

Rape Cases in Nepal: A Feministic Study

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Abstract

Our civilization is characterized by male-chauvinism. Through the lens of feminism, this qualitative study aims to empower women in our society who have been raped and slain. Women's social, political, and economic rights are also aided by feminism. Despite creating laws to prevent rape, the government consistently falls short in providing victims with safety and justice. Women in our culture are insecure. In the name of women's rights, WOREC Nepal and other human rights organizations have been successful, however the victims are still women. Instead of intending to send a writ to the courts, the mediators when the incident occurs encourage the victims and offenders to reach financial settlements. Using feminism as a lens, this article focuses heavily on rape episodes that happen in our society and attempts to educate readers on the laws that prohibit them.

Introduction

Rape is defined as the physical relation of male with female besides her consent. So, male has got the infatuation or interest for having sex to any woman and he forcibly attacks her and kills his desires. Sometimes, he has to threaten the woman to whom he desires for sexual intercourse. According to Nilu and Dikson, we have heard more news on rape incidents caused by a stranger, an acquaintance, relative and family member. The rape cases have been caused by the abnormal mind or mentally retarded peoples as well. We are living in the patriarchal society. The women are economically, culturally, politically, socially etc. highly dominated. This article emphasizes on the women's economic, social, cultural, political, educational etc. rights through the eyes of feminism. Feminism itself talks about the enhancement of the women by providing the human rights and equal opportunities in all the sectors. The ultimate goal of feminism is to bring about equality for women in order to transform the world. Therefore, all feminist activities can be considered forms of activism, even though the term is typically used to describe feminist actions that directly advance social change through political action, such as boycotts, public protests, voter education and registration, offering hotlines for victims of sexual assault and shelters for abused women and the like(www.coursehero.com). All the females have been facing rape cases and even deaths during the seduction. So, this article will be an important message to the government, feminists and human right activists regarding the rape cases of women in Nepali society. And all the concerned authorities have been asked to resolve the problem promptly.

Rape Law in Nepal

This section covers all aspects of Nepal's rape legislation, including marital rape, its clauses, penalties, and more. The word "rape" is derived from the Latin word "rapio," which meaning to

capture someone by force. Rape is defined as sexual contact without either a man's or a woman's permission (Dahal, 2022). Historically, the law defined rape as when the penis is inserted into the vagina and fluid is released. Even slight penetration, however, is now regarded as rape. There is no need to release fluid. In addition, men can be raped because anal and oral intercourse are now considered forms of rape under modern law(meroadalat.com). Section 219 of Chapter 8 of the Muluki Criminal Code 2077, which governs rape laws in Nepal, states that engaged in sexual activity with a woman without her consent or with a girl under the age of 18 with or without her consent is considered a rape offense. Given the circumstances of the rape and the age of the victim, the following jail sentence and punishment are possible for the perpetrator:

1. If the minor is younger than 10, between the ages of 16 and 20.
2. Between the ages of 10 and 16, if the minor is older than 10 but younger than 14.
3. Between the ages of 12 and 14, if the minor is older than 14 but younger than 16.
4. Between 10 and 12 years, if the lady is older than 16 but less than 18(Ibid.).

A person who commits rape while knowing they have HIV is subject to up to 10 years in prison and a fine of one lakh rupees, according to section 219(6) of Muluki Ain. If they knowingly rape someone with HIV, they may also face an additional 3 years in prison and a fine of thirty thousand rupees. Section 219(7) stipulates that if a woman is raped in a group or if a pregnant woman who is mentally or physically disabled has been raped for more than six months while brandishing a weapon, the perpetrator faces up to five years in jail. Furthermore, it is believed that Nepali law prohibits women under the age of eighteen from consenting to sexual relationships. And if a wife has been forced into sexual activity by her husband, she can currently initiate a complaint against him (Ibid.).

Insufficient Provisions in Rape Law

The horrific murder and rape of 13-year-old Nirmala Pant in Kanchanpur is still unsolved. According to Manandhar (2021), the rape and murder of 17-year-old Bhagarathi Bhatta from Baitadi, 14-year-old Pramila Tharu from Kanchanpur a 12-year-old Dalit girl from Bajhang, another 12-year-old child from Sunsari and several other girls and women have been suffering and remain unresolved. All throughout the nation different forms of sexual violence against women and girls persist but the police do not apprehend or prosecute those responsible. Despite the fact that thousands of rape cases are filed annually a recent analysis on sexual violence in South Asia found that 65 percent of them end in a conviction. The South Asian government still has a long way to go in changing its laws, procedures and policies to ensure sexual abuse that offenders are effectively punished and that survivors receive better justice and support according to Divya Srinivasan one of the report's principal authors(worenepal.org). In a poll published on April 21, the Women's Rights organization found that rape laws are inadequate inconsistent and not consistently enforced in six South Asian countries: Bangladesh, Bhutan, Nepal, Maldives, India and Sri Lanka. The COVID-19 epidemic also significantly increased sexual violence according to the WOREC Nepal assessment. According to WOREC Nepal women and girls from underprivileged groups were the targets of upper-class offenders. Since most rape cases are kept under wraps it is thought that the true number of cases is substantially higher (Ibid.). A 17-year-old girl in Saptari committed suicide in September 2020 after being raped by four men mediators settle the majority of rape cases. She was compelled to keep the case confidential and receive 55,000 rupees as payment as part of the mediation. Numerous flaws in the rape laws are highlighted in the paper such as the lack of a criminal definition for marital rape the need for

onerous proof and the narrow definition of sexual assault. The lengthy multisyllabic term "Jabarjasti Karani " which many women are unaware of is the legal definition of rape. Additionally the research details how police officers serve as go-betweens for offenders and victims promoting monetary settlements over judicial proceedings (Ibid.).

Sexual Crimes in Nepal

There were 2,532 rape complaints, 735 rape attempt complaints, 36 unnatural sex complaints, and 281 child sexual abuse complaints nationwide during the previous fiscal year, however the police do not have any information on the number of offenders who were taken into custody. 17,170 rape incidents and 6,045 rape attempt allegations occurred throughout the previous 25 years (Ghimire, 2022). The national penal code of Nepal states in section 229(2) that no rape, attempted rape, marital rape, child sexual abuse or sexual harassment shall be the basis for a case. There is a three-month time limit for certain cases. There is a contention that this clause has kept many victims of sexual assault and rape from receiving justice and has allowed the offenders to go(theannapuraexpress.com).

Ejaculation was required for rape under previous legislation, which required the penis to be inserted into the vagina. However, under current rules ejaculation is not required because even a slight penetration is deemed rape. Yes, even men can be raped because anal and oral intercourse are considered forms of rape under current legislation(meroadalat.com). The Muluki Criminal Code 2074 serves as the framework for Nepal's rape laws. Dahal lists the following categories of sexual assault:

- 1) Sexual assault
- 2) Rape by Gangs; 3) Rape by Statutes; 4) Rape of Children
- 5) Rape through deception
- 6) Marital rape, 7) Prison rape, and 8) War rape(ng.opera.news).

The suspected organizer of the beauty pageant was arrested by police after protests in parliament and the streets. However, Nepali women and girls continue to face danger and many have already experienced rape and sexual abuse. Proactive justice for the victims is necessary(theannapuraexpress.com).

Concepts of Feminism

It is 1960's movement in literature. The precursor of this movement is Virginia Woolf. She has presented her strong opinion against the male dominated society in her 'A Room of One's Own'. French Simone de Beauvoir in her work 'The Second Sex' presents the woman as the other human being in our society. Men believe that women should be able to stay at home, raise children and wear bras according to Lois Tyson as owned by docplayer.net. But Feminism is the movement of women for their economic, political, cultural, educational and social rights. Our society is the patriarchal and the women are highly dominated and controlled by the men. The whole household chores should have been performed by the women themselves alone. This shows the pitiful condition of women in Nepalese society. Similarly, Mary Ellman, Kate Millet, Ann Oakley and so on talk about the loss of rights of the women in this society. Helene Cixous's 'Penis Envy' is also popular. Feminism presents the three important points of discrimination:

- Patriarchal society

- Gender & sex and
- Patriarchal ideology in literature

In this way, Feminism always talks about the upliftment of the women in our society. If these concepts of Feminist theory are applied to the rape cases in Nepal it will be obviously seen that the rape cases are very close to the main issues of Virginia Woolf's theory.

'I'm not a feminist – I like man.'

'I'm not a feminist- I think women should

be able to stay at home and raise children

if they want to.'

'I'm not a feminist- I wear a bra.'

Women should be allowed to stay at home and raise children if they so choose according to many feminists who are also men. Generally speaking, feminist critique looks at how literature perpetuates women's social, political, economic and psychological oppression(www.tracy.k12.ca.us).

It is inappropriate to refer to both men and women using the male pronoun "he." This is what many perceive to be the frivolous, immature character of feminist demands(www.mohamedrabee.com). The inclusive "he" is part of profoundly ingrained culture, yet it excludes women's experiences and blinds us to their point of view, despite its claims to represent both men and women(alemenglislieryworks.wordpress.com).

The benchmark of universality, or the representation of the experience of all readers was thought to be the literary works of white male authors who described experiences from their own point of view. Conversely the writings of all authors of color and white women do not present experiences from the perspective of white men. They were not thought to be universal. In a similar vein, the camera eye is typically masculine in Hollywood movies even now. Many medications that are provided for both sexes have only been evaluated on male volunteers(docplayer.net).

Traditional Gender Roles

According to traditional gender roles, men are powerful, logical, protective and determined. They portray women as emotional, frail, caring and obedient(docplayer.net). In the family, politics, academia, and business sectors these gender norms deny women equal access to leadership and decision-making roles pay men more for performing the same work and persuade women that they are unsuited for professions in fields like engineering and mathematics(dspace.ankara.edu.tr). Due to the passage of anti-discrimination legislation which ensures women receive equal compensation for equal labor such disparities are no longer present(www.bisd.303.org). Men and women differ biologically and feminists acknowledge this. However, they disagree that physical attributes like height, shape and body chemistry automatically elevate men above women. To be more intellectual for instance is to be more rational brave or a better leader(www.ecarepk.com). Sex describes our biological makeup as

either female or male whereas gender describes our cultural programming as either feminine or masculine. In today's middle-class American society, a successful woman always looks amazing at work and at the breakfast table, and she never gets too exhausted to prepare supper, clean the house, take care of her kids and make her husband happy in bed. Stated differently the entry of modern women into the male-dominated workplace has not changed patriarchal gender roles even though some of those women now hold traditionally male positions(docplayer.net).

Conclusion

The problematic situation of Nepalese women in a male-chauvinistic society has been examined and examined in the paper from a feminist perspective. This is an endeavor to empower women in Nepal. The majority of people in our society have been committing crimes because they are unaware of the severe restrictions and penalties outlined in our laws. Therefore, the text reveals distinct sentencing provisions for rape perpetrators and different types of rape to women. For the benefit of all women, however, women's rights advocates like Virginia Woolf, Simone de Beauvoir, Helene Cixous and others have been working all over the world. The traditional roles of men and women however continue to dominate Nepali society. We live in a patriarchal society that assumes men are superior and that women should rely on men and not be able to make their own decisions, even in a democracy. Since women have been raped have had their human rights violated, and have even been killed we cannot abandon the old ideas about them. The voice against raped women and their rights via feminism is therefore powerfully presented in this text.

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