

Peripheral sexual offences and laws in india law general essay

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Acts or behaviours for those societies consider inappropriate and against the social norms are called offences. Sexual acts which are prohibited by law in a jurisdiction are called sexual crimes or sexual offences. In addition, certain categories of activity may be considered crimes even if freely consented to sex. Sex laws vary from place to place, and over time.

1. Peripheral Sexual Offences

1. 1 Incest

Incest is illegal in many jurisdictions. The exact legal definition of "incest," including the nature of the relationship between persons, and the types sexual activity, varies by country, and by even individual states or provinces within a country. These laws can also extend to marriage between subject individuals.

1. 2 Sex crimes

Sex crimes are crimes of violence that involve sex. Others are violations of social taboos, such as incest, sodomy, indecent exposure or exhibitionism. There is much variation among cultures as to what is considered a crime or not, and in what ways or to what extent crimes are punished. Western cultures are often far more tolerant of acts, such as oral sex, that have traditionally been held to be crimes in some cultures, but combine this with lesser tolerance for the remaining crimes. By contrast, many cultures with a strong religious tradition consider a far broader range of activities to be serious crimes. As a general rule, the law in many countries often intervenes in sexual activity involving young or adolescent children below the legal age of consent, non-consensual deliberate displays or illicit watching of sexual

activity, sex with close relatives (incest), harm to animals, acts involving the deceased (necrophilia), and also when there is harassment, nuisance, fear, injury, or assault of a sexual nature, or serious risk of abuse of certain professional relationships. Separately, the law usually regulates or controls the censorship of pornographic or obscene material as well. A rape charge can only be issued when a person(s) of any age does not provide consent for sexual activity.

Sexual Assault

It is an assault of a sexual nature on another person, or any sexual act committed without consent. Although sexual assaults most frequently are by a man on a woman, it may involve any combination of two or more men, women and children. The term sexual assault is used, in public discourse, as a generic term that is defined as any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any sexual touching of a person who has not consented. This includes rape (such as forced vaginal, anal or oral penetration), inappropriate touching, forced kissing, child sexual abuse, or the torture of the victim in a sexual manner. In legal terms, sexual assault is the name of a statutory offence in various jurisdictions, including Canada, England and Wales, Northern Ireland, Scotland and Texas. The legal definition of the crime of sexual assault is determined by each jurisdiction.

1. 4 Rape

Outside of law, the term rape (" an assault by a person involving sexual intercourse with another person without that person's consent") is often used

interchangeably with sexual assault, a closely related (but in most jurisdictions technically distinct) form of assault typically including rape and other forms of non-consensual sexual activity. Abbey et al. state that female victims are much more likely to be assaulted by an acquaintance (such as a friend or co-worker), a dating partner, an ex-boyfriend or an intimate partner than by a complete stranger. In a study of hospital emergency room treatments for rape, Kaufman et al. state that the male victims as a group sustained more physical trauma, were more likely to have been a victim of multiple assaults from multiple assailants, and were more likely to have been held captive longer.

1. 5 Attempted rape

Attempted rape under the Criminal Attempts Act 1981 is a 'sexual offence' within section 31(1) of the Criminal Justice Act 1991.

1. 6 Child sexual abuse

Sexual assaults on children are normally viewed far more seriously than those on an adult. This is because of the innocence of the child victim, and also because of the long-term psychological impact that such assaults have on the child. Child sexual abuse is a form of child abuse in which an adult or older adolescent abuses a child for sexual stimulation. Forms of CSA include asking or pressuring a child to engage in sexual activities (regardless of the outcome), indecent exposure of the genitals to a child, displaying pornography to a child, actual sexual contact against a child, physical contact with the child's genitals, viewing of the child's genitalia without physical contact, or using a child to produce child pornography. The effects

of child sexual abuse include depression, post-traumatic stress disorder, anxiety, propensity to re-victimization in adulthood, and physical injury to the child, among other problems. Sexual abuse by a family member is a form of incest, is more common than other forms of sexual assault on a child, and can result in more serious and long-term psychological trauma, especially in the case of parental incest. Approximately 15% to 25% of women and 5% to 15% of men were sexually abused when they were children. Most sexual abuse offenders are acquainted with their victims; approximately 30% are relatives of the child, most often brothers, fathers, mothers, sisters and uncles or cousins; around 60% are other acquaintances such as friends of the family, babysitters, or neighbors; strangers are the offenders in approximately 10% of child sexual abuse cases. Studies have shown that the psychological damage is often particularly severe when sexual assault is committed by parents against children due to the incestuous nature of the assault. Incest between a child or adolescent and a related adult has been identified as the most widespread form of child sexual abuse with a huge capacity for damage to a child. Often, sexual assault on a child is not reported by the child for several reasons: children are too young to recognize their victimization or put it into words they were threatened or bribed by the abuser they feel confused by fearing the abuser but liking the attention they are afraid no one will believe them they blame themselves or believe the abuse is a punishment they feel guilty for consequences to the perpetrator

1. 7 Elderly sexual assault

Elderly sexual assault is victimization of persons over the age of 60, most of whom suffer from decreased functionality, frailty, and weakness and

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therefore are reliant on caretakers. Only 30% of people age 65 or older who are victimized report it to the police. The most common assailants are caretakers, adult children, spouses and fellow facility residents. Signs that an elder is being assaulted include increased vaginal tearing, bleeding, bruising, infection, pelvic injury, soft tissue or bone injury. Also, an altered mood might be an indication of sexual assault. These symptoms include extreme agitation, post-traumatic stress disorder, withdrawal, panic attacks, STDs, exacerbation of existing illness, sleep disturbances, longer recovery times.

1. 8 Sexual harassment

Sexual harassment is intimidation, bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. In the United States, sexual harassment is a form of discrimination which violates Title VII of the Civil Rights Act of 1964. The legal and social definition of what constitutes sexual harassment differ widely by culture. Sexual harassment includes a wide range of behaviors from seemingly mild transgressions to serious forms of abuse, and some forms of sexual harassment overlap with sexual assault. Sexual Harassment may include leering, pressure for dates, pressing or rubbing against a person, obscene phone calls, bra snapping, wolf-whistles, lip-smacking, indecent exposure, sexual discrimination, displaying explicit materials, sexist jokes, unwanted grabbing, comments about person's body, soliciting sexual services.

1. 9 Groping

The term "groping" is used to define the touching or fondling of another person in a sexual way (including through clothing), using the hands, without that other person's consent.

1. 10 Domestic violence

Domestic violence is a crime of power and intimidation. It relates highly to sexual assault. Not only can the abuse be emotional, physical, psychological, and financial, but it can be sexual. Some of the signs of sexual abuse are very similar to those of domestic violence.

1. 11 Molestation

Molestation is the forcing of undesired sexual behavior by one person upon another. When that force is immediate, of short duration, or infrequent, it is called sexual assault. The offender is referred to as a sexual abuser or (often pejoratively) molester. The term also covers any behavior by any adult towards a child to stimulate either the adult or child sexually. When the victim is younger than the age of consent, it is referred to as child sexual abuse.

1. 12 Spousal sexual abuse

Spousal sexual abuse is a form of domestic violence. When the abuse involves forced sex, it may constitute rape upon the other spouse, depending on the jurisdiction, and may also constitute an assault.

1. 13 Child sexual abuse

Child sexual abuse is a form of child abuse in which a child is abused for the sexual gratification of an adult or older adolescent. In addition to direct sexual contact, child sexual abuse also occurs when an adult engages in indecent exposure (of the genitals, female nipples, etc.) to a child with intent to gratify their own sexual desires or to intimidate or groom the child, asks or pressures a child to engage in sexual activities, displays pornography to a child, or uses a child to produce child pornography. Effects of child sexual abuse include guilt and self-blame, flashbacks, nightmares, insomnia, fear of things associated with the abuse (including objects, smells, places, doctor's visits, etc.), self-esteem issues, sexual dysfunction, chronic pain, addiction, self-injury, suicidal ideation, somatic complaints, depression, post-traumatic stress disorder, anxiety, other mental illnesses (including borderline personality disorder) propensity to re-victimization in adulthood, and physical injury to the child, among other problems. Victims of child sex abuse are over six times more likely to attempt suicide and eight times more likely to repeatedly attempt suicide. The abusers are also more likely to commit suicide. Much of the harm caused to victims becomes apparent years after the abuse happens.

1. 14 Lust murder

A lust murder is a homicide in which the offender searches for erotic satisfaction by killing someone. Lust murder is synonymous with the paraphilic term "erotophonophilia" which is sexual arousal or gratification contingent on the death of a human being. Commonly, this type of crime is manifested either by murder during sexual intercourse and/or by mutilating

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the sexual organs or areas of the victim's body. The mutilation of the victim may include evisceration and/or displacement of the genitalia. The mutilation usually takes place postmortem. Lust murder is a phenomenon most common among serial killers. These offenders have made a connection between murder and sexual gratification. When this type of offender chooses a victim there must be something about that victim that the offender finds sexually attractive. This attractive trait might be common among all of the offender's victims and is called the offender's Ideal Victim Type (IVT). There might be many potential targets that an offender passes by because they do not meet his IVT. Once the offender has found a victim who is ideal he might engage in stalking or other predatory behaviors before acting out his fantasy on his victim. Fantasies are a key component in lust murders and can never be completely fulfilled. The lust killer will have a fantasy that continues to evolve over time and becomes increasingly violent as he struggles to fulfil it.

1. 15 Statutory rape

The term "statutory rape" is used in some legal jurisdictions to refer to sexual activities in which one person is below the age required to legally consent to the behavior. Although it usually refers to adults engaging in sex with minors under the age of consent, it is a generic term, and very few jurisdictions use the actual term "statutory rape" in the language of statutes. Different jurisdictions use many different statutory terms for the crime, such as "sexual assault", "rape of a child", "corruption of a minor", "carnal knowledge of a minor", "unlawful carnal knowledge", or simply "carnal knowledge". In statutory rape, overt force or threat need not be present. The laws presume coercion, because a minor or mentally

challenged adult is legally incapable of giving consent to the act. The term "statutory rape" generally refers to sex between an adult and a sexually mature minor past the age of puberty. Sexual relations with a prepubescent child, generically called "child molestation", is typically treated as a more serious crime.

1. 16 Obscenity

An obscenity is any statement or act which strongly offends the prevalent morality of the time.[1] It is derived from the Latin *obscaena* (offstage) a cognate of the Ancient Greek root *skene*, because some potentially offensive content, such as murder or sex, was depicted offstage in classical drama. The word can be used to indicate a strong moral repugnance, in expressions such as "obscene profits" or "the obscenity of war". What constitutes obscenity differs from culture to culture, between communities within a single culture, and also between individuals within those communities. Many cultures have produced laws to define what is considered to be obscene, and censorship is often used to try to suppress or control materials that are obscene under these definitions. In a legal context, the term obscenity is most often used to describe expressions (words, images, actions) of an explicitly sexual nature. As such censorship restricts freedom of expression, crafting a legal definition of obscenity presents a civil liberties issue.

1. 17 Marital rape

Marital rape, also known as spousal rape, is non-consensual sex in which the perpetrator is the victim's spouse. As such, it is a form of partner rape, of domestic violence, and of sexual abuse. Once widely condoned or ignored by

law, spousal rape is now repudiated by international conventions and increasingly criminalized. Still, in many countries, spousal rape either remains legal, or is illegal but widely tolerated and accepted as a husband's prerogative.

1. 18 Human trafficking

Human trafficking is the illegal trade of human beings for the purposes of commercial sexual exploitation or reproductive slavery, forced labor, or a modern-day form of slavery. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Trafficking Protocol) was adopted by the United Nations in Palermo, Italy in 2000, and is an international legal agreement attached to the United Nations Convention against Transnational Organized Crime. The Trafficking Protocol is one of three Protocols adopted to supplement the Convention. The Protocol is the first global, legally binding instrument on trafficking in over half a century and the only one that sets out an agreed definition of trafficking in persons. The purpose of the Protocol is to facilitate convergence in national cooperation in investigating and prosecuting trafficking in persons. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights. The Trafficking Protocol defines human trafficking as:(a) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

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Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered " trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;(d) " Child" shall mean any person under eighteen years of age. The Trafficking Protocol entered into force on 25 December 2003. By June 2010, the Trafficking Protocol had been ratified by 117 countries and 137 parties.

1. 19 Frotteurism

Frotteurism refers to a paraphilic interest in rubbing, usually one's pelvis or erect penis, against a non-consenting person for sexual gratification. It may involve touching any part of the body including the genital area. A person who practices frotteurism is known as a frotteur. The majority of frotteurs are male and the majority of victims are female, although female on male, female on female, and male on male frotteurs exist. Adult on child frotteurism can be an early stage in child sexual abuse. This activity is often done in circumstances where the victim cannot easily respond, in a public place such as a crowded train or concert. Usually, such nonconsensual sexual contact is viewed as a criminal offense: a form of sexual assault albeit often classified as a misdemeanor with minor legal penalties. Conviction may result in a sentence or psychiatric treatment.

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1. 20 Exhibitionism

Exhibitionism is the act of exposing in a public or semi-public context those parts of one's body that are not normally exposed – specifically the genitals or buttocks of a man or woman, or the breasts of a woman. The practice may arise from a desire or compulsion to expose themselves in such a manner to groups of friends or acquaintances, or to strangers for their amusement or sexual satisfaction or to shock the bystander.

1. 21 Voyeurism

Voyeurism is the sexual interest in or practice of spying on people engaged in intimate behaviors, such as undressing, sexual activity, or other actions usually considered to be of a private nature. The principal characteristic of voyeurism is that the voyeur does not normally relate directly with the subject of his/her interest, who is often unaware of being observed.

Voyeurism may involve the making of a secret photograph or video of the subject during an intimate activity. When the interest in a particular subject is obsessive, the behavior may be described as stalking. However, in today's society the concept of voyeurism has evolved, especially in popular culture. Non-pornographic reality television programs such as Survivor and The Real World, are prime examples of voyeurism, where viewers (the voyeur) are granted an intimate interaction with a subject group or individual. Although not necessarily "voyeurism" in its original definition, as individuals in these given situations are aware of their audience, the concept behind "reality TV" is to allow unscripted social interaction with limited outside interference or influence. As such, the term still maintains its sexual connotations.

1. 22 Indecent exposure

Indecent exposure is the deliberate exposure in public or in view of the general public by a person of a portion or portions of his or her body, in circumstances where the exposure is contrary to local moral or other standards of appropriate behavior. Social and community attitudes to the exposing of various body parts and laws covering what is referred to as indecent exposure vary significantly in different countries. It ranges from prohibition of exposure of genital areas, buttocks and female nipples. In some countries the exposure of any part of the female body is considered indecent. Some countries do not have indecent exposure laws. The applicable standard of decency is generally that of the local community, which is sometimes codified in law, but may also be based in religion, morality, or, in some justifications, on the basis of "necessary to public order." Indecent exposure sometimes refers to exhibitionism or to nudity in public and does not require any other sexual act to be performed. If sexual acts are performed, with or without an element of nudity, this can be considered public indecency, which may be a more serious criminal offense. In some countries, exposure of the body in breach of community standards of modesty is also considered to be public indecency. The legal and community standards of what states of undress constitute indecent exposure vary considerably, and depend on the context in which the exposure takes place. These standards have also varied over time, making the definition of indecent exposure itself a complex topic.

1. 23 Obscene phone call

An obscene phone call is an unsolicited telephone call where a person derives sexual pleasure by using sexual or foul language to an unknown person. Making obscene telephone calls for sexual pleasure is known as telephone scatologia and is considered a form of exhibitionism. It is usually classed as a paraphilia from a medical viewpoint, in the DSM under the heading " Paraphilias Not Otherwise Specified", although from the viewpoint of the recipient of the calls, it is generally considered to be both a form of sexual harassment and a form of stalking. In some US states, making obscene telephone calls is a Class 1 Misdemeanor.

1. 24 Necrophilia

Necrophilia, also called thanatophilia or necrolagnia, is the sexual attraction to corpses. It is classified as a paraphilia by the Diagnostic and Statistical Manual of the American Psychiatric Association. The word is artificially derived from the ancient Greek words " dead" and " love".

1. 25 Sexual harassment

Sexual harassment is intimidation, bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. In most modern legal contexts sexual harassment is illegal. As defined by EEOC, " It is unlawful to harass a person (an applicant or employee) because of that person's sex." Harassment can include " sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks

about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer. It includes a range of behavior from seemingly mild transgressions and annoyances to actual sexual abuse or sexual assault. Sexual harassment is a form of illegal employment discrimination in many countries, and is a form of abuse (sexual and psychological) and bullying. For many businesses and other organizations, preventing sexual harassment, and defending employees from sexual harassment charges, have become key goals of legal decision-making.

1. 26 Paraphilia

Paraphilia is sexual arousal to objects, situations, or individuals that are not part of normative stimulation. Paraphilia involves sexual arousal and gratification, involving a sexual behavior that is atypical or extreme. The term was coined by Wilhelm Stekel in the 1920s. Sexologist John Money later popularized the term as a nonpejorative designation for unusual sexual interests. He described paraphilia as "a sexueroetic embellishment of, or alternative to the official, ideological norm." In the late 19th century, psychologists and psychiatrists started to categorize various paraphilias as they wanted a more descriptive system than the legal and religious constructs of sodomy and perversion. Before the introduction of the term paraphilia in the DSM-III (1980), the term sexual deviation was used to refer to paraphilias in the first two editions of the manual. In 1981 an article

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published in American Journal of Psychiatry described paraphilia as " recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving: Non-human objects The suffering or humiliation of oneself or one's partner Children Non-consenting persons Until 1974, homosexuality was included in this list. The view of paraphilias as disorders is not universal. Some groups seeking greater understanding and acceptance of sexual diversity have lobbied for changes to the legal and medical status of unusual sexual interests and practices. Charles Allen Moser, a physician and advocate for sexual minorities, has argued that the diagnoses should be eliminated from diagnostic manuals. Psychiatrist Glen Gabbard writes that despite efforts by Stekel and Money, " the term paraphilia remains pejorative in most circumstances."

1. 27 Sexual Fetishism

Sexual fetishism, or erotic fetishism, is the sexual arousal a person receives from a physical object, or from a specific situation. The object or situation of interest is called the fetish; the person who has a fetish for that object/situation is a fetishist. A sexual fetish may be regarded as an enhancing element to a romantic/sexual relationship " achieved in ordinary ways (e. g. having the partner wear a particular garment)" or as a mental disorder/disorder of sexual preference if it causes significant psychosocial distress for the person or has detrimental effects on important areas of their life. Arousal from a particular body part is classified as partialism.

1. 28 Transvestic Fetishism

Transvestic fetishism is a psychiatric diagnosis applied to those who are thought to have an excessive sexual or erotic interest in cross-dressing; this interest is often expressed in autoerotic behavior. It differs from cross-dressing for entertainment or other purposes that do not involve sexual arousal and is categorized as a paraphilia in the Diagnostic and Statistical Manual of the American Psychiatric Association. (Sexual arousal in response to donning sex-typical clothing is homeovestism.)

1. 29 Prostitution

Prostitution is the act or practice of providing sexual services to another person in return for payment. The person who receives payment for sexual services is called a prostitute and the person who receives such services is known by a multitude of terms, including "john". Prostitution is one of the branches of the sex industry. The legal status of prostitution varies from country to country, from being a punishable crime to a regulated profession. Estimates place the annual revenue generated from the global prostitution industry to be over \$100 billion. Prostitution is sometimes referred to as "the world's oldest profession". Prostitution occurs in a variety of forms. Brothels are establishments specifically dedicated to prostitution. In escort prostitution, the act may take place at the customer's residence or hotel room (referred to as out-call), or at the escort's residence or in a hotel room rented for the occasion by the escort (called in-call). Another form is street prostitution. Sex tourism refers to travelling, typically from developed to underdeveloped nations, to engage in sexual activity with prostitutes. Sex trafficking, one type of human trafficking is defined as using coercion or

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force to transport an unwilling person into prostitution or other sexual exploitation.

1. 30 Pimp

A pimp is an agent for prostitutes who collects part of their earnings. This act is called procuring. The pimp may receive this money in return for advertising services, physical protection, or for providing, and possibly monopolizing, a location where she may engage clients. A woman who runs a brothel is known as a madam rather than a pimp. Like prostitution, the legality of certain actions of a madam or a pimp vary from one region to the next. Pimps may punish johns for physical abuse or failure to pay, advertise services to potential clients without alerting police, and enforce exclusive rights to 'turf' where their prostitutes may advertise and operate with less competition. In the many places where prostitution is outlawed, sex workers have decreased incentive to report abuse for fear of self-incrimination, and increased motivation to seek any physical protection from clients and law enforcement that a pimp might provide. The pimp-prostitute relationship can be abusive and possessive, with the pimp/madam using techniques such as psychological intimidation, manipulation, starvation, rape and/or gang rape, beating, confinement, threats of violence toward the victim's family, forced drug use and the shame from these acts. Pimps can be arrested and charged with pandering and are legally known as procurers.

1. 31 Vibrators

Vibrators are devices for the body and skin, to stimulate the nerves for a relaxing and pleasurable feeling. Some vibrators are designed to ergonomically stimulate erogenous zones for erotic stimulation.

1. 32 Streaking

Streaking is the act of taking off one's clothes and running naked through a public place.

2. Sexual Offences laws in India

Sexual offences are covered under the following Acts of Parliament: 1. Indian Penal Code, 1860. Indecent Representation of Women (Prohibition) Act, 1986. Immoral Traffic (Prevention) Act, 1956. Protection of Children from Sexual Offences Act, 2012. Protection of Women from Domestic Violence Act, 2005

1. Sexual Offences under Indian Penal Code, 1860

The Indian Penal Code, 1860 provides the provisions for the sexual offences to address the issues of sexual offences against person of any age. Sexual offences are currently covered under different sections of IPC. Mainly those offences are provided under sections 292-294, 354, 375-376D, 377, 497 and 509 of the Act.[1] However, " The IPC does not provide for all types of sexual offences against children and, more importantly, does not distinguish between adult and child victims. So recently India has passed the Protection of Children from Sexual Offences Act, 2012, a special law to address the issue of sexual offences against children.

1. 1 Obscenity[2]

The law relating to obscenity is codified in Sections 292, 293 and 294 of the Indian Penal Code. According to Section 292 of the Code any book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest.[3]Further selling, letting to hire, distributing, exhibiting or circulating to any person under the age of twenty years any such obscene object as is referred to in the section 292 or offers or attempts so to do, shall also be deemed to be obscene.[4]Further also whoever, to the annoyance of others, does any obscene act in any public place, or sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished for obscenity.

1. 2 Assault or criminal force to woman with intent to outrage her modesty and Word, gesture or act intended to insult the modesty of a woman

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. The ingredients necessary for this offence are classified as below:(a) That the person assaulted, was a female i. e. a woman as defined by Section 10, India Penal Code.(b) That the accused assaulted or used criminal force to her.(c) That he intended thereby to outrage her modesty; or that he knew it to be likely that he would thereby outrage her modest. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object,

intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both. The Hon'ble Supreme Court in the matter of Rupan Deol Bajaj and Anr. Vs. K. P. S. Gill and Anr.[5]has given directions to Chief Judicial Magistrate, Chandigarh to take cognizance upon the police report in respect of the offences under Section 354 and 509 IPC and try the case himself in accordance with Law. After a lapse of almost 8 years, a lady IAS Officer was successful in getting a senior police officer not less than D. G. Police, Punjab to book for outraging her modesty.

1. 3 Rape

According to section 375 a man is said to commit " rape" who has sexual intercourse[6]with a woman under the following circumstances: Against her will. Without her consent. With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent. With or without her consent, when she is under sixteen years of age. However, sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Punishment for rape

Whoever commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be life or for a term which may extend to ten years and shall also be liable to fine less the women raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: However, the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years. Whoever(a)being a police officer commits rape—(i) within the limits of the police station to which he is appointed; or(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or(iii) on a woman in his custody or in the custody of a police officer subordinate to him; orbeing a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; orbeing on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman's or children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; orbeing on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; orcommits rape on a woman knowing her to be pregnant; orcommits rape on a woman when she is under twelve years of age; orcommits gang rape, shall be punished with rigorous imprisonment for a

term which shall not be less than ten years but which may be for life and shall also be liable to fine. However, the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

1. 3. 1 Intercourse by a man with his wife during separation[7]

Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

1. 3. 2 Intercourse by public servant with woman in his Custody[8]

Whoever, being a public servant, takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

1. 3. 3 Intercourse by superintendent of jail, remand home, etc.

Whoever, being the superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman's or children's institution takes advantage of his official position and induces or seduces any female inmate of such jail, remand

home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

1. 3. 4 Intercourse by any member of the management or staff of a hospital with any woman in that hospital[9]

Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

1. 4 Unnatural offences[10]

Whoever voluntarily has carnal intercourse[11]against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

1. 5 Adultery[12]

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

2. Sexual Offences under Indecent Representation of Women (Prohibition) Act, 1986

The sexual representation of women in cross-culture is an issue of grave concern. Obscenity is a threat to the purity of women's sexuality and her modesty. Some Sections of Indian Penal Code deal with the law relating to obscenity. None of the provisions of the penal code have any special reference to the incident representation of women. To deal with such law, our Parliament has enacted passed this Act. The law relating to obscenity is codified in Sections 292, 293 and 294 of the Indian Penal Code. In spite of these provisions, there is a growing body of indecent representation of women or references to women in publications, particularly advertisements, etc. which have the effect of denigrating women and are derogatory to women. Though there may be no specific intention, these advertisements, publications, etc. have an effect of depraving or corrupting persons. It is therefore, felt necessary to have a separate legislation to effectively prohibit the incident representation of women through advertisements, books, pamphlets etc. Hence the Indecent Representation of Women (Prohibition) Act, 1986 has been passed. It is an Act to prohibit indecent representation of workmen through advertisements or in publications, writing, paintings, figures or in any other manner and for matters connected therewith or incidental thereto. Section 3 of this Act prohibits that no person shall publish, or cause to be published, or arrange or take part in the publication or exhibition or, any advertisement which contains indecent representation of women in any form; and Section 4 prohibits that no person shall produce or cause to be produced, sell let to hire circulate or sent by post any book, pamphlet, paper, slide, film writing drawing, painting, photograph,

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representation or figure which contains indecent representation of women in any form. However, the provisions are subject to the following exceptions:

(a) the publication of any book, pamphlet, picture, slide, film, writing, drawing, painting, photograph, representation or figure, which is proved to be justified as being for the public good or which is kept or used bona fide for religious purposes; (b) any representation sculptured, engraved, painted or otherwise represented on or in any ancient monument or any temple, or any car used for the conveyance of idols, or kept or used for any religious purpose; (c) any film in respect of which the provisions of Part II of the Cinematograph Act, 1952 will be applicable. Thus, the provisions of this Act prohibit advertisements and publication or sending by post of books, pamphlets, etc. containing indecent representation of women.[13]

3. Sexual offences under Immoral Traffic (Prevention) Act, 1986

In 1950 the Government of India ratified the International Convention for the Suppression of Immoral Traffic in Persons and the Exploitation of the Prostitution of others. In 1956 India passed the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). The act was further amended and changed in 1986, resulting in the Immoral Traffic Prevention Act also known as PITA. PITA only discusses trafficking in relation to prostitution and not in relation to other purposes of trafficking such as domestic work, child labour, organ harvesting, etc. The act defines child as any person who has completed eighteen years of age. The first section of the act has provisions that outline the illegality of prostitution and the punishment for owning a brothel or a similar establishment, or for living off earnings of prostitution as

is in the case of a pimp. Section five of the act states that if a person procures, induces or takes a child for the purpose of prostitution then the prison sentence is a minimum of seven years but can be extended to life. To ensure that the people in the chain of trafficking are also held responsible the act has a provision that states that any person involved in the recruiting, transporting, transferring, harbouring, or receiving of persons for the purpose of prostitution if guilty of trafficking. In addition any person attempting to commit trafficking or found in the brothel or visiting the brothel is punishable under this law. If a person is found with a child it is assumed that he has detained that child there for the purpose of sexual intercourse and hence shall be punishable to seven year in prison up to life imprisonment, or a term which may extend to ten year and also a maximum fine of one lakh rupees. If a child is found in a brothel and after medical examination has been found to have been sexually abused, it is assumed that the child has been detained for the purpose of prostitution. Any person committing prostitution in public with a child shall be punishable to seven year in prison up to life imprisonment, or a term which may extend to ten year and also a maximum fine of one lakh rupees. If prostitution of a child is being committed with knowledge of an establishment owner such as a hotel the license of the hotel is likely to be cancelled along with the given prison sentence and/or fines. Any child found in a brothel or being abused for the purpose of prostitution can be placed in an institution for their safety by a magistrate. Landlords, leasers, owner, agent of the owner who unknowingly previously rented their property to a person found guilty of prostituting a

child, must get approval from a magistrate before re-leasing their property for three years after the order is passed.

4. Sexual offences under Protection of Children from Sexual Offences Act, 2012

The Protection of Children from Sexual Offences Act, 2012 defines a child as any person below the age of 18 years and seeks to protect all children from the offences like sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law. The Act provides for stringent punishments, which have been graded depending on the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the court. Moreover, the Act provides for the establishment of Special Courts for trial of offences and the evidence of the child to be recorded within a period of 30 days to facilitate speedy trial. The Special Court should complete the trial within a period of one year. The Act states that an offense will be treated as " aggravated" when committed by a person in a position of trust or authority of child such as a member of security forces, police officer or a public servant. Punishments for offences covered in the Act are: Penetrative Sexual Assault (Section 3) - Not less than seven years which may extend to imprisonment for life, and fine (Section 4) Aggravated Penetrative Sexual Assault (Section 5) - Not less than ten years which may extend to imprisonment for life, and fine (Section 6) Sexual Assault (Section 7) - Not less than three years which may extend to five years, and fine (Section 8) Aggravated Sexual Assault (Section 9) - Not less than five years which may extend to seven years, and fine (Section

10) Sexual Harassment of the Child (Section 11) - Three years and fine
(Section 12) Use of Child for Pornographic Purposes (Section 13) - Five years and fine and in the event of subsequent conviction, seven years and fine
(Section 14 (1)). To sum up, section 375 of the IPC doesn't protect male victims or anyone from sexual acts of penetration other than "traditional" peno-vaginal intercourse. The rape laws in India still do not define incestuous rape. The existing laws in the country are "highly inadequate" in dealing with incest cases particularly when the father is a perpetrator. Incest offences in many cases often end up in honour killings in our society. There has been a long-standing demand for a separate legislation in this regard. In US and UK incestuous rape has been identified and the offence attracts adequate punishment. But the Indian law is still in denial. In India, when the laws against rape were amended in 1983 to include policemen, hospital and prison staff who abused women in their custody which amounted to custodial rape, the amendment did not include sexually abusive fathers which is the worst form of custodial rape. Section 375 of the IPC states that any sexual intercourse with a woman who is below the age of 16 years is considered to be rape. The consent of the person is irrelevant. The age of consent has generated some controversy. Section 354 lacks a statutory definition of "modesty". Moreover, what about the outrage of the modesty of a male child? Under section 377 of the IPC, the term "unnatural offences" is not defined. It only applies to victims penetrated by their attacker's sex act, and is not designed to criminalize sexual abuse of children. Child sexual abuse laws in India have been enacted as part of the nation's child protection policies.

[14] In most countries like UK, USA, Australia, the age of consent varies

between 13 and 18 years however, under the Protection of Children against Sexual Offences Act, 2012 the age of consent is considered to be 18 years.

5. Sexual offences under Protection of Women from Domestic violence Act, 2005

Domestic violence is a crime of power and intimidation. It relates highly to sexual assault. Not only can the abuse be emotional, physical, psychological, and financial, but it can be sexual. Some of the signs of sexual abuse are very similar to those of domestic violence.