

Preface

Rape is the most gruesome and barbaric act perpetrated upon woman. It is a gross violation of her bodily integrity and honor. It destroys the entire physical and mental composure of a woman and reduces her to a living corpse. Despite efforts to curb the occurrences of rape, it has never ceased to exist. On the contrary, it has multiplied beyond limits. The *Medical College Rape* case, the *Mumbai Police Chowki Rape* case, the *German Lady Rape* case—the numbers have only increased over the years—drawing serious concern from the legislators, judiciary and academia.

This book is a modest attempt on the part of the author to revisit the subject matter of rape, often dealt with in legal literature, as just another offence under the Penal Code. It thoroughly tracks the legislative developments since the Macaulian era till date, along with the recommendations proposed by different bodies; probes into the historical reasons behind the legal framework and moves deep into Indian history to argue against the “Indianness” of the provisions in the Code. Judicial moods in interpretations of provisions pertaining to rape have been unearthed to show a conservative judiciary giving way to a liberal one, loosening the shackles of patriarchy and power. “Victim orientation”, the new mantra of the millennium, and the main thrust of modern day criminal justice system, finds a fair reference with the last chapter attempting a victim- perspective of the entire offence.

The offence of rape needs major changes—from amendments in laws to changes in judicial interpretations to changes in victim treatment and approach. This book attempts to expound the entire subject matter in a lucid manner to rekindle thoughts of an improvised and modified system of law.

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30 July 2007