

Islam and Contemporary
Legal Issues in India

Zubair Ahmed
Faizanur Rahman

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ISLAM AND CONTEMPORARY LEGAL ISSUES IN INDIA

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Rape: Sexual Terrorism, A Broken Criminal Justice System

—Dr. Zubair Ahmed¹

Abstract

We are now in a world which is developing with every blink of our eyelids. The world may be changing but most of the perceptions are not. This paper touches the depth of the most sensitive issue women development under the shadow of rising violence against women especially Rape. In Islam, rape is not classified as a distinct crime category in the Shariah law, which has led to some of the confusion concerning the punishment. Some people has falsely understood that rape needs to be evaluated under the heading of zina (adultery) yet in actuality, rape falls under the category of crimes of Hiraabah, or terrorism crimes. In the wake of increasing crime against women, there is an incessant discussion about the laws that deals with offences against women. Rape is the fourth most common crime against women in India. According to the National Crime Records Bureau 2018 annual report, 24,923 rape cases were reported across India in 2017. Out of these, 24,470 were committed by someone known to the victim. In the backdrop of these alarming figures and incidences this paper deals with the provisions relating to rape in India vis a vis Islamic legal system, the legislative action and the lacunae attached with them.

Keywords

Rape, Zina, Hiraabah, Terrorism, Islamic legal system.

Introduction

We have come a long way ahead from the eras of slavery, sati system and the times when women in every society were nourished just for bearing children and looking after their families, when girls were asked to wear the tight corsets to have a thin waist, have an attractive body and master the household skills to get the most eligible bachelors as their husbands. Their personal interests were suppressed in the name

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