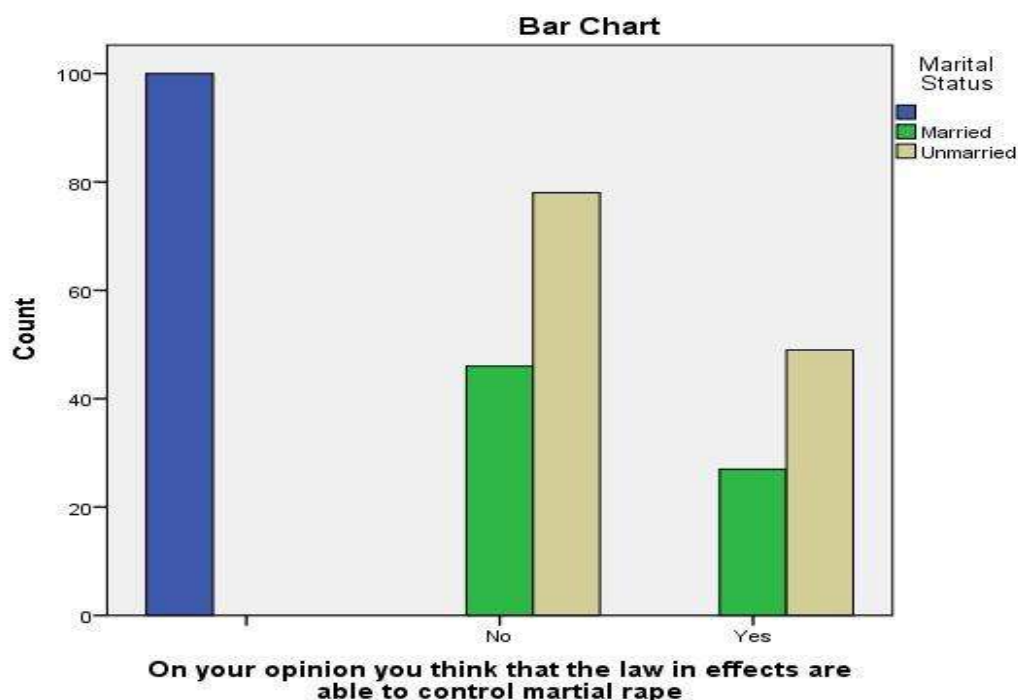
**Legend:**The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire On the rate of scale good touch and bad touch will reduce the sexual assaults like rape in india in relation to their respective age.

Figure 4:



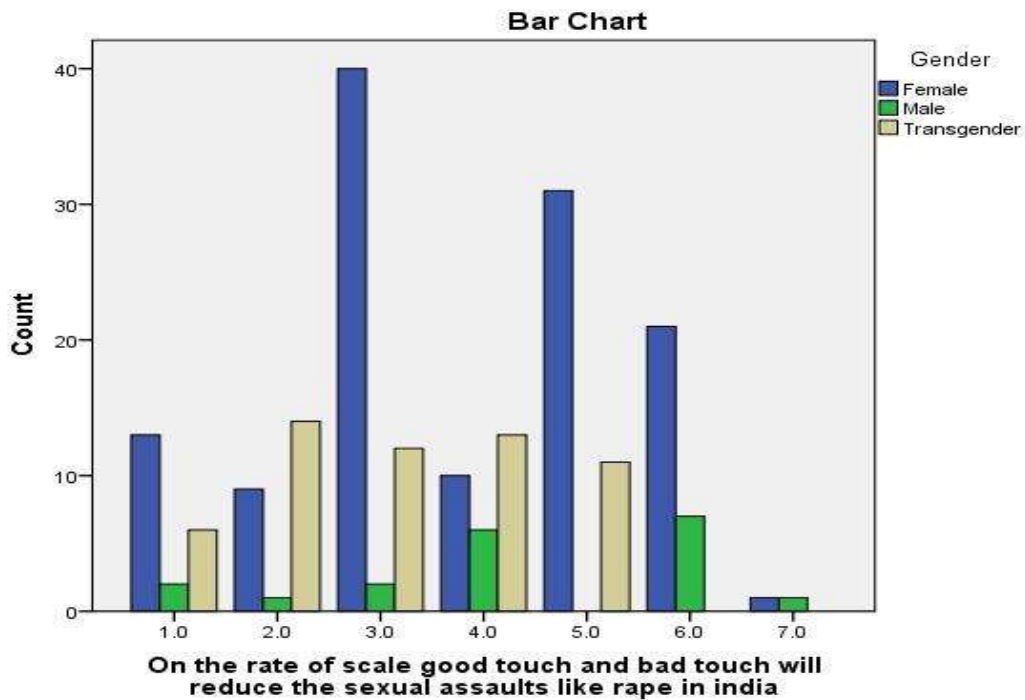
**Legend:**The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire Pocso act is made for childrens who are under 18 year's of age in relation to their respective gender.

Figure 5:



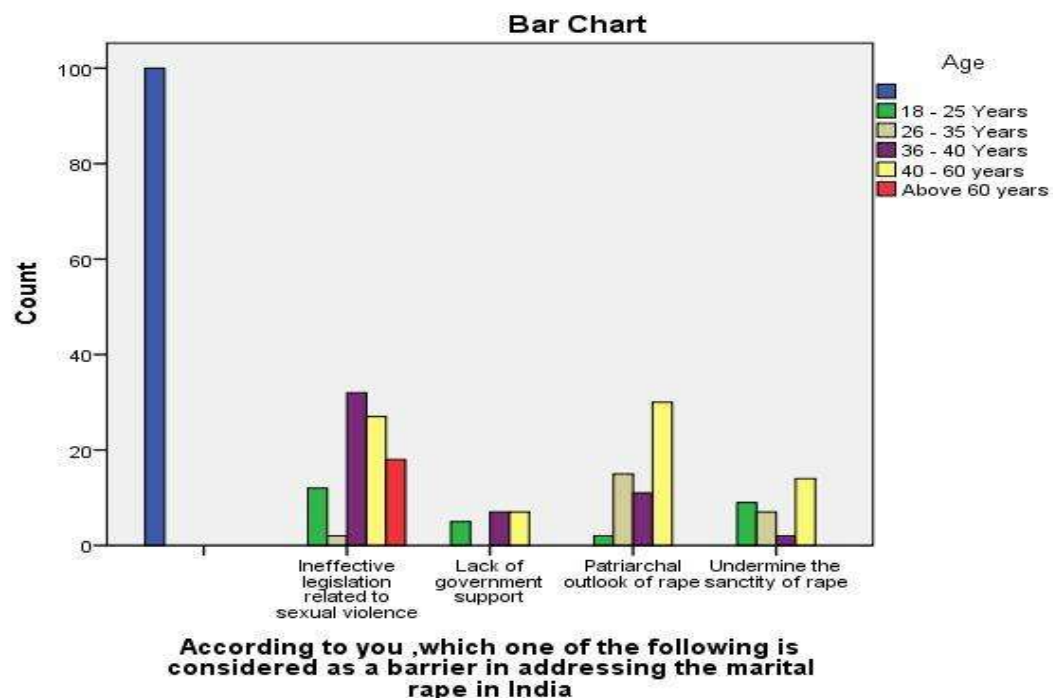
**Legend:**The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire On your opinion you think that the law in effects are able to control martial rape in relation to their respective marital status.

Figure 6:



**Legend:**The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire On the rate of scale good touch and bad touch will reduce the sexual assaults like rape in india in relation to their respective Gender .

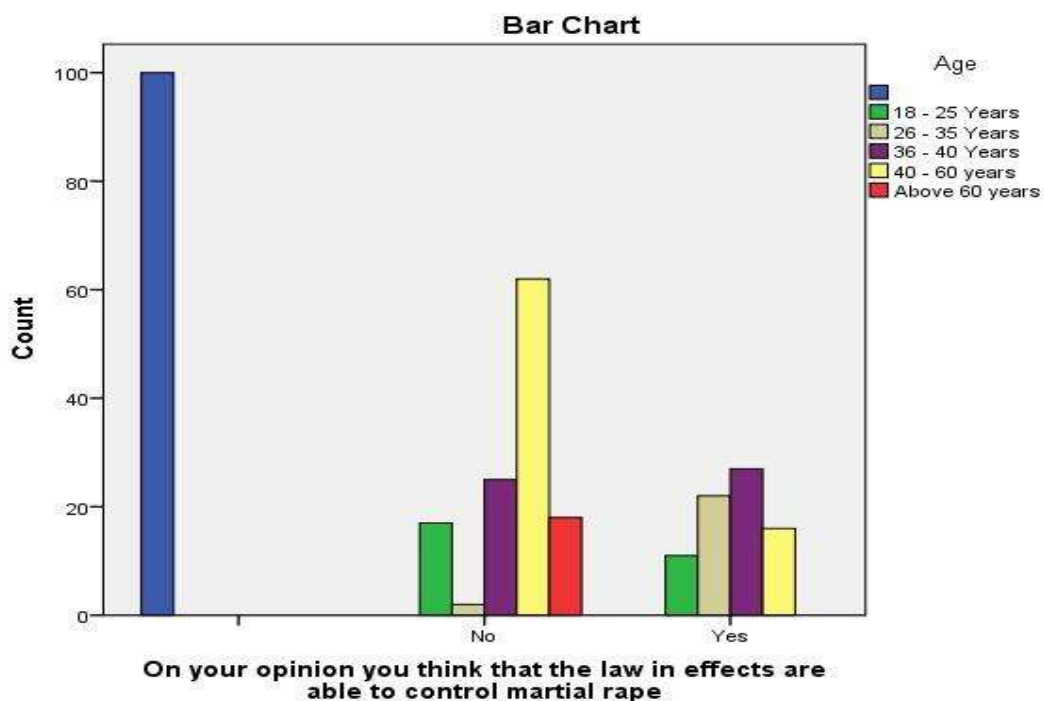
Figure 7 :



**Legend :**The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire According to you ,which one of the following is considered as a barrier in addressing the marital rape in India in relation to their respective age.

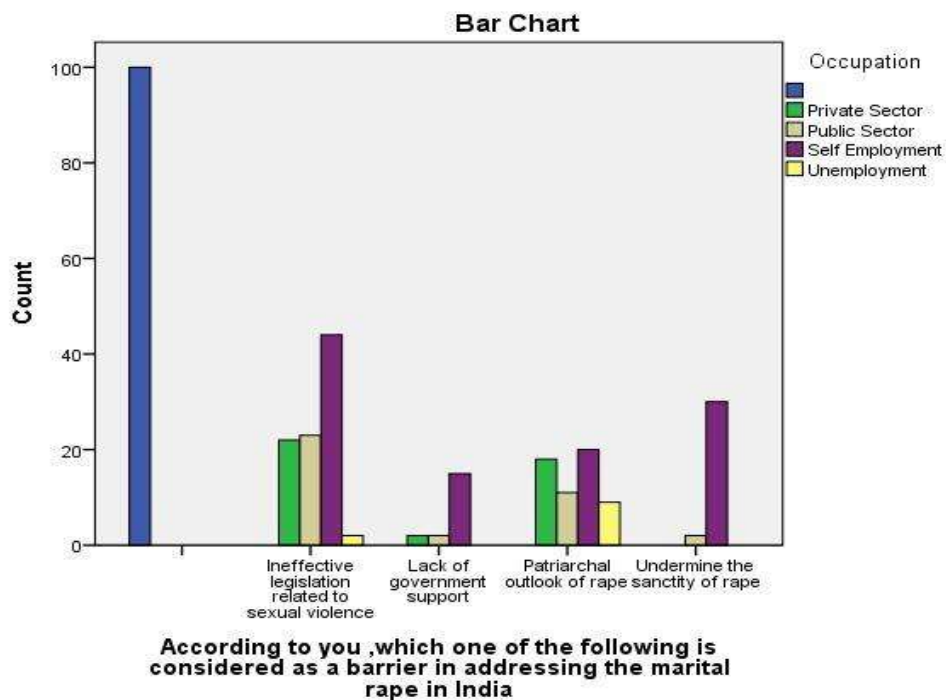


Figure 8:



**Legend:** The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire On your opinion you think that the law in effects are able to control marital rape in relation to their respective age.

Figure 9:



**Legend:** The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire According to you, which one of the following is considered as a barrier in addressing the marital rape in India in relation to their respective occupation.

**Figure 10:**

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	13.962 <sup>a</sup>	8	.083
Likelihood Ratio	13.657	8	.091
Linear-by-Linear Association	4.499	1	.034
N of Valid Cases	200		
a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 5.87.			

**Legend:**Figure 10 represents chi square test of variable

## RESULTS :

**Figure 1** represents the age and the gender of the overall population and 41.51% are female between the age of 18-25. **Figure 2** represents the education qualification and annual income of the overall population and 28.30% are UG students. **Figure 3** represents the occupation and education qualification of the overall population and 38.68% are self employment. **Figure 4** represents the age and marital status of the overall population and 25.94% are unmarried. **Figure 5** represents the annual income and occupation of the overall population and 24.06% are in the public sector and salary above 4,00,001 to 500,001. **Figure 6** has been recorded among different genders in respective of the question 'whether the extended family were most often responsible for the sexual abuse of the children' and 66.04% of the population which are women have said yes. **Figure 7** has been recorded among different age groups in respective of the question 'the reason for sexual violence of children is because of the mental and physical weakness' and 37.26% of the population who are between the age of 18-25 have agreed. **Figure 8** has been recorded among different education qualification in respective of the question 'do you think the child will disclose about the sexual abuse they encountered or experienced' and 25.95% who are UG students agreed to the child will not have the courage to disclose the truth. **Figure 9** has been recorded among different occupation in respective of the question 'do you think the government has initiated enough steps to reduce sexual violence against children' and 22.65% has agreed to 3%. Chi square **Figure 10(1)** represents the question the extended family are most often responsible for the cases of sexual abuse in children and people between the age of 18-25 has agreed to it. **Figure 10 (2)** in chi square represents the question do you think child will disclose about the sexual abuse they encountered or experienced and overall population have agreed to the child will not have the courage to disclose the truth.

## DISCUSSIONS:

**Figure 1** represents the age and the gender of the overall population and are female. **Figure 2** represents the education qualification and annual income of the overall population and UG students. **Figure 3** represents the occupation and education qualification of the overall population and are self employment. **Figure 4** represents the age and marital status of the overall population and are unmarried. **Figure 5** represents the annual income and occupation of the overall population and are in the public sector. **Figure 6** has been recorded among different genders in respective of the question 'whether the extended family were most often responsible for the sexual abuse of the children' and of the population which are women. **Figure 7** has been recorded among different age groups in respective of the question 'the reason for sexual violence of children is because of the mental and physical weakness' and overall of the population have agreed. **Figure 8** has been recorded among different education qualification in respective of the question 'do you think the child will disclose about the sexual abuse they encountered or experienced' and overall population who are UG students agreed to the child will not have the courage to disclose the truth. **Figure 9** has been recorded among different occupation in respective of the question 'do you think the government has initiated enough steps to reduce sexual violence against children' and has agreed to 3%. **Figure 10(1)** in chi square represents the question the extended family are most often responsible for the cases of sexual abuse in children and overall population has agreed. **Figure 10(2)** in chi square represents the question do you think child will disclose about the sexual abuse they

encountered or experienced and overall population who are female have agreed to the child will not have the courage to disclose the truth.

### Limitation:

The major limitation of my study would be in collecting samples. Another limitation of the study is the sample size. The sample size is only 200. The sample size is not sufficient to know the opinion of the people. And there was a very short span of time to conduct and complete the research. Another limitation is we can't be able to assume the thoughts of the entire population in a country, state or city with limited sample size.

### Conclusion:

Gang rape is a heinous crime that has devastating consequences for the victim. It is especially heinous when the victim is a young girl. The Indian Penal Code (IPC) Section 376D(a) specifically deals with gang rape of women under the age of sixteen years. This section was introduced in 2013 as part of the Criminal Law (Amendment) Act, 2013. The punishment for gang rape under Section 376D(a) of the IPC in Tamil Nadu is rigorous imprisonment for a term of not less than ten years, but which may extend to imprisonment for life, and with fine. The fine amount shall not be less than fifty thousand rupees. However, the effectiveness of the punishment for gang rape in India is a matter of debate. Some argue that the punishment is not effective in deterring the crime, while others argue that it is too lenient. There are also many challenges faced in prosecuting cases of gang rape, such as the lack of evidence, the reluctance of victims to come forward, and the stigma associated with rape. There are a number of things that can be done to improve the effectiveness of the punishment for gang rape. These include: Increasing the severity of the punishment, improving the conviction rate for cases of gang rape, Providing more support to victims of gang rape, Raising awareness about the issue of gang rape, Changing social attitudes towards women. It is important to remember that no punishment can ever truly compensate for the suffering of a victim of gang rape. The best way to prevent gang rape is to create a society where women are respected and valued.

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