

“AMENDMENTS PERTAINING TO SEXUAL OFFENCES IN INDIA: A CRITICAL ANALYSIS”

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ABSTRACT:

Cesare Beccaria is recognised as being the first criminologist to recognise crime as a symptom of a larger social problem. Criminologists came to the conclusion that combatting crime was essentially a war against poverty, disease, drunkenness, and prostitution as a result of this new understanding of crime. However, certain odd sorts of crime do not react well to this theory owing to human nature's continuous propensity. Sex crime is without a doubt one of these crimes that has existed in almost every community throughout history. As science, civilization, and culture have progressed, the complexities of existence have significantly risen. As a result of contemporary mechanisation and urbanisation, the total collapse of the "family" structure has resulted in severe issues in human life. Parents' control over their children has eroded substantially. Adolescent indiscipline, rowdiness, and vargrancy are on the rise, mostly due to parental irresponsibility. Law enforcement agencies all around the world are grappling with the issue of uncontrollable youth hooliganism. It's now more of a social ailment. As a result of this regrettable trend, unmarried motherhood, abortion, rape, kidnapping, enticement, abduction, adultery, incest, indcent abuse, and other types of sex crime have become all too common. According to a study of sexual offences in one American state, around 88 percent of school-aged girls aged fourteen to eighteen had sex experience before to puberty. Another research in the United States indicated that one out of every five or ten weddings today already had a pregnant wife. "A couple goes on a date and wakes up to find they've gotten married even though they can't remember why or where," the October 23, 1961 issue of Life International rightly observed, capturing the current state of sexy-civilization in the United States.

Keywords: Sexual offences, Sexual Awareness, Survey on sexual offences, pre puberty sex experience, sexual offences a social evil

1. Introduction

Interpersonal aggressiveness, whether perceived or genuine, against a weaker partner is prevalent. Sexual violence, regardless of gender, is a highly unpleasant and traumatic life event with far-reaching psychological and societal implications for the victim. It often brings up a torrent of unpleasant emotions, embarrassment, and existential concerns like "Why me?" It intensifies the victim's feelings of

helplessness and powerlessness, decreasing their self-esteem and making them more vulnerable to more violence. Fear of sexual assault is likely to limit women's independence and career alternatives, as well as affect their long-term mental health. Sexual assault is rarely discussed in professional settings, owing to a combination of ignorance and inexperience in inquiring about private sexual matters, as well as the cultural stigma and

shame associated with the victim and those close to the victim. It's a patriarchal, sexist, and gender-shaming issue with social and health implications. According to the World Health Organization, sexual violence includes "any sexual act or attempt to obtain a sexual act, unwanted sexual comments or advances, acts to traffic or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim in any setting, including but not limited to home and work" (WHO). Sexual violence happens in many cultures, with various definitions of what constitutes sexual violence. In this study, we look at the cross-cultural aspects of gender-related sexual assault on women. Despite the fact that there are several types of sexual violence (such as male-male and male-transgender), this study focuses on male-female sexual violence.

1.1 INDIAN PERSPECTIVE

Before Hindu Law was established, polygamy was widely practised. It's possible that the acceptance of this practise was motivated by the fact that it provided a legal means for people to satisfy their sexual cravings within the family. Post-independence prohibitions banning divorce, immoral trade in women and children, marriage, and other personal law enactments, on the other hand, have narrowed the range of permitted sex activities to the point that sex crime has surged considerably in recent years. In this light, the 1956 revision of Hindu personal law might be seen as a step backwards in terms of sex crimes. It outlaws all sex excesses save for the marital connection between husband and wife. As a result, even if he has accepted his wife as his life partner, there may be occasions when a man is unable to meet his wife's desires. On the other hand, the woman may not be able to satisfy her husband's sex desires. Temperamental differences, physical imbalances, sickness, an attitude of indifference or distrust for one another, personal professions or vices in one or both spouses, or familial situations that prevent conjugal meetings might all be reasons for his discontent. As a result of sex code infractions, this is sure to cause sex

dissatisfaction among spouses, leading to sex delinquency. Marriage, dower, and divorce regulations in Mohammedan law tend to be more liberal and tolerant in this respect. The presumption of four wives for a Muslim spouse, muta marriage restrictions, and uncomplicated talaq (divorce) processes are all designed to limit illegal sex indulgence.

Despite the fact that there are legal limitations against illicit sex indulgence, this vice is becoming more common. Sexuality, a biophysiological phenomena, is as necessary to the human organism as food and water, which is the apparent explanation for the growth in sex offences. After all, life and sex are intricately interwoven. When used correctly, it may be a tremendous creative force in a variety of fields. Apart from that, sexual desire affects everyone equally, whether male or female, wealthy or impoverished, educated or illiterate, high-status or low-status males. On the other hand, the intensity of biophysical characteristics. Some people are more seductive by nature, while others respond more passively. People's sex emotions differ depending on their physical characteristics. The status of the gonad glands, which are more active in some persons than in others, is to blame for this discrepancy. Physical, cultural, and social factors may have an impact on people's attitudes toward sexuality. Those with high social status may be afraid of losing their social status if they express their sex desire and engage in sex behaviour, whereas those with no social status may not hesitate to express their sex desire and engage in sex behaviour because they are not afraid of losing their social status. As a result, sex crimes are born out of human beings' natural need to satisfy their sexual drive. If a person's basic need is not met by legal means, he or she may turn to illegal sexual behaviour, which may lead to sexual crime. This basic concept of mankind's sex behaviour is closely tied to prostitution and other types of sex crime. Rape, adultery, incest, insulting a woman's modesty, prostitution, sodomy, pornography, fornication, homosexuality, exhibitionism, and other sex

crimes are examples. The following list is meant to be indicative rather than complete. Obscenity is not a sex offence, although it can be a prelude to sexual crimes. It's also possible to kidnap youngsters for the purpose of prostitution. On a biochemical level, sex is a potent painkiller. It enhances the health of people who are already healthy and heals those who are unwell. The high-quality hormonal activity that happens during sexual intercourse nourishes almost every part of the body by improving circulation and nutrient supply. A good sex life is good for one's overall health.

LEGISLATIVE PROVISIONS

Women's Outrageous Modesty is a provision of the Indian criminal law that deals with sexual offences. The legislation (Section 354 IPC) makes it a specific criminal to use force against a woman, or even threaten to use force, if the intention is to 'outrage her modesty.' It takes it more seriously than standard police and criminal force, allowing officers to make arrests for such offences without a warrant. The word 'outraging modesty' does not have a legal definition. Courts usually reach this conclusion after taking into account all of the circumstances surrounding the occurrence. 'Modesty,' according to the Supreme Court, is feminine decency and a virtue that women possess due to their gender. In addition to a one to five-year jail sentence, a fine of up to \$5,000 is levied. It is not enough to offend the victim's modesty. Only if the accused intended or knew that the activities in question were likely to offend the victim's modesty is it considered a crime. Sexual harassment is a type of harassment that occurs when a person is sexually harassed. Unwelcome physical contact or touching is considered as sexual harassment under (Section 354A IPC). requesting or demanding sex or any other type of sexual action Displaying sexual material, such as films, publications, and books, making sexually provocative remarks The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act and Rules 2013 is a distinct

piece of legislation that addresses workplace sexual harassment. There are provisions in the fundamental criminal code (the Indian Penal Code or IPC) that are separate from the specific legislation on sexual harassment: The IPC does not just apply to sexual harassment in the workplace; it also extends to harassment that happens outside of the office. If you have been sexually harassed, you can file a criminal complaint under the IPC, and you can also seek civil remedies and damages via your office administration under the specific statute. The first three categories of sexual harassment each carry a three-year term, whereas the fourth (making sexually coloured remarks) only carries a one-year punishment. According to Section 354C of the Indian Penal Code, it is prohibited to look at or capture (say, with a camera or video) a lady going about her private business when she believes no one is observing her. This includes a lady who is using the restroom, undressed or in her underwear, or engaged in a sexual act. The legal term for this type of behaviour is voyeurism. The penalty is a one-to-three-year jail sentence as well as a fine. If someone is convicted of committing the same crime more than once, they might face a term of three to seven years in jail and a fine. Taking intimate photographs is permitted provided the woman consents. Sharing them, on the other hand, is a sin if she expects only a few others to see them. According to the legislation, the lady must expressly consent to both watching/taking photos and spreading them in order for it to be legal. Stalking is defined as "constantly following or contacting a lady, either online or in person, where she has clearly demonstrated she does not want the attention," according to Section 354D of the Indian Penal Code. It carries a three-year sentence for the first offence and a five-year sentence for subsequent offences. The section establishes an exemption if a person is stalking a lady as part of a legal responsibility. A maximum of three years in jail and a fine is the penalty. If a person is convicted of the same crime more than once, they might face a term

of up to five years in jail as well as a fine. A male is deemed to commit "rape" if he has sexual intercourse with a woman under any of the six situations listed in section 375 of the Indian Penal Code: First, against her will; second, against her will; third, against her will; and last, with her permission, if her consent was achieved by placing her or anybody she cares about in peril. 4th With her permission, when the man is aware that he is not her husband and she is consenting because she believes he is another man to whom she is or believes she is lawfully married. With her approval, if she is unable to comprehend the nature and implications of what she consents to owing to insanity or intoxication, or if he administers any stupefying or unwholesome drug directly or indirectly to her at the time of consent. Rape occurs when a girl is under the age of sixteen, whether with or without her consent. Explanation Penetration is sufficient to establish the sexual intercourse necessary for rape to take place. Rape is punishable under Section 376 of the Indian Penal Codes, and anybody who commits rape faces execution or a sentence of 7 years to life in jail. Sexual harassment by relatives is dealt with under Section 509A of the Indian Penal Code. Whoever is related to a woman by blood, adoption, or marriage and is not her husband exploits his proximity and induces, seduces, or threatens such woman with the intent to insult her modesty by word, gesture, or act shall be punished by rigorous imprisonment for not less than one year but not more than five years, as well as a fine. 509B. Harassment of women using electronic means.— Sexual harassment is defined as the act of making, soliciting, or initiating the transmission of any obscene, lewd, lascivious, filthy, or indecent comment, request, suggestion, proposal, image, or other communication with the intent to harass or cause, or with knowledge that it will harass, using a telecommunication device or any other electronic mode, including the internet. Women's modesty is addressed under section 498a of the Indian Penal Code. 1[Whoever subjects a woman to cruelty as the

husband or relative of the husband of a woman will be punished by imprisonment for a period not exceeding three years, as well as a fine. "Cruelty" means: (a) any deliberate behaviour that is likely to force a woman to commit suicide or cause grave harm or risk to her life, limb, or health (whether mental or physical); or (b) any wilful conduct that is likely to cause grave injury or danger to the woman's life, limb, or health' (whether mental or physical). 1[366B. Importation of a girl from another country.— Whoever imports a girl under the age of twenty-one years into 2[India] from any country outside India 3[or from the State of Jammu and Kashmir] with the intent, or knowing it to be likely, that she will be forced or seduced to illicit intercourse with another person, shall be fined up to ten thousand rupees.

2. REVIEW OF LITERATURE

Researcher made an attempt to analyze the previous work done by various researchers on the particular area of concern and summarize the relevant literature.

Narender (2015)	This book informs us about a flurry of legislation and changes that are important to the success of the Indian Constitution.
Ratanlal & (2019)	It provides us with All technical process guidelines have been shown and documented in a clear, comprehensive, and systematic manner. The most current case law, legislative revisions, and novel innovations in Indian criminal procedure law are all included. The corresponding sections of the new Code of 1973 have

	maintained case law established under the old Code of 1898 that is still valid.
Prof.N.V.Par (2019)	It gives us a number of human rights by state institutions in total disregard, if not deliberate contempt, of laudatory judicial rulings aimed at upholding the rule of law by protecting inmates' basic rights. In addition, there are several aspects of criminology.
Prof.S.N.Mis (2015)	This book begins with a brief history of Indian criminal laws as well as an overview of criminology's integrated theory. A view of punishment that emphasises correction, reformation, and rehabilitation while considering retribution and deterrence.

delinquents should be subjected to sex delinquency. To avoid sex delinquency, the following remedial methods can be implemented.

(1) It is critical to discourage marriages between spouses of blood relatives. This is due to the fact that the offspring of such unions are frequently perverted and unconcerned about morals. As a result, sex crime readily targets them. For this reason, most personal laws prohibit marriage between blood relatives and members of the same family.

There are no degrees of kinship allowed. Marriages based on consanguinity or kinship are also deemed batil under Mohammedan law (void). Even as early as 1250 A.D., English law prohibited marriage between cousins separated by more than three cousins. To ensure marriage discipline, Henry VIII declared it unlawful to marry the wife's sister during his reign. The purpose was to instil in the people a sense of morality and promote marriage discipline.

(2) The 1975 International Year for Women, however, did not address the subject of sex crimes and criminality against women. The Law Commission of India proposed in its 71st Report that existing divorce laws be updated to make irreparable marriage breakdown a good grounds for awarding a divorce decree under the Hindu Marriage Act, 1955. The National Women's Commission Act of 1990 established the Government's Women's Commission, which is expected to take action.

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3. REMEDIES

Dr. Sigmund Freud, a psychiatric expert, has presented a compelling case for sexual psychopaths, arguing that they should be treated medically rather than punished. In discussing the psychology of sex delinquents, Dr. Philthrop, a well-known British writer, offered similar concepts. If the offender is not dealt with properly, he believes that if the sex offends the psyche and mental frame of the sex, punishment will be useless, and the offender would become much more harmful to society. As a result, the focus should be on identifying the offender's mental fault, which is robbing him of his capacity to resist environmental forces and give to sex desire. In summary, sex

actions to safeguard women and reduce the incidence of sex offences.

(4) Parents should closely supervise their children and inform them about the dangers of illegal sexual engagement. As soon as a kid reaches puberty, he should be informed about the many aspects of sexual life as well as the consequences. It's important to remember that teenage psychology is particularly vulnerable at this age, and they won't be able to resist their sex needs if they're exposed to sex crime-friendly circumstances. If they were aware of the possible hazards and bad implications of their temporary sex pleasure, they would surely stop from such behaviour. This is especially vital for adolescent females in order to prevent them from living a life of humiliation and disgrace. In answer to this topic, Dr. Paripurnanand Verma stated, "The man's involvement in sexuality is a solo act—the placement of sperm where it might fertilise an ovum." The woman's role takes up more time and involves three tasks, the first of which is receiving sperm. Pregnancy and delivery are the second and third, respectively, while breastfeeding is the third (nursing). After a young man has concluded his sexual activity, a woman's sexual activity begins, and there are two excellent techniques for a female to deal with an eager young man; correct understanding of sex to young people would assist they comprehend.

(5) According to some criminologists, delivering sex education and offering knowledge about current sex values among diverse groups of society, as well as the absence of sex, is preferable to being hooked to aberrations that border on criminality. However, a shortage of properly qualified or licenced professionals for the task might make providing sex education to children at the school level unfeasible. However, when sex education should be introduced and what curriculum should be used to teach the subject are both important issues that need to be addressed in order to help young boys and

girls acquire a healthy knowledge of sex relations.

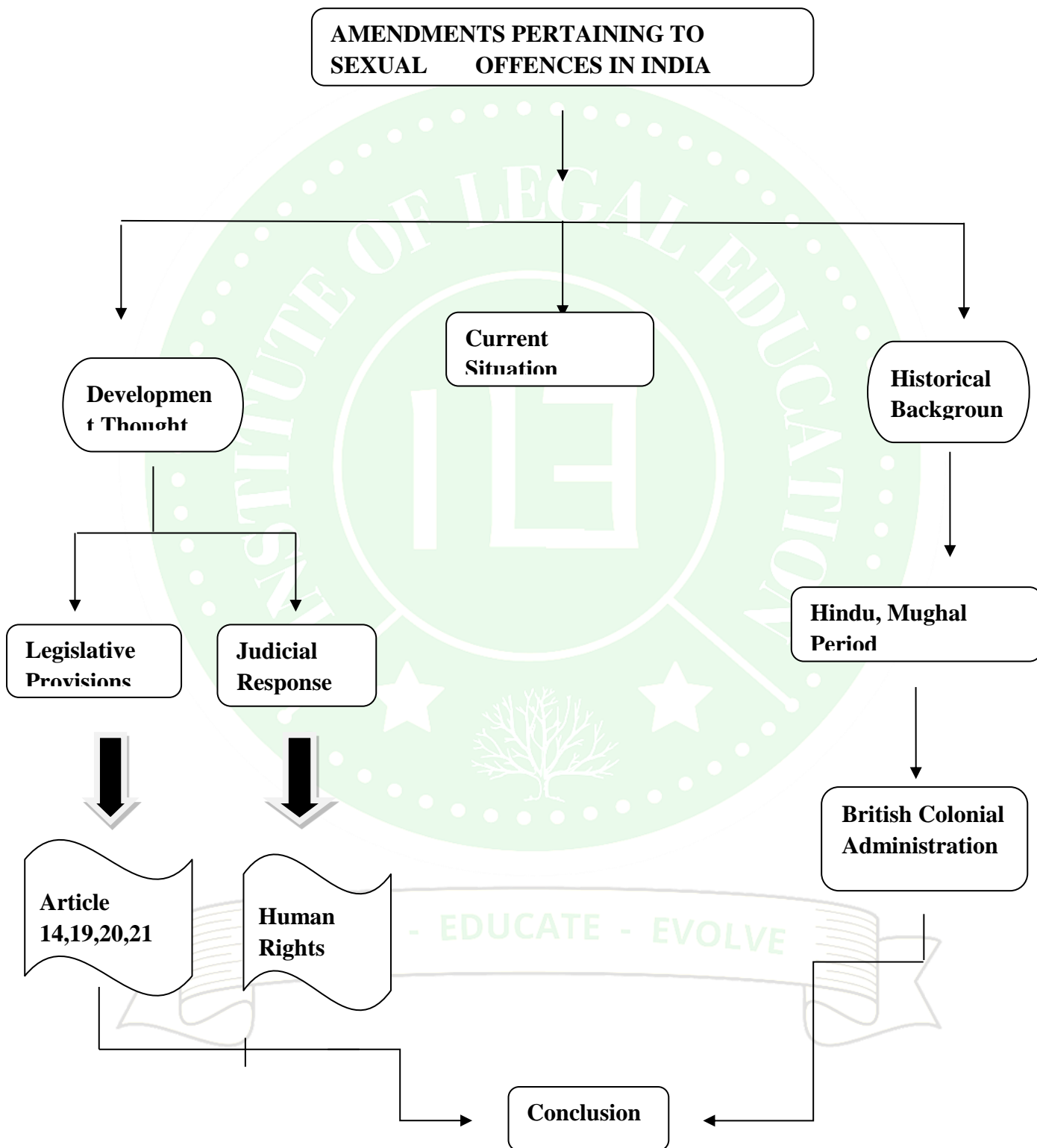
(6) If women take the initiative, a lot of sex crime might be avoided. They should not provide any opportunity for the potentia sex offender. Minor and young girls should be properly escorted for this reason and not left in the care of personnel or strangers. Women must be wary of being fooled by fake sadhus and tantriks and falling prey to their evil plans. In recent years, there has been a greater emphasis on teaching karate to young girls and women in order to educate them for self-defense and protection against harsh abusers. It is, without a question, a move in the right direction.

(7) It appears that keeping individuals employed is the most effective way to reduce sex crime. It is especially critical in today's sexy culture, where living conditions are very conducive to sexual offences, to keep children entirely concentrated on their job so that they do not waste their energy on perverse sex-thoughts. Sexual psychopaths are more prone to emerge in adolescents who lead inactive lifestyles. As a result, it is a well-known fact that live a busy life with a meaningful profession can lower sex crime dramatically.

(8) When it comes to sex delinquency among convicts, prison officials have a particular problem. As a result of their complete lack of access to marital life while jailed, a considerable proportion of convicts are sex psychopaths. In their study of sex offences in prisons, Mrs. Ruth Shonle Cavan and Eugene S. Zamans discovered that entirely limiting a prisoner's married life is most unfair and inhumane, as it has a negative impact on his personality due to the denial of one of life's essential desires. As a result of his sex need, he has been known to be stubborn and apathetic toward jail officials, as well as to engage in unnatural actions.

5 METHODOLOGY

The researcher used secondary data acquired from multiple publications, websites, and research articles to perform this analytical analysis. The following is the specific research that was conducted by the researcher:-



6. AMENDMENTS PERTAINING TO SEXUAL OFFENCE IN INDIA

The "Custodial Rape" case, also known as the "Mathura Rape" case, included an orphaned girl called Mathura who was instructed to stay in the lock-up alone when she and her brother went to the police station to provide a statement for recording. Later, she was raped at the police station by an officer who had committed sexual molestation and was unable to rape due to drinking. The defendants were originally found not guilty by the trial court because the victim had consented to the conduct. The Bombay high court found the accused guilty of rape and molestation, overturning the lower court's ruling. The girl never consented, according to the High Court, since there is a difference between "passive acquiescence" and "consent." In this case, the girl was terrorised into submitting her body, but she did not do it voluntarily. The highest court, on the other hand, was narrow-minded and said that the victim was not terrified since her family were waiting outside the station, implying that she was not passively compliant, and branded it "tissue of lies." As a consequence, both were found not guilty. In the later instance, dubbed the Gang Rape case, a young woman was gang-raped in a private moving bus in Delhi. The woman was raped forcefully, and she was subjected to bizarre behaviours that shocked and enraged the public. Justice JS Verma, who died in 2013, organised a committee to make the necessary modifications to guarantee severe punishments and speedy justice. Many of the committee's recommendations were passed into law as part of the 2013 amendment legislation. The gang rape assault in Delhi in December, as well as the public anger that followed, resulted in significant legislative changes. The national government established a committee, chaired by Justice JS Verma, to suggest changes to many criminal statutes in order to better protect women from sexual crimes. The federal

government issued an Ordinance following the presentation of the Verma Committee's report, which incorporated some of the committee's recommendations. Following that, Parliament passed a Bill amending the Ordinance in numerous ways. In this letter, we summarise some of the key changes to the different legislation. The Indian Penal Code (IPC) has been updated to include new offences, modify current offence definitions, and raise the severity of penalties. Changes in the way things are done have also occurred. Any public employee who fails to record information related to stalking, voyeurism, rape, acid assaults, trafficking, and other crimes is now punished under the IPC. The new legislation amends the Code of Criminal Procedure to require a female police officer to record any complaint made by a woman concerning these offences. It removes the necessity for a public figure to face repercussions if they are charged with these crimes (though, the provision is retained in cases of armed forces). In situations of rape, the new Act amends the Indian Evidence Act by banning the inclusion of evidence or cross-examination of the victim's moral character or past sexual experience. These improvements should make filing charges easier and protect victims from harassment during the trial process. The crime of "rape" had been replaced with "sexual assault," which may involve either a male or female perpetrator and victim. The Parliamentary Act reinstates the traditional rule that rape may only be perpetrated by a man against a woman. It broadens the idea to include, among other things, object penetration of intimate places. It states that gang rape is punished by at least twenty years in prison, with the potential of life in prison (i.e., until the person dies). "Sexual assault" has taken the role of "rape," which can involve either a male or female perpetrator and victim. The Parliamentary Act reinstates the ancient notion that only a male may commit rape against a

woman. Gang rape is punished by at least twenty years in jail, with the possibility of life in prison, according to the law (i.e., until the person dies). Another tough provision addresses marital rape. If she is at least 15 years old, any sexual conduct between a man and his wife is prohibited by the IPC. In other words, it is thought that the act of marriage implies consent. According to the Verma Committee and the National Commission for Women, this exception should be removed. The Ordinance elevated the wife's age to 16 years. The new Act reinstates the prior provision of 15 years, i.e., marital rape is not an offence if the woman is 15 years old. Under the IPC, acid assaults, sexual harassment, stalking, and voyeurism are now offences. Acid assaults carry sentences of ten to life in prison, while trying to commit the offence carries a term of five to seven years. Physical contact including unwelcome and explicit sexual advances, demands for sexual favours, exhibiting pornography against a woman's consent, or making sexually coloured remarks by a man are all examples of sexual harassment. The maximum sentence is three years in jail. It's worth noting that Parliament passed a separate law prohibiting sexual harassment of women at work during this session. Several new offences were added to the Ordinance, each with a harsher punishment than the Protection of Children from Sexual Offences Act of 2012. (Act of the PCSO) The PCSO Act has been changed by a Bill enacted by Parliament, which provides that if the punishment for certain offences under the IPC is greater, the higher penalty shall be imposed. As a result of this amendment bill, the criminal law will be drastically transformed. Several problematic initiatives are included, such as raising the consent age and neglecting to amend the legislation to make marital rape a criminal offence. The measure was not sent to a standing committee for consideration (though an earlier version was). The final Bill was introduced on March 19th and approved by both the Lok Sabha and the Rajya Sabha the following day. Perhaps Parliament should wait

at least a couple of days after a Bill is introduced before considering and passing it. In the Rajya Sabha, the Criminal Law Amendment Bill, 2019 was presented as a Private Members Bill. The bill's main purpose is to make Indian criminal offences gender-neutral. The measure recognises and sympathises with victims of rape and sexual assault, both transgender and masculine. More than 63 nations have previously implemented gender neutrality in respect to sexual offences by amending their criminal legislation to reflect their UN and humanitarian obligations. It is long past time for India to address sexual attacks against both males and transgender persons. This article focuses on the Bill and the need for gender neutrality in sexual offences. In the Rajya Sabha, KTS Tulsi introduced a private member's bill. In India's Supreme Court, he is a Senior Advocate. The bill's principal purpose is to make rape a gender-neutral offence. Women are the only ones who are recognised as rape victims under current legislation. The Supreme Court of India decriminalises consensual sex between individuals of the same gender in *Navjet Singh Johar v. Union of India*. Section 377 of the Indian criminal code was construed by the court to prohibit consensual sexual intercourse between individuals of the same gender or transgender people. It's important remembering that only women, not males, are victims of rape under Section 375. Section 377, which granted amnesty to males and transsexuals, has since been abolished. Changes to the rape provisions must be made in order for them to be gender-neutral. The bill seeks to add a definition of "modesty" to section 2 of the Indian Penal Code, defining it as a personality feature linked to a widely held belief in morality, decency, and integrity of speech and behaviour in any man, woman, or transgender person. In any instance, because the IPC evaluates definitions under Section 6 rather than Section 2, there is a void. Section 2 delves into the jurisdictions.

Outraging women's modesty, sexual harassment, intent to disrobe, voyeurism, and stalking are all covered under the proposed

changes to IPC Sections 354-354D. These laws will be amended to account for the rape perpetrator's and victim's gender. The Indian Penal Code's Section 375 has been changed. The bill proposes to replace pronouns like "any person" or "other person" with terms like "any person" or "other person," making rape a gender-neutral offence.

The bill also seeks to merge the terms "penis" and "vagina" with the term "genital," which is defined in Explanation 1 as the penis and vagina. As perpetrators, rape is characterised as the victimisation of both women and men.

The bill proposes a new section 375A, which defines sexual assault as the intentional touching of the genitals, anus, or breasts, or forcing another person to touch such parts of the other person without consent, or the use of unwelcome words or gestures that create a "unwelcome threat of actionable nature," punishable by up to three years in prison and/or a fine. The bill suggests that males be labelled as rape victims, and that unwanted contact and words against men be classified as sexual assault. Aside from particular sub-sections dealing with rape of women and children in custody, this bill aims to gender-neutralize the crimes listed in Sections 376A, 376A, 376C, and 376D of the IPC.

The bill also proposes revisions to the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act, among other things. It also puts the Supreme Court's recognition of transgender people in context, as the court seeks to include them in the purview of sexual offence laws as well.

7. JUDICIAL ASPECT

CASE OF UNNAO RAPE

A politician gang-raped and killed a 17-year-old girl in 2017. When the victim sought justice from Uttar Pradesh's chief minister, her father was assassinated in court, causing global outrage. She was revealed to have been raped by Kuldeep Singh Sengar, a BJP MP from the Unnao Constituency. A pre-planned car collision was

then used to try to kill her, resulting in serious injuries to the victim and her lawyer, as well as the deaths of two relatives. The accused was found guilty and sentenced to life in prison and a fine of Rs. 25 lakhs when the case reached the Supreme Court. The rape survivor, however, was murdered by five men who stabbed her and set her on fire following the judgement.

CASE OF KATHUA RAPE

A rape case involving an 8-year-old minor was abducted, raped, and killed in Kathua, J&K, in 2018.

After being gang-raped, she was discovered dead. A public outcry erupted in response to the issue. Three defendants were accused with rape and sentenced to life in prison and a fine of one lakh rupees, while the other three were charged with evidence destruction and sentenced to five years in prison.

GANG RAPE CASE IN DELHI: NIRBHAYA

This case paved the way for rape laws to be changed to include heavier punishments for those who commit the crime. A young woman was gang-raped by five individuals on a private bus as she went home late at night after 9 p.m. in 2012. This incident was called the rarest of the rare. As a result of this crime, the victim, who was subjected to both gang rape and an unnatural act, suffered multiple organ failure, substantial injury to her private parts as well as other sections of her body, and the insertion of a rod into her private parts. The public was shocked because the criminals' heinous crime, which ended in the death of the victim, was seen as a menace to society.

In *Mukesh & Anrs v. State (NCT of Delhi) & Ors (2017) 6 SCC 1*, the defendants appealed to the Supreme Court after the trial court sentenced them to death, which was supported by the high court. The highest court examined the evidence and circumstances and, based on the victim's final declarations before her death, upheld the death penalty, stating that "when a crime is committed with extreme cruelty and the collective conscience of society is outraged,

courts must award the penalty." The accused filed numerous review requests, but the top court ultimately decided on their execution. They were put to death in the year 2020, bringing justice to the victim's family and society. However, not only has this case raised public consciousness, but it has also resulted in numerous amendments to rape laws through the Criminal Law Amendment Act of 2013, commonly known as the Nirbhaya Act. Sections 375, 376, 376A, 376B, 376C, 376D, and 376E of the Indian penal code have been added to the category of sexual offences. In addition, this act altered section 114A of the Indian Evidence Act.

The supreme court in ***Mohd. Iqbal v. State of Jharkhand***

The court determined that the prosecutrix's uncorroborated evidence may be used to support a conviction under IPC section 376. Rape, according to the court, is not only a sexual crime, but also a violation of a woman's privacy, causing her psychological distress as well as social embarrassment. Such patients will require physical, mental, psychological, and social rehabilitation. She needed medical attention as well as social acceptability in order to reintegrate into society.

Narender Kumar v. state(NCT of Delhi)

Even if a lady is of easy virtue or has had previous sexual relations, the highest court declared that no one has the right to rape her. The fact that the rape victim is an unchaste lady cannot be utilised as a deciding element, and the court must assess if the accused raped the victim on the particular date.

8. Conclusion

Despite the fact that sexual assault has been mostly disregarded up until now, it can no longer be ignored. As a result, it's vital to understand that sexual assault cuts across national and cultural lines. In the absence of such acknowledgement, sexual assault may continue to escalate. Sexual violence has a variety of reasons, and like many other crimes, it may not be fully understood and explained by a

single factor; culture is one of many factors that might influence our understanding of sexual violence. An intriguing study topic is what explains disparities in the prevalence of sexual assault in various cultures. The cross-cultural dimension of sexual assault has gotten very little attention and inquiry. A crucial step toward better comprehending sexual violence and its victims would be to re-examine and re-think various patriarchy/matriarchy theories, as well as various gender roles and gender expectations. It's past time for us to start understanding the roadblocks and cultural strengths that lead to higher or lower incidence of sexual abuse cases in different cultures.