

Sexual offences

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Sexual offences

Sexual offences are criminal forms of human sexual behavior

Or may be defined as

Sexual intercourse or sex related acts performed in a way which is against the provision of the Law of the Land

Sexual offences are categorized into 3 types

1. Natural sex offences
2. Unnatural sex offences
3. Sex linked offences (sexual perversions)

Natural sex offences

Sex offences which are performed *in the order of nature*

i.e.

Offences involving natural penile-vaginal penetration

1. **Rape**
2. Intercourse by a man with his own wife during separation
3. Intercourse by a public servant with a woman in his custody, not amounting to rape.
4. Intercourse by the superintendent of a jail, remand home etc., with a female inmate of the same place, not amounting to rape.
5. Intercourse by any member of the management staff of a hospital, with any woman in that hospital, not amounting to rape

- 6. Adultery (Now it is not a criminal offence)
- 7. intercourse by a man deceitfully inducing a belief of future marriage.
- 8. Incest (This as such not an offence in Indian Law but is so in many countries).
- **Note-** Conditions described between no. 2 and no. 8 without any specific condition , does not amount to rape., but punishable offence

Unnatural sex offences

- These are sexual offences where intercourse is performed *against the order of nature*
- i.e.
- act does not involve penetration of a woman's vagina by the penis of a man

Types of Unnatural sex offences

1. Sodomy or anal coitus
2. Buccal or oral coitus
3. Lesbianism or tribadism
4. Bestiality

1. **Indecent assault :-**

IPC 354-- Use of criminal force against a woman with intention or knowledge to outrage her modesty—

Punishment-simple or rigorous imprisonment up to 2years or fine or with both

As per The Criminal Law (Amendment) Act, 2013

Punishment- minimum 1 year but may extend to 5 years and shall also liable to fine

Further new sections were inserted

354 A - sexual harassment- sub sections-

- (i) physical contact
- (ii) demand for sexual favours
- (iii) showing pornography against the will of the woman
- (iv) making sexually coloured remarks

Punishment

clause(i), (ii), (iii)—Rigorous imprisonment up to 3 year, or fine or with both

Clause (iv) – Imprisonment up to 1 year, or fine or with both

Indecent Assault

continued

354 B – disrobing or compelling woman to be naked. (3-7 yrs.)

and shall also liable to fine

354 C – Voyeurism- 1st conviction (1-3 yrs.), 2nd conviction (3-7yrs.)

and shall also liable to fine

354 D – Stalking – 1st conviction (up to 3 yrs.) 2nd conviction (up to 5 yrs.)

and shall also liable to fine

- Sexual Perversion—

- (*Sexual Paraphilia/ sexual deviation*)

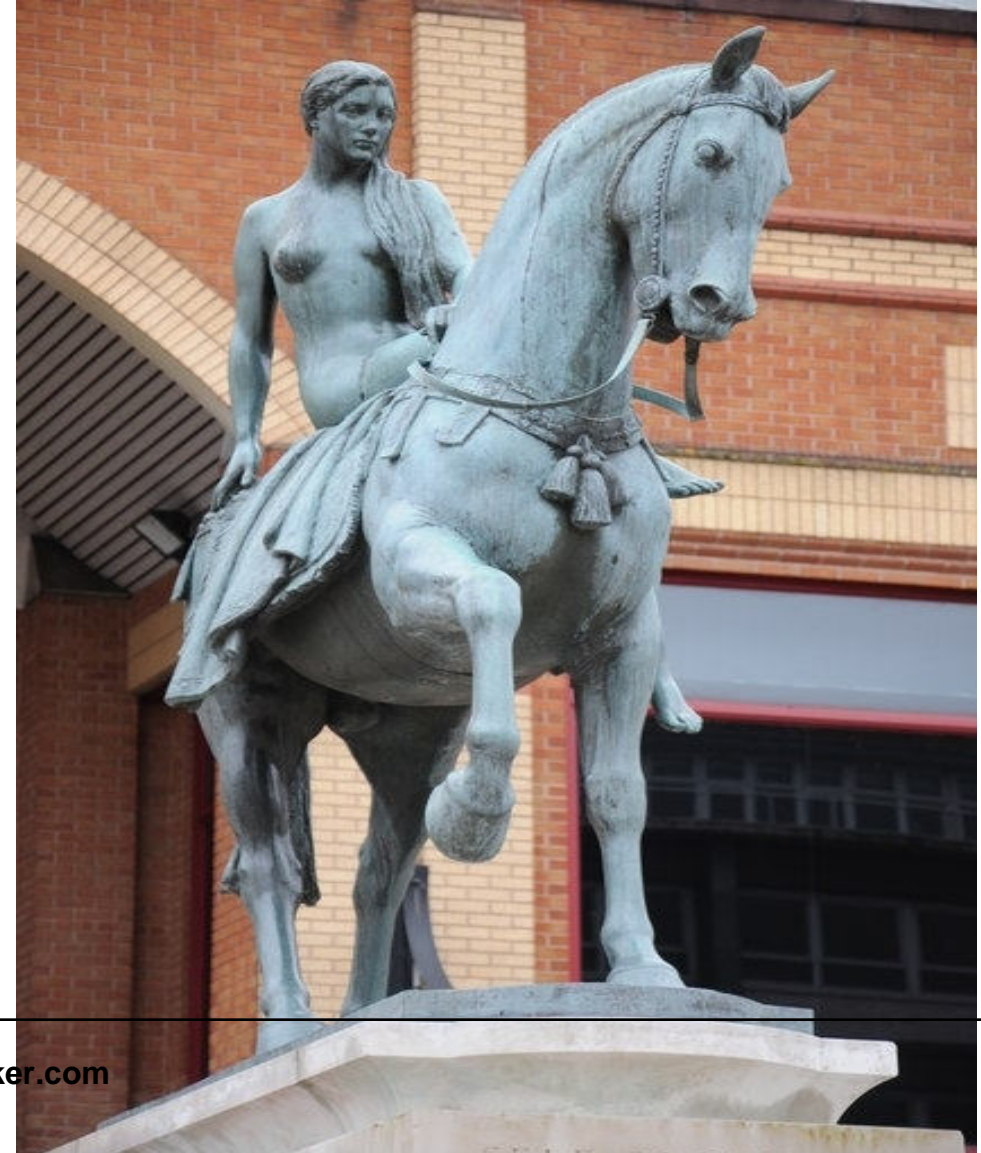
defined as sexual activity or fantasy directed towards orgasm or achievement of sexual gratification by means other than natural sexual intercourse

Most common perversions:-

- Exhibitionism
- Sadism
- Lust murder
- Masochism
- Sadomasochism (*Bondage*)
- Peeping Tom (*Voyeurism/ Scopophilia*)

Peeping Tom (Voyeurism/ Scopophilia)

- Lady Godiva
- 10/11nth Century AD
- Tailor – Mr. Tom



SEXUAL PERVERSIONS

- **Most common perversions:-** *(continued)*

- Transvestism
- Necrophilia
- Necrophagia
- Troilism
- Undinism (Urolgnia)
- Uranism
- Fetishism
- Frotteurism
- Satyriasis
- Nymphomania
- Masturbation

RAPE

THE CRIMINAL LAW (AMENDMENT) ACT, 2013 *has redefined the rape which came into force on the 3rd day of February, 2013*

375 IPC. A man is said to commit “ Rape” if he—

- (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, urethra or anus of a woman or makes her to do so with him or any other person; or
- (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra or anus or any part of body of such woman or makes her to do so with him or any other person; or
- (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

Under the circumstances falling under any of the following seven descriptions:--

Definition of Rape- *continued*

- - 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 hurt.
- - With her consent, when the man knows that he is not her husband and that her consent has been given because she believes that he is another man to whom she is or believes herself to be lawfully married. (fraud)
- - 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.
(insanity or intoxication)
- - With or without her consent, when she is under 18 years of age.
- - When she is unable to communicate consent.

Explanation 1 – Vagina also includes Labia Majora.

Explanation 2-- Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act.

If the woman is not resisting to the act of penetration, will not be regarded as consenting to the sexual activity.

Exception 1. – A medical procedure or intervention shall not constitute rape.

Exception 2.- Sexual intercourse or sexual acts by a man with his own wife, the wife not being under 15 years of age, is not rape.

Punishment of Rape

IPC 376

Subsection 1

Whoever, except in cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ~~seven~~ ten years, but which may extend to imprisonment for life, and shall also liable to fine

Punishment of Rape

IPC 376

Subsection 2

(a) Police officer commits rape

- (i) within the limit of police station
- (ii) in the premises of any station house
- (iii) woman in the custody of such police officer or by the subordinate of such police officer

or ***(b) Rape by public servant***

or ***(c) Rape by member of armed forces*** deployed in the area

or ***(d) Rape by management or staff*** of a

Jail

Punishment of Rape

IPC 376

Subsection 2 (*continued*)

Remand home,

Women or children institution, on any inmate

or **(e) Management staff of a hospital**, commits rape on woman in that hospital

or **(f) By relative, guardian or teacher or** a person in a position **of trust or authority towards the woman** commits rape on such woman.

Or **(g)** Commits rape **during communal sectarian violence**

or **(h)** Commits rape on a woman **knowing her to be pregnant**

or ~~**(i)** Commits rape on a woman **when she is under sixteen years of age**~~ (OMMITTED)

Punishment of Rape

IPC 376

Subsection 2 *(continued)*

or **(j)** Commits rape on a ***woman incapable of giving consent***

or **(k)** Being in position of ***control or dominance over a woman, commits rape***

or **(l)** Commits rape on woman suffering from ***mental or physical disability***

or **(m)** While committing rape causes ***grievous bodily injury***

or maims

or disfigure

or endangers life of the woman

or **(n)** Commits ***rape repeatedly on the same woman***

Punishment of Rape

Punishment:- Rigorous imprisonment- minimum 10 years

but which may extend for life which shall mean imprisonment for the remainder of that person's natural life and shall also liable to fine

IPC 376

Subsection 3

Commits rape on a woman when she is under sixteen years of age

Punishment:- Rigorous imprisonment- minimum 20 years

but which may extend for life which shall mean imprisonment for the remainder of that person's natural life and shall also liable to fine

Punishment of Rape

IPC 376 A

Whoever commits rape, punishable under 376 IPC sub-section-1 or 376IPC sub-section- 2 and in course of such commission *inflicts an injury which causes death of the woman or cause the victim to be in a persistent vegetative life*

Punishment:-

Rigorous imprisonment- minimum 20 years

but which may extend for life which shall mean imprisonment for the remainder of that person's natural life and shall also liable to fine or with death

IPC 376 AB

Whoever commit rape on a woman under 12 years of age

Punishment of Rape

IPC 376 AB

Punishment:-

Rigorous imprisonment- minimum 20 years

but which may extend for life which shall mean imprisonment for the remainder of that person's natural life and shall also liable to fine or with death

IPC 376 B

Sexual intercourse with his own wife, who is living separately, under decree of separation or otherwise, without her consent.

Punishment:-

Imprisonment- minimum 2 yrs. But may extend to 7 years.

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Punishment of Rape

IPC 376 C

Sexual intercourse by a person who is

(a) in a ***position of authority*** or in a ***fiduciary relationship***;

or (b) a public servant

or (c) superintendent or manager of a jail, remand home or other place of custody

or (d) management of a hospital or being on the staff of a hospital

abuses such ***position*** or ***fiduciary relationship*** to ***induce or seduce*** any woman in the premises to have sexual intercourse with him, *such sexual intercourse* ***will not amount to rape*** but ***is a punishable offence***

Punishment:- *Rigorous imprisonment- minimum 5 yrs. may extend to 10 yrs. and shall be liable to fine*

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Punishment of Rape

IPC 376 D

Woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape

Punishment:-

Rigorous imprisonment- minimum 20 years

but which may extend for life imprisonment which shall mean imprisonment for the remainder of that person's natural life and shall also liable to fine

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Punishment of Rape

IPC 376 DA

Woman under 16 yrs. of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape.

Punishment:- *Rigorous imprisonment for life,*

which shall mean imprisonment for the remainder of that person's natural life and shall *also liable to fine*

IPC 376 DB

Where a **woman under 12 yrs. is raped** by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape.

Punishment:- *Rigorous imprisonment for life,*

which shall mean imprisonment for the remainder of that person's natural life and shall *also liable to fine, or with death*

Punishment of Rape

IPC 376 E

Whoever has been previously convicted of an offence punishable under IPC sections 376 or IPC 376A or IPC 376AB or IPC 376D or IPC 376DA or IPC 376DB and is subsequently convicted of an offence punishable under any of the said sections

Punishment:-

Rigorous imprisonment for life,
which shall mean *imprisonment for the remainder of that person's*
natural life or with death

Punishment of Rape

- Fine-

Any fine which is imposed on the accused of rape shall be just and reasonable to meet the medical expenses and rehabilitation of the victim.

Provided further that

Fine imposed under sections shall be paid to the victim