



Research Paper

Murder of law on the basis of Religion: Special Reference to Gujarat

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Abstract: India is a place of different cultures, where women are worshipped from ancient times but today women are facing violence in houses, work place, public places, etc. Although we have entered the 21st century and our country has made a lot of progress in technology, laws for women protection are implemented, but still the safety of women is the main issue. According to National Crime Records Bureau Report, cases have been registered of women murder, gang rape, dowry deaths, acid attacks on women, kidnapping and abduction of women, compelled minor girls for marriage, selling of minor girls, etc. This research paper is based on violation of law based on religion now days with special reference to Gujarat.

Keywords: Law, Religion, Women Safety, Gujarat.

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I. Introduction

In present time, the moment you open the newspaper you will find one or two news related to the violence against women in India. This is a bad situation for all natives because we worship women as God and on other side women face harassment. The crime rate is skyrocketing. The Nirbhaya rape case shattered everyone in the country. This was held in the capital of the country Delhi on 16 December, 2012 and victim's family waits for 7 years to get justice. This case open the eyes of the government and they implement new laws against such criminals. But still no such improvement could be seen in the country. Not only rape cases but women also face domestic violence at their houses. People misuse the laws which are made for their safety. Such a new case has also taken place in Gujarat which clearly shows that laws can be molded on the basis of caste, religion, etc. The BilkisBano rape case is an example of such illegal activity which is conducted in the society. The criminals done the crime in 2002, firstly they raped a pregnant lady and then they killed 7 members of her family. Now all those 11 convicts which were given lifetime imprisonment are released on the basis that they were brahmin and they are from upper class families. Not only this at the time of their release from jail they were welcomed with flowers. Where the justice stands for women in present era? Why women have to wait for 7 years to get justice? No one can answer these questions. Not only these two cases are there in our country. There are many women who didn't complain for such violence because of their family pressure. But no one can even think that what that victim is facing. Each day in some part of the country such violence takes place like somewhere minor girls are compelled for marriage, kidnappings and then women are raped, still no strict actions are taken against these criminals. According to National Crime Records Bureau, approximately 1400 rape cases were registered in 2015-2016 only in Gujarat.¹ This data shows us how much safe are the women in our country. The Government of India issued rights in 2015 but in reality, these rights are not given to the victims. There are many NGOs which are helping women to fight against such offence for example: Guria India, ActionAid India, Majlis Manch, (PCVC) International Foundation for Crime Prevention and Victim Care, Prerana, etc.² United Nations defines 'violence against women' as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".³



Such incidents effect the victim physically and mental:

Physical effect: The victims of domestic violence have different types of injuries some are inner and some are outer injuries. With the passage of time and with good medical treatment these injuries could be cured. But the marks of that wound do not go away throughout life. Victims who are pregnant at the time of gang rape have greater risk of miscarriage, pre-term labor and injury or death of fetus.

Mental effect: Depression is a common effect in the victims of such assault. Some feel guilty, some victims start self-blaming and such mentality stops their healing process. Few other psychological effects are: Post traumatic stress disorder (PTSD), Sleep Disorders, Eating disorders, Distrust of others and anger, etc.⁴

Few cases which clearly shows the murder of law in India:

BilkisBano Case: This gang rape was held in Gujarat in 2002. 11 criminals commit this brutal crime and then kill 7 members of her family. All 11 convicts were sentenced for life imprisonment. And now government have released them from jail by saying that this case relied under old remission policy of 1992. All convicts were welcomed with sweets and garlands.⁵ Some ministers of Gujarat talk to media and said that all 11 convicts are Brahmins and they are from educated family. It is clear the on the basis of religion criminals could be released from jails. Now all eyes are on supreme court of India that what justice they will give to her.

Nirbhaya Case: This gang rape held on December 16, 2012 in the Capital of India, New Delhi. Her struggle and death become a symbol of resistance to rape across the world. She was 23 years old, was returning home with his male friend. This was against the humanity. She was badly injured, still she fights for her life but she died on December 29, 2012. All accused were arrested within 24 hours. Many amendments were passed after her death such as convicts of rape case must be hanged to death and the person above 16 years will be counted as adult in such cases and so on. Her family fought for 7 years for justice. During the trail 1 convict died, 1 was released because he was minor and all other 4 were demanding mercy from the supreme court and from the President of Indi. But all pleas were rejected and fresh death warrants were issued. The convicts to be executed on 20 March, 2020. In this case question to the law makers is that why & years delay to give justice to the victim?

Hathras Gang Rape and Murder: This assault took place on 14 September, 2020 with a 19-year-old Dalit girl by 4 upper caste men in Hathras district, Uttar Pradesh. She struggled for life for 2 weeks but didn't survive. Till her death police do not acted against the accused. After her death she was forcibly cremated by the Police without the consent of her family but police deny this claim. When the national media spread this news, many protests were held and under this pressure police arrested the four accused. This case is directly related to the upper and lower caste. After arrest, one of the accused blame victims that she was friend of mine and was in touch with me. After the failure of the police the case was hand over to CBI. The charges listed by police on the main FIR include inciting caste-based divides, religious discrimination, doctoring electronic evidence, a conspiracy against the state and defamation.⁶ Worldwide concerns were shown on the situation of women but still case is not solved. In the statement, "it is essential that authorities ensure the perpetrators are brought to justice speedily and families are empowered to seek timely justice, social counselling, healthcare and rehabilitation."

Above cases are appropriate examples of the murder of law on the basis of religion in India.