

SEX RELATED OFFENCES AND THEIR PREVENTION AND CONTROL MEASURES: AN INDIAN PERSPECTIVE

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I. INTRODUCTION

Sex related offences are universal phenomena, which take place in every society. Sexual offences aptly take the form of sexual violence, which sometimes cause severe and irreparable damage to the physical and mental health of the victims. Physical injury includes an increased risk of a range of sexual and reproductive health problems. Its impact on mental health can be equally serious as that of physical injury. Sexual offences, when they assume the form of sexual violence may lead to murder, suicide, acute depression, etc. of victims. It entirely disturbs the social well being of the victims because of stigmatisation and the consequential loss of status in their families and the neighbourhood. The main thrust of this paper is to understand the phenomenon of sex related offences in terms of forces operative in the process of their perpetration, their magnitude and prevalence, and their prevention and control measures.

A Sexual offence has been defined by the Law Reform Commission of Canada (1978) as sexual contact with another person (including touching of the sexual organs of another) or touching of another with one's sexual organs without that person's consent. Any person may understand sexual violence as any sexual act using coercion regardless of their relationship to the victim, in any setting, including but not limited to home and work. In sexual violence, coercion constitutes an important component, which covers a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats (Bancroft, J., 1974).

II. FORMS AND MAGNITUDE

A wide variety of sex related offences take place in different circumstances and social settings. Some of the most prominent ones are sexual assault (without intercourse), forcible rape, sexual abuse of mentally or physically disabled people, sexual abuse of children including statutory rape (sexual intercourse with or without consent with minors) adultery, sodomy, fornication, forced marriage and co-habitation including the marriage of children, violent acts against the sexual integrity of women including female genital mutilation and obligatory inspection for virginity and forced prostitution and trafficking of people for the purpose of sexual exploitation (H. J., Vetter, 1978). In India, sex crimes against women and girls are mainly manifested in the form of rape, molestation, sexual harassment, kidnapping and abduction for sexual purposes and trafficking of girls for sexual exploitation. Sexual molestation related cases have shown an increase of 11.7% in the last five years from 30,959 in 1998 to 34,567 in 2004. Sexual harassment cases increased 24.2% during that period. Buying and selling girls for sexual purposes as well as procurement of minor girls for inducement in sexual trade have shown an alarming increasing trend.

A. Rape

Of all these crimes, rape is considered to be the most obnoxious and gravest form of human rights violation in the country. Rape cases are increasing in the country every year. It has shown a continuous rising trend during the last five years. The total number of rape cases of 15,151 in 1998 increased to 18,233 in 2004. It has been noted that rape cases have reported a mixed trend over the last five years with a decrease of 2.5% in 2001 over 2000, an increase of 1.8% in 2002, over 2001, again a decrease of 3.2% in 2003 over 2002 and a substantial increase of 15% in 2004 over 2003. Child rapes have also revealed an increase of 20.1 percent during this period. (Crime in India, 2004).

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Because of the unprecedented increase in rape cases, and a number of sensational cases which involved state officials, such as officers from the armed forces, police and government management of remand homes and women institutions, the matter has become a serious concern not only for the law makers and criminal justice system but also for the civil society in general and women organizations in particular.

The case, which created a historical movement by women's organizations covering various states, was *Tukaram vs. State of Maharashtra* known as the *Mathura* case. This case still remains as a blot on the Indian judiciary as the Supreme Court of India acquitted the accused persons on the ground that the testimony of the victims was not properly founded. The court further held that the victim was not able to prove that she did not consent to the act of sexual intercourse. The judgment was followed by widespread agitations and demonstrations before the Supreme Court with the demand that the case be reheard. This compelled the government to move for the amendment of the law of rape. It asked the Law Commission of India to study not only the substantial law relating to rape but also the rules of evidence and procedure followed in criminal trials.

1. Custodial Rape

Consequently, the Law was drastically amended and a new law entitled Criminal Law Amendment Act, 1998 came into existence in which the very concept of 'custodial rape' as being more heinous than ordinary rapes was accepted. This Act brought about some important changes in the existing provisions on rape in the Indian Penal Code. It has amended Section 376 of the IPC and has enhanced the punishment of rape by providing that it shall not be less than seven years. It has also provided enhanced punishment of 10 years of imprisonment for police officers or staff of jails, remand homes or other places of custody established by Law. The Act has further inserted a new section in the Indian Evidence Act Section 114A which lays down that where sexual intercourse by the accused has been proved and the victim states before the court that she did not consent, the court will presume that there was absence of consent and the onus will be on the accused to prove that the women had consented to the act. The Act has amended the Code of Criminal Procedure and also provides for trial in camera. It has also inserted a new section in the IPC – Sec. 228 (a) – which makes disclosure of the identity of the victim in rape cases an offence punishable with imprisonment for two years.

Custodial rape is an aggravated form of rape. It is an assault by those who are supposed to be guardians of the women concerned that are specially entrusted for their welfare and safekeeping. In case of custodial rape, the physical power that men have over women gets intensified with the legally sanctioned authority and power. Single women, widows with young children and women belonging to the lower strata of society who have to eke out a living against all odds, become easy pray to custodial rape because they are already deprived of the supportive mechanisms. Fortunately, reporting of custodial rape is not very frequent in this country. Three rape cases in police custody were reported in 2002 and one such case was registered in 2003 – which took place in Tamil Nadu. But even if one such incident takes place that denigrates the image of the entire criminal justice system.

The Judiciary has taken a very a serious view regarding the commission of custodial rape. Whatever amendments, brought in rape laws to make the punishment more stringent, is mainly because of those judgments. In the *State of Maharashtra vs. Chandra Prakash Keval Chand Jain* case, the court remarked 'decency and morality in public life can be protected and promoted' if courts deal strictly with those who violate the societal norms. When crimes are committed by a person in authority, i.e. a police officer, superintendents of jails, or managers of remands homes or doctors the courts approach should not be the same as in the case of a private citizen. When a police officer commits a rape on a girl, there is no room for sympathy or pity. The punishment in such cases should be exemplary.

2. Gang Rape

When one or more persons acting in furtherance of their common intention rape a woman it is treated as gang rape. It is the crudest and the most extreme form of male chauvinism and is considered an aggravated form of rape under the Indian Penal Code. For a man, it may be merely a calculated and cold-blooded instrument of oppression or revenge, whether on an individual woman, a caste or a class but for the woman it is a terrible experience. Gang rape, especially by criminals in uniform has become common. It is consistently used as an instrument of intimidation in India. It is also employed as a weapon of vengeance, a means of settling scores with other men and their families. It is a very serious crime. The minimum

punishment of this offence is 10 years, but it can be extended to life imprisonment.

In India, there is no dearth of cases of this sort. On the night of February 1988, a group of policemen helped by home guards and chowkidars entered the village Pararia in Bihar, and created terror by committing this type of offence, which even today villagers remember as a bad dream. It was to avenge the assault on two of their colleagues, which had taken place a week before. Fourteen policemen went on a rampage of looting, destructing and committing mass rape. These policemen were acquitted in court on the strength of their defence counsel's argument that those women could not be equated with such ladies as hail from decent and respectable society. These women were engaged in menial work so they were of questionable character. After the judgment, there was total silence. No one deemed fit to speak on behalf of these poor women who earned their living by the sweat of their brows. Another case of mass rape of 25 tribal women of Ujaimaidan Tripura in June 1991 follows exactly the Pararia pattern. The brutalization perpetrated by the counter insurgency outfit, the 27 Assam Rifles, who raped women from the age of 12 to 45 years. These are the two instances of many cases which take place from time to time in the country. Such instances appear in the newspaper and the public mind is stirred for the time being but gets lost in oblivion with the passage of time.

3. Problems in Dealing with Rape Offenders

Despite the stringency in the societal and governmental approach towards this dreadful menace the increasing trend of rapes has remained unabated. It is a known fact that recorded rape cases are only the tip of the iceberg as not only many cases of rape are not reported, but also many of those cases in our country are not registered. Even if they are reported, the unscrupulous officers in the police stations do not register the cases. Even if the case is registered and an investigation starts, the female victims mostly feel shy and embarrassed to answer delicate questions posed by male investigating officers; as a result, the truth is not revealed. In India, although, many rape cases are charge sheeted, a large number of these cases ultimately end in acquittal.

There are many reasons for the large-scale acquittal in rape cases. Prolongation of investigation, laxity on the part of the investigating officers, non-availability of witnesses, etc. have been identified as major contributing factors for the same. Medical evidence is a crucial piece of information, which is required for establishing the case of rape in a court of law. It has been observed that lady doctors in government hospitals in many cases hesitate to give frank medical opinion in rape cases for fear of appearing as a prosecution witness and being subjected to embarrassing cross-examination. The Law Commission of India in its report (1980) also pointed out that the report of the medical examination is often cursory or is not sent in time. The Commission recommended some addition to the provision in the Code of Criminal Procedure, the most important being that the report shall state precisely the reasons for each conclusion arrived at.

B. Trafficking of Women and Girls for Commercial Sexual Purposes

Trafficking of women and children and their inclusion into the sex trade is a burgeoning form of organized crime. In recent years, this has become the flip side of globalisation. The international organization for migration estimates that the global trafficking industry generates up to \$ 8 billion each year from what may be described as "trade in human misery". Both the factors of increasing demand and supply ruthlessly drive the trafficking industry. Some key factors behind the trade are inadequate employment opportunities, lack of a social safety net, globalisation, feminisation of poverty, rise in sex tourism and so on.

Today, several international criminal organizations are more heavily involved in trafficking of women and children than ever before. International trafficking is a highly organized activity, involving a sophisticated international network of procurers, document forgers, escorts, corrupt officials and so on. The number of organized groups engaged in trafficking is likely to further increase in the coming years because it is becoming a lucrative and low risk operation.

Trafficking has grown in recent years since it is extremely profitable and the risk of prosecution is relatively low. This is because most countries have weak laws on trafficking and allied activities. Trafficking in women and children is big business today involving extensive international networks of organized criminals and unscrupulous government officials. It takes an organized effort to move large numbers of people across borders and over long distances. It takes "recruiters" to identify and procure young women and children. It takes transporters to take them across borders to their destination. Then there are

“receivers” to deliver them to brothels. Finally, there are the brothel managers and heads of criminal cartels that make the most profit in this trade in misery.

According to an estimate prepared by the Central Intelligence Agency on the magnitude of global trafficking of women and children, several international crime syndicates are involved in it. For example, Japanese organized crime groups, like the Yakuza, are involved in the trade in a big way. Local brokers approach women in their home countries and offer well paid jobs in legitimate professions abroad. Once in Japan, they are sent to their actual employers who have purchased rights from brokers at the source country.

The international organization for migration reports that Russian organized crime groups control European prostitution industries such as those in Poland and Germany. One major Russian crime syndicate, Mogilevich, owns nightclubs in Prague, Riga and Kiev and are engaged in trafficking women and children and force them into prostitution in these clubs. Russian traffickers, according to one report, have gone so far as to set up career booths in institutes and universities that promise work abroad. Traffickers also provide women with the necessary counterfeit travel documents.

The United Nations development fund for women maintains that every year seven million women and children are trafficked across the globe. The UN Development Programme, (1999) estimated that about 50,000 women and girls were trafficked annually for sexual exploitation to Western Europe alone. Though there is no concrete data on earnings from the sex industry, there are country reports that reveal significant profits. An analysis of the Thai economy shows that the earnings from trafficking Thai women to Japan, Germany and Taiwan are close to \$3 billion. In the United States of America, available data suggest that the traffickers earn about \$ 60 million per year from trading in women and children.

The Indian scene is also quite disconcerting. India serves as a source country, transit centre and destination country where thousands of women and girls are trafficked, initiated and exploited in the horrendous flesh trade every year. A study conducted by the End Children's Prostitution in Asian Tourism, 1991, estimates that there are two million prostitutes in India of whom 20 percent are minors. At any time, 20,000 girls are transported from one part of the country to another for prostitution. Research on the trafficking of Nepalese women and girls into India shows that around 5,000 to 7,000 Nepalese girls are trafficked yearly into India.

The Modus operandi of the traffickers includes promises of suitable employment and marriage and at times forcible kidnapping and abduction. In India, social acceptance of prostitution in some communities encourages the clandestine trade. The traffickers target women from refugee camps, girls from large and broken families and lure them with the promise of a better life abroad. Very often on arrival at the destination, travel documents are confiscated and the victims are forced into prostitution or are given positions of hard labour and exploitation. They are asked to pay for their transportation cost and living expenses with interest. Women are often controlled through rape, violence and threats about the harm that will be done to members of their family.

An important feature of the trafficking network is an efficient co-ordination of what appears to be a fragmented process. The actors in the trafficking network collaborate and protect one another. Persons who operate at the recruiting end often do not know the people or their activities at the receiving end. Each actor concentrates on his or her responsibility in a chain of activities that involve recruitment, passage, forging papers and placement in workplaces. Another principle of management in the sex trade is mobility. Women are rotated among different brothels after a fixed period of time. This has twin objectives. One is to disorient the women and the second is to prevent them from establishing long lasting contact with clients to seek help.

The 1999 United Nations Crime Commission and the November 2000 Convention Against Transnational Organized Crime are supplemented by two additional protocols concerning the smuggling of migrants and trafficking in persons, especially women and children. The latter is often referred to as the “Trafficking Protocol” and provides the currently agreed upon definition of trafficking as recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons (a) by threat or use of violence, abduction, force, fraud, deception or coercion (including abuse of authority) or debt bondage, for the purpose of, or (b) placing or holding such a person, whether for pay or not, in forced labour or slavery - like practices in a community

other than the one in which such a person lived at the time of the original act described in (a). As has been correctly pointed out by experts, at the core of any definition of trafficking there must be the recognition of the fact that trafficking is never consensual. It is this non-consensual nature of trafficking that distinguishes it from other forms of migration.

In India, apart from the provisions in the Constitution enjoining the equality of all before law, Article 23 prohibits trafficking in human beings and all forms of forced labour. The Directive Principles enlisted in Article 39 (e) and (k) declare that state policy should be directed towards protecting childhood and youth “against exploitation and material abandonment”. Building upon these, the Suppression of Immoral Trafficking in Women and Girls Act was enacted in 1956, whose aim is “to inhibit or abolish commercialised vice, namely, trafficking in women and girls for the purpose of prostitution, an organized means of living”.

Unfortunately, there is an inadequate response from law enforcement agencies in the respective countries towards trafficking. In many countries it has been found that law enforcement officials are either directly involved or complicit in trafficking. Strong measures are necessary to ensure that the law - enforcers acting in league with traffickers are prosecuted and punished. In India there are many reliable reports on the nexus between brothel keepers and the police and that between the traffickers engaged in cross border trafficking and the border security guards.

Often, policemen are also not at all sympathetic to the victims of trafficking. Low priority is accorded to this crime. There are occasional bursts in police activity in which only the prostitutes get arrested. The law still cannot touch either the pimps or the customers. Though there is a clear consensus on the fact that laws dealing with trafficking should focus on traffickers and not treat victims as perpetrators, few countries have adopted the requisite legislation and administrative measures for the protection of and assistance to victims of trafficking.

There is also a need to sensitise the law enforcement authorities to ensure the safety and well being of the trafficked persons. These agencies should be encouraged to work along with non-governmental organizations with a view to ensuring that the trafficked victims get full protection and assistance and are able to protect their identity during legal proceedings. They should also look into the proper resettlement or repatriation of the victims.

C. Sexual Harassment in Work Places

Sexual harassment in public and work places is widely prevalent in India. The number of sexual harassment cases reported to the police has substantially increased during the last few years. As defined in the Supreme Court guidelines (*Vishakha vs. the State of Rajasthan*, August 1997) sexual harassment includes such unwelcome sexually determined behaviour as physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature e.g. leering, dirty jokes, sexual remarks about a person’s body, etc. Any avoidable sexual advances either verbal or through gestures or through the use of sexually suggestive or pornographic material, whistling, sexually slanting and obscene remarks or jokes; comments about physical appearance; demands for sexual favours, threats, avoidable physical contact, touching, patting, pinching, physical assaults and molestation of and towards women workers by their male colleagues or anyone who for the time being is in a position to sexually harass the women under their fold. There were 12,325 cases of sexual harassment reported in 2003 which is a significant increase of 21.4% over the previous year (10,155). Among all union territories, Delhi has the highest share i.e. 76.08% of sexual harassment cases.

Several organizations have conducted survey research on Sexual Harassment of Women (SHW) in India. A Survey by Sakshi (Delhi) an N.G.O. throws up some worrying data where 80% of respondents revealed that SHW exists, 49% had encountered SHW, 41% had experienced SHW, 53% of women and men did not have equal opportunities and 53% were treated unfairly by supervisors, employers and co-workers.

D. Sexual Violence by Intimate Partners

In many countries a substantial proportion of women experiencing physical violence also experience sexual abuse. In Mexico and the United States, studies estimate that 40-52% of women experiencing physical violence by an intimate partner have also been sexually coerced by the partner (Campbell, 1999). Sometimes, sexual violence occurs without physical violence. In the Indian State of Uttar Pradesh, in a

representative sample of over 6000 women, 17% reported having been sexually and physically abused by their husbands. About 50% of them reported that they were forced to have sexual intercourse at the advanced stage of their pregnancy (Heise and others, 1999).

III. VULNERABILITY TO SEXUAL ABUSE

A. Age

Young women are usually found to be more at risk of rape than older women (Acierno et al. 1999). According to data from the United States Department of Justice, two thirds of all victims of sexual assault are aged 15 years or less (Greenfeld, L. A.). Certain forms of sexual violence, for instance, are very closely associated with a young age, in particular violence taking place in schools and colleges, and trafficking in women for sexual exploitation. In India, of the total rape victims of 18,239 in 2004, 8.9% (1,622) were girls below 15 years of age. 11.0% (2004) were teenage girls (15-18 years) and nearly two thirds (11,343) (62.2%) were women in the age group 19-30 years. It means about 82% rape victims were girls/women below 30 years (Crime in India, 2004). One Research Study recently conducted in India has revealed that the most affected age group were victims between 11-20 years (68.9%) followed by 0-10 years (12.2%). Two (2.2%) cases were above 50 years of age. Female victims were mostly in the age group of 16-20 years while male victims were of the age group 6-10 years. The total sample size of the study was 90. (Sarkar and others, 2003)

B. Drugs and Alcohol

Increased vulnerability to sexual violence also stems from the use of alcohol and other drugs. Consuming alcohol or drugs makes it more difficult for women to protect themselves by interpreting and effectively acting on warning signs. Drinking alcohol may also place women in settings where their chances of encountering a potential offender are greater. Alcohol has been shown to play a significant role in certain types of sexual assault (Miczec, K. et al., 1993), as have some drugs, notably cocaine. Alcohol has a psychopharmacological effect of reducing inhibitions, clouding judgments and impairing the ability to interpret cues (Abby A., Ross lt., 1995)). The biological links between alcohol and violence are, however, complete. Research on the social anthropology of alcohol consumption suggests that connections between violence, drinking and drunkenness are socially learnt rather than universal.

C. Poverty

Poor women and girls may have more risk of rape in the course of their daily tasks than those who are better off, for example when they walk home on their own from work late at night, or work in the fields or collect firewood alone. Children of poor women may have less parental supervision when not in school, since their mothers may be at work and unable to afford child care. The children themselves may, in fact, be working and thus vulnerable to sexual exploitation. Poverty forces many women and girls into occupations that carry a relatively high risk of sexual violence (Omorodion, F. I., 1998), particularly sex work. It also creates enormous pressures for them to find or maintain jobs, to pursue trading activities and, if studying, to obtain good grades - all of which render them vulnerable to sexual coercion from those who can promise these things (Omaar, R., 1994) Poorer women are also more at risk of intimate partner violence, of which sexual violence is often a manifestation. In India about 74% of rape victims are from poor economic class (Sagar, M. S., 1992).

D. Isolation

Isolation greatly facilitates the conditions for the commission of rape. Isolation may be of many types, physical, social, psychological, religious and even cultural. Most of the rape cases in India have taken place when the victims were found alone in isolated places like lonely and insufficiently lit parks, streets, lanes, etc. or any such places. Social isolation refers to individual's social status in society. If the person is a bachelor, separated or divorcee, or even an elderly person living alone, he/she could definitely be vulnerable to such crime. At the time of communal riot it has been observed that mainly women and girls from the minority religious community have become victims of rape.

IV. ETIOLOGICAL EXPLANATION

A. Psychological Factors

There has been considerable research in recent times on the role of cognitive variables among the set of factors that can lead to rape. Sexually violent men have been shown to be more likely to consider the victims

responsible for the rape and are less knowledgeable about the impact of rape on victims. They have coercive sexual fantasies (Drieschner, K., Lange, A., 1999)), generally get encouraged by access to pornography, and overall are more hostile towards women than men who are not sexually violent (Koss M Dinero T. E., 1989)). In addition to these factors, sexually violent men are believed to differ from other men in terms of impulsivity and antisocial tendencies (Crowell, N. A., Burgess, A. W., 1989)). They also tend to have an exaggerated sense of masculinity.

B. Early Childhood Environment

There is evidence to suggest that sexual violence is also a learnt behaviour in some men, particularly in regard to child sexual abuse. Studies on sexually abused boys have shown that around one in five continue in later life to molest children themselves (Watkins, B., Bentovim, A., 1992). Such experiences may lead to a pattern of behaviour where the man regularly justifies being violent, denies doing wrong, and has false and unhealthy notions about sexuality. An early faulty socialization continues to influence the further course of action in the matter of sexual behaviour.

C. Physical and Social Environment

While fear of rape is typically associated with being outside the home, the great majority of sexual violence actually occurs in the home of the victim or the abuser. Nonetheless, abduction by a stranger is quite often the prelude to a rape and the opportunities for such abduction are influenced by the physical environment. The social environment within a community is, however, usually more important than the physical surroundings. For instance, in some places, rape can even occur in public, with passers by refusing to intervene. The police may also treat complaints of rape leniently, particularly if the assault is committed during a date or by the victim's husband or very close relatives. Where police investigations and court cases do proceed, the procedures may well be either extremely lax or else corrupt – for instance, with legal papers being “lost” in return for a bribe.

D. Societal Factors

Factors operating at a societal level that influence sexual violence include laws and national policies relating to gender equality in general and to sexual violence more specifically, as well as norms relating to the use of violence. While the various factors operate largely at a local level, within families, schools, workplaces and communities, there are also influences from the laws and norms working at the national and even international level. In India, there are some local communities in which wives are often sexually assaulted by their husbands as a matter of custom. Assaulted women are also not very unhappy because they also accept that sort of assault as a mark of love shown to them by their husbands.

Sexual violence committed by men is to a large extent rooted in ideologies of male sexual entitlement. These belief systems grant women extremely few legitimate options to refuse sexual advances. Many men thus simply exclude the possibility that their sexual advances towards a woman might be rejected or that a woman has the right to make an autonomous decision about participating in sex. In many cultures women, as well as men, regard marriage as entailing the obligation on women to be sexually available virtually without limit (Sen, P., 1999), though sex may be culturally proscribed at certain times, such as after childbirth or during menstruation. Societal norms around the use of violence as a means to achieve objectives have been strongly associated with the prevalence of rape. In societies where the ideology of male superiority is strong – emphasizing dominance, physical strength and male honour – rape is more common (Sanday, P., 1981).

E. Global Trends and Economic Factors

Many of the factors operating at a national level have an international dimension. Global trends, for instance towards free trade, have been accompanied by an increase in the movement around the world of women and girls for labour, including for sex work. Economic structural adjustment programmes, drawn up by international agencies, have accentuated poverty and unemployment in a number of countries, thereby increasing the likelihood of sexual trafficking and sexual violence in Central America, the Caribbean parts of Africa, and South East Asia. (Watts, C., Zimmerman, C., 2002).

V. THE CONSEQUENCES OF SEXUAL CRIME

Physical force is not necessarily used in rape, and physical injuries are not always a consequence. Deaths associated with rape are known to occur, though the prevalence of fatalities varies considerably across the world. Among the more common consequences of sexual violence, apart from physical injuries, are those

related to reproductive, mental health and social well-being.

A. Pregnancy and Gynaecological Complications

Gynaecological complications have been consistently found to be related to forced sex. These include vaginal bleeding or infection, fibroids, decreased sexual desire, genital irritation, pain during intercourse, chronic pelvic pain and urinary tract infections. Women who experience both physical and sexual abuse from intimate partners are at higher risk of health problems generally than those experiencing physical violence alone (Campbell, J. C. 1999).

B. Sexually Transmitted Diseases

HIV infection and other sexually transmitted diseases are recognized consequences of rape. Research on women in shelters has shown that women who experience both sexual and physical abuse from intimate partners are significantly more likely to have had sexually transmitted diseases (Wingood G., 2000). For women who have been trafficked into sex work, the risks of HIV and other sexually transmitted diseases are likely to be particularly high.

C. Mental Health

Sexual violence has been associated with a number of mental health and behavioural problems in adolescence and adulthood. In one population-based study, the prevalence of symptoms or signs suggestive of a psychiatric disorder was 33% in women with a history of sexual abuse as adults, 15% in women with a history of physical violence by an intimate partner and 6% in non-abused women (Mullen P. E. et al., 1998). Sexual violence by an intimate partner aggravates the effects of physical violence on mental health.

D. Suicidal Tendencies

Women who experience sexual assault in childhood or adulthood are more likely to attempt or commit suicide than other women (Felitti, V. J. et al., 1998). The experience of being raped or sexually assaulted can lead to suicidal behaviour. A study of adolescents in Brazil found prior sexual abuse to be a leading factor predicting several health risk behaviours, including suicidal thoughts and attempts to commit suicide (Anteghini et al., 2001). Experiences of severe sexual harassment can also result in emotional disturbances and suicidal behaviour. A study of female adolescents in Canada found that 15% of those experiencing frequent, unwanted sexual contact had exhibited suicidal behaviour in the previous six months, compared with 2% of those who had not had such harassment (Bagley, C., 1997).

VI. IMPEDIMENTS IN THE JUSTICE DELIVERY

A. Low Reporting of Cases

The most prominent difficulty in the delivery of justice to the victims of sexual offences is the very low reporting of cases. Data relating to sex related offences are mostly available from the police record, clinical setting, non-governmental organizations and survey research. But whatever information is available on the subject is merely the tip of the iceberg. Because of the very nature of the offence, incidents are not properly reported to the police on account of many reasons arising out of ignorance, illiteracy, and fears of retaliation from the offenders or merely because of an inability to have access to the police. There is also a fear of shame and stigmatization of the victims and their families, or reluctance on the part of the family to report the case, especially where the perpetrator is powerful and rich. Lack of faith of the common people in the official law enforcement mechanisms of the Police, Courts and laws also add to the problem of under reporting of sexual cases (Femate L. Devi, 1998).

Sexual Crime, unfortunately, is not the priority area of research and surveys in many countries. NGOs findings are not always dependable. Combined results of all those are poor visibility of the magnitude of the problem. The international crime survey in countries in transition conducted by the UN Interregional Crime and Justice Research Institute, Rome, in 1998 (UNICRI, Rome) has revealed that the reporting of assault cases had been mainly very poor ranging from 0.8% (Botswana, Africa) to 6% (Albania, Eastern Europe). Reporting of such cases in Asian Countries including, China, India, Indonesia and Philippines was between 0.3% (Philippines) to 2.7% in Indonesia. The situation in this regard is slightly better in Eastern European countries where the reporting ranged from 2% (Budapest) to 6% (Albania).

B. Investigation

Not only are many sexual cases not reported, but the unscrupulous officers in the police stations do not

register many such cases in India. Investigation of sex offences, particularly rape cases, require extra-sympathetic handling of the traumatized victims. The investigators must try to establish proper rapport with the rape victims and help the latter overcome shame, nervousness and reluctance. The investigator must impress on the victim that he is concerned not only with the arrests and conviction of the offender but also the victim's welfare.

Female victims also feel shy and embarrassed to answer delicate questions posed by male investigating officers. It will be useful if female investigating officers record the statements of rape victims wherever possible. Unfortunately, the number of women police personnel in the country is totally inadequate. It is almost less than one per cent of the total force and is available only in big cities and in special wings of the Criminal Investigation Department. In one dacoity (armed robber) case that occurred in a village the rape of the women folk in the house came to light only because of the proper interrogation of the victims by a woman Sub-Inspector who was brought from Rourkela. It is necessary that the strength of women investigating officers in the State Police be adequately increased and also to train them in supportive and sympathetic interviewing techniques. In countries like Australia, increased use of female officers and specially trained 'Sex Crime Units' have produced positive results.

Prompt police investigation is imperative for justice delivery to the victims. If the police investigation starts immediately after the event has taken place, witnesses not only are able to recall the incident easier but the suspects are less likely to develop a concocted defence. At this point, it is important to remember that police must start from the very beginning anticipating defences. This may be the reason behind some of the police abuses of victims.

C. Physical and Medical Examination of the Victim

Immediate physical examination of the victim is of utmost importance because this is the beginning point of any investigation. Moreover, it helps in ruling out the possibility of false allegation, which happens many times because of many reasons.

In India, though about 80 per cent of the rape cases are charge sheeted by the police, a large number of these cases ultimately end in acquittal because of various factors like delayed reporting, unfavourable medical opinion, witnesses turning hostile, etc. One important factor behind the failure of a large number of cases in courts of law is the negative opinion given by the Medical Officers who examine the rape victims. Medical evidence is a crucial piece of information to establish the case of rape. The police investigator has to rely upon the examining physician collecting the best evidence in the case – evidence from the body of the victims. It is seen that lady doctors in government hospitals hesitate to give frank medical opinion in rape cases for fear of appearing as a prosecution witness and then being subjected to embarrassing cross-examination in courts of law. In one case, two officers of a well-known engineering concern raped a tribal girl by taking her out on the pretext of arranging a job for her. This created a commotion and the workers in the factory went on strike. The case ended in acquittal because of the information given by the lady doctor and also because of the gaining over of some witnesses who impeached the character of the victim. The Law Commission in its Report (1980) also pointed out that "the report of medical examination is often cursory or is not sent in time". The Commission recommended some additions to the provisions in the Code of Criminal Procedure, the most important being, that the "report shall state precisely the reasons for each conclusion arrived at".

In the U.S.A. and U.K., there are many 'Rape Crisis Centres' to advise the rape victims, Rape Crisis Centres send experts to stay with the victims during cross-examination by the police. They also advise medical officers regarding types of evidence to be collected in sexual assault cases. Rape Crisis Centres also send experts to lecture at Medical Colleges and Schools. Many hospitals in the U.S.A. now maintain "sexual assault evidence kits" containing items like an instruction sheet for the examining physician, packages of sterile cotton swabs and envelopes marked for clothing, fibres, hairs, secretions etc. It is necessary that such evidence kits should be maintained in Indian hospitals and medical centres.

D. Delay in Disposal of Cases

There is very often, unfortunate delay in the disposal of cases involving crimes against women in the courts. From a sample study of 100 cases of rape, kidnapping and abduction, carried out by a study group of the Bureau of Police Research and Development, Govt. of India, it was found that only in 34 percent of cases

were trials completed in six months, in 48 percent cases within six to 12 months, and in 17 percent of cases it took more than a year. The rate of disposal of rape cases is about 18 percent. All efforts should be taken to review the time taken in the course for disposal of these cases in view of the trying and agonizing situation through which the victims and their family members pass through during the trial stage. Besides delay in the disposal of cases, punishment imposed by the courts in cases ending in conviction has been less than adequate. Though the law now provides a minimum punishment of 10 years in cases of custodial rape, the courts in the country in different cases have refrained from imposing the maximum punishment.

Another problem of the rape victims at the time of trial deserves notice. Section 155(4) of the Indian Evidence Act 1872, permits the cross-examiner to ask the victim of rape questions about her past character. These questions can be very embarrassing and places the victim under severe emotional strain. The questions can cover not only her immoral association with the accused in the past, but also her alleged immoral character. Only amending the law can check this. The Law Commission of India in more than one of its reports has recommended an amendment of this provision.

E. Low Conviction Rate

The conviction rate of sexual offences is unusually low. The average conviction rate of sexual offences, which is comprised of rape, molestation, sexual harassment and kidnapping and abduction for sexual purposes, is 6.8 percent. In 2003, out of 13,107 cases 9,664 (74%) cases of rape ended in acquittal. In 2004, the acquittal rate of rape was 70.2 percent. Of the total number of rape cases in which trials were completed, 28.8 per cent ended in conviction in 2004 (Crime in India, 2000). In case of molestation, it was 4.9 percent, sexual harassment 14.58 percent and kidnapping and in cases of abduction for sexual purposes, the conviction rate was only 3.59 percent. Other suspects of these cases had either been discharged because of lack of proof or their cases were pending. The major reasons for this state of affairs are mainly inadequate police investigation, incomplete medical reports and non-availability of witnesses because of inordinate delay in disposal of cases.

VII. LEGAL MEASURES

Every society has its own set of laws to prevent and control a variety of sex offences. Through their laws, sexual behaviour of individuals has been redefined and restricted to the tune of national ethos. In terms of rigidity and liberalness again different countries view sex crime against females in the light of the value structure and general attitude towards women folk in a particular country. In this paper, the Indian position in this regard has been highlighted.

In India, where women are worshipped as goddesses and symbols of energy and the spirit of the universe, innumerable women are exploited, socially, economically and sexually because of orthodox tradition, superstitions, myths and beliefs. Equality before the law and equal protection of law between males and females is the constitutional guaranty on the strength of which several legal provisions are present in the Indian Penal Code (IPC). Some special legislation has also been enacted from time to time for the prevention and control of sexual exploitation of women and girls.

In India, the central government and state governments have taken several steps to protect woman through enactment of legislation and the prosecution of those who perpetrate violence against them. The Indian Penal Code (IPC) has been amended several times in relation to crimes against women largely as a result of campaigns against violence led by the women's movement in the country. Almost every campaign against gender-based violence on women in the 1980s resulted in new legislation providing protection to them. Each enactment resulted in making the punishment provisions more stringent, setting time limits for pending cases and extending compensation to the victims. Violence in its different dimensions has been sought to be tackled by legislative reforms, innovations in the structure and working of the police force, measures to sensitise the bureaucracy, media campaigns and new institutional structures.

As per section 375 of the IPC a man is said to commit the offence of rape when he has sexual intercourse with a woman under the following six circumstances namely (i) sexual intercourse against the victim's will, (ii) without the victim's consent, (iii) with her consent, when her consent has been obtained by putting her or any person that she may be interested in fear of death or hurt, (iv) with her consent, when the man knows that he is not her husband, (v) with her consent, when at the time of giving such consent she was intoxicated

or is suffering from unsoundness of mind and does not understand the nature and consequences of that to which she gives consent and (vi) with or without her consent when she is under sixteen years of age.

The *Criminal Law Amendment Act, 1983* has been subsequently brought to further strengthen the rape related provisions. The Act was passed by Parliament as a response to the growing public opinion demanding more stringent anti-rape laws. It amends section 376 of the IPC and enhances the punishment of rape by providing, that it shall not be less than seven years. If the sentence of imprisonment is for a term less than seven years, the court will have to mention in its judgment the adequate and special reasons for this. It also provides enhanced punishment of a minimum of 10 years imprisonment for police officers or staff of jails, remand homes or other places of custody established by law. The Act further inserts a new section in the Indian Evidence Act - Section 114A- which lays down that where sexual intercourse by the accused has been proved, and the victims states before the court that she did not consent, the court will presume that there was absence of consent and the onus will be on the accused to prove that the women had consented to the act. The Act amends the Code of Criminal Procedure and provides for trial *in camera*. It also inserts a new section in the IPC – Section 228(a) - which makes disclosure of the identity of the victim in rape cases an offence punishable with imprisonment for two years.

In matters of Child Prostitution, Sections 366A and 366B are intended to punish the export and import of girls for prostitution. Section 366A deals with procurement of minor girls from one part of India to another for illicit sex use. Section 366B makes it an offence to bring girls into India from any country outside India below the age of twenty-one years for the purpose of prostitution. *As per Section 366A* whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from one place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to a fine. *Section 372* of IPC stipulates punishments for ten years for selling or abducting any girl under the age of eighteen years for the purpose of prostitution or other unlawful activities. Section 292 of the Indian Penal Code proscribes selling or demonstrating any published or printed matter containing pornographic material in any public or private places. It prescribes two years rigorous imprisonment along with a fine of Rs. 2000 for the first conviction and rigorous imprisonment of five years with a fine of Rs. 5000 for the second or subsequent conviction.

The Immoral Traffic Prevention Act, 1986 prescribes rigorous imprisonment for a term of not less than three years and not more than seven years and also with a fine which may extend to two thousand rupees, and if any offence under this subsection is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years to a person(s) found guilty of causing or inducing any women or girl for the purpose of prostitution.

The National Commission for women in India brought out a Bill for the *Prevention of Sexual Harassment of Women at their Work Place* in 2003 which culminated in an act entitled 'Sexual Harassment of Women at their Work Place (Prevention) Act, 2003. As per the Act, sexual harassment includes any avoidable sexual advances through use of sexually suggestive or pornographic material, and includes amongst other; whistling, sexually slanting and obscene remarks or jokes: comments about physical appearance; demands for sexual favours, threats, avoidable physical contact, patting, pinching, physical assaults and molestation of women by their male colleagues or any one who for the time being is in a position to sexually harass the women.

The Act provides that whoever sexually harasses a woman at their work place, shall be punished with simple imprisonment for a term, which may extend to simple imprisonment to five years or with a fine. The burden of proof shall be on the accused and the victims shall have the right to lead evidence in Court. The Act has the provision of a regular machinery to be operated through Complaint Committees and Special Officers are to be appointed by the Ministry concerned at the district and state level.

VIII. OTHER PREVENTIVE MEASURES

Sex crime against women and girls is not an exclusive problem for the police or criminal justice system of any country as such. In fact, sexual crime is an outcome of a particular mindset of some erring individuals who develop a wrong perception toward women folk during the course of their socialization. Stringent legal

measures with their strong enforcement may definitely be useful in controlling such behaviours in society but that can not achieve the desired results, unless legal measures are supplemented by a wide range of extra legal preventive programmes developed in mutual co-operation and with assistance of governmental organizations, concerned professional associations, community organizations, research institutions, etc. in close collaboration with the police and other law enforcement officials.

Creating public awareness regarding the imperatives of human rights among the common mass, spreading, promoting and inculcating values of equality, mutual respect and shared responsibilities between men and women are gradually being realized as important ingredients for the evolvement of an environment which would, undoubtedly, facilitate upholding gender justice in society in general and forestalling sex crime in particular. In India several women's organizations have raised special units whose main functions are to educate common women folk regarding their rights and how to take precautions if they foresee any problem which may lead them to sexual harassment or sexual victimization of any kind. Another important function of these units is to identify those people in the locality who are a potential danger to women and girls for any possible sex offences. Once they identify the culprits, they immediately bring the fact to the notice of the police for prompt action against them. These units also organize camps of short duration where problems relating to these issues are discussed with women folk living in slums or on the streets.

In many metropolitan cities police have established Crime Against Women Cells to provide prompt help and assistance to women victims of any crime perpetrated against them, including sex crime. Most of the metropolitan cities in the country have crime against women cells, which are operated by the police. As a part of the Crime Women Cell, 'Women Mobile Teams' headed by senior level women police officers move around the city twenty-four hours a day to attend urgent and distress calls received from women. Some prominent NGOs have set up Rape Crises Intervention Centres to take special care of rape victims in the form of helping to register their cases with the police and providing them with counselling and at times some nominal financial assistance at the time of crisis.

With the active co-operation of local people and prominent NGOs, Police in metropolitan cities have also undertaken legal awareness and publicity campaigns as a part of which Police Community Relations (PCR) Mobile Patrolling Vans make frequent rounds to prominent women colleges and institutions to provide protection for female students from any sexual harassment by anti-socials.

At the initiatives of the National Commission for Women and National Human Rights Commission, many programmes have been organized in collaboration with the State Governments, university departments and prominent voluntary organizations which arrange many outreach programmes that provide information to women, including victims of violence about gender roles, human rights of women and the social, health, legal and economic aspects of violence against women with a view to empowering women to protect themselves against any form of violence. Several programmes have also been designed and organized to disseminate information on the different forms of violence against women and on their remedial measures, including modalities concerning the peaceful resolution of conflicts in a manner appropriate to the audience. These programmes are yielding good results. But in view of the vastness of the country, the number of these programmes is not adequate.

A. Training Programmes

Issues concerning sexual crime need to be addressed in the training programmes of all police officers particularly at the grassroots level in basic as well as in advanced training courses. Such training should, in the first place, impart ground level police functionary's greater knowledge and create awareness regarding the consequences of sexual violence, which in turn make them more capable to detect and handle cases of sexual crimes in a befitting manner. Higher-level police functionaries should also attend appropriate training programmes relating to policy decisions in the matter of handling sexual offenders as well as victims of sexual crimes.

B. Community Based Programmes

Attempts to change the public's attitude towards sexual violence include advertisements on the harmful impact of sexual crimes and the plight of victims of sexual crimes on public and police transport and in radio and television programmes. Nowadays television is being used effectively in primetime serials, which have shown extraordinary good results in changing the general attitude of common people towards victims and

perpetrators of sexual crimes. Neighbourhood dramas and street shows organized by NGOs are drawing focused public attention towards the necessity of identifying prospective sex offenders and to prevent them from the commission of such offences before they take place. At the initiative of some prominent NGOs some sex educational programmes have been initiated in schools to create awareness among the school children, particularly those from the lower economic status.

IX. INTERNATIONAL CONCERN

Over the last few decades, concern and outrage over the prevalence, magnitude and impact of violence against women has grown to the point that any form of crime against women is now recognized as a global human rights problem that requires a comprehensive and coordinated response from civil society, the states and the international community. The 1990s saw the development of at least five major international declarations and platforms for action that specifically addressed this issue. Two of these, *the Declaration on the Elimination of Violence Against women (1993)* and *Prevention, Punishment and Eradication of Violence Against Women (1994)* were developed explicitly to guarantee women's rights to life and violence free lives.

In 1993, the United Nations General Assembly resolved "that violence against women is an obstacle to the achievement of equality, development and peace, that violence against women constitutes a violation of rights and freedom of women, that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men". Article 2 of the Declaration has included all possible forms of violence against women, including physical sexual and psychological violence perpetrated against women in the family, neighbourhood or anywhere in the state. The Declaration in its Article guarantees all possible rights of women and has directed the States to condemn violence against women and not to involve any custom, tradition or religious consideration to avoid obligations with respect to its elimination. States should pursue all appropriate means and without delay implement a policy of eliminating violence against women. The Declaration insists that organs and specialized agencies of the United Nations should endeavour to foster international and regional co-operation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women.

The Fourth World Conference on Women (Beijing Declaration and Platform Action) 1995, maintained that violence against women is an obstacle to the achievement of objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedom.

The Beijing Rules, adopted by the United Nations in 1985, provide guidance to States for the protection of children's rights and respect for their needs in the development of a separate and specialized system of juvenile justice. Limited provisions concerning juvenile justice may be located in regional human rights treaties and in the International Covenant on Civil and Political Rights 1966.

Similarly, the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955, sets out certain basic requirements for all prisoners but does not address specific issues in relation to young offenders. The Beijing Rules was the first international legal instrument to comprehensively detail norms for the administration of juvenile justice with a child rights and development oriented approach. They were a direct response to a call made by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was convened in 1980.

There are major international standards, which provide a framework within which countries can address issues of trafficking of women and girls, such as the following. The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949). The Convention has been ratified by 71 countries (1997) but has not attracted widespread support. The Convention on the Elimination of all Forms of Discrimination against Women, 1979 obliges States to enact legislation to suppress all forms of trafficking anywhere. One hundred and fifty five countries have ratified the Convention. The United Nations Convention on the Rights of the Child 1989 has near Universal ratification and 189 States are parties to it.

Women and Children are often vulnerable to abuses of the legal System. In India, a large number of

women in the sex trade are arrested but procurers, guardians, pimps and clients are barely touched. Further, the stigma associated with HIV/AIDS has undermined attempts to repatriate trafficked women or to rehabilitate them. Though trafficking of women and girls for the sex trade has been undertaken on a large organized scale involving regional gangs who have links with law enforcement agencies, there is no proper regional co-ordinating body to ensure cooperative and coordinated action. Therefore, there is an urgent need for evolving mechanisms both at the regional and international level to ensure the problem is combated with all its ramifications.

X. SUGGESTIONS

1. There is a need to reform the images of women in society that have been created over centuries by history, mythology and social customs. Women must be considered as individuals who are equal to men in their own right. Parents should not impose crippling restrictions on their daughters, which prevent them from thinking and acting independently. Women also have to be assertive and develop a self-identity for themselves so that they can lead a life of security and dignity. They must be made economically independent to achieve this aim.
2. There is no dearth of laws for reducing sexual crime against women in any country, what is lacking is their proper implementation. There are many reasons for their inadequate enforcement. Some of the prominent ones are inadequate infrastructural facilities, lack of training and orientation of functionaries, lack of awareness among the victims, indifferent attitude of the community, etc. Therefore, instead of creating more laws, all efforts should be directed to enforce the existing laws.
3. There should be meaningful discussions between the police, lawyers, judges, legislators and the representatives of the women's organizations at regular intervals. Conferences, seminars and workshops should be frequently organized and mutual experiences should be exchanged. The difficulties that come in the effective implementation of the laws should be frankly discussed and suggestions based on experience should be put forward so that existing ones may be properly implemented and may be amended, if necessary to make them more effective.
4. Investigation of sexual crimes like rape, sexual harassment, eve teasing, etc. should be started immediately after getting information so that the real facts can be ascertained and the culprits do not have time to escape or to create evidence in their favour. Strict action should be taken against policemen who try to avoid arresting offenders against whom genuine evidence is present. Cases of crimes against women should be investigated with a definite timeframe by police officers specially trained to investigate such crimes. An explanation should be called for from police officers who fail to carry out a full investigation of the cases within the stipulated time.
5. A greater number of women police investigating officers specialized in investigating crimes against women should be appointed preferably in every police station. That will definitely restore the lost confidence of women, and women victims will be less hesitant to go to the police station alone.
6. There is an urgent need to re-orient law enforcement personnel to issues related to women. Training courses at all level should include a capsule on issues related to crime against women. The course content should be imaginatively designed to include significant areas of relevance to women, including legislation relating to crimes against women and its application.
7. Women's organizations should play a more constructive role in generating awareness and providing assistance to victims. It will then be easier to prosecute the offender and get him punished. The legal aid centres and women's organisations should be given *locus standi* to plead on behalf of the victim. They should also be permitted to meet the victim in the rescue homes so that they can offer her the necessary help, guidance and reassurance.
8. Tightening the dragnet around enforcement personnel who are involved in corruption is essential in making the laws effective. Most of such crimes go unreported because the culprit bribes the police officers and gets the case nipped in the bud. If he does not succeed with the police, he tries to bribe the court officials and at times tries to bribe the judges, even through the advocates. Such practices have to be stopped and stern action should be taken against those who are caught indulging in them. Such cases should never be allowed to go unpunished.

9. In view of the large number of pending sex related cases, it is felt necessary that some of the existing regular courts should be designated to try all cases of crimes against women exclusively. The appointment of the judges for these courts should be from amongst the judges who understand women's problems well.
10. The media should highlight cases in such a manner that a message is conveyed that sexual crimes against women do not necessarily go undetected or unpunished or that crime does not pay in the long-run. It should also bring into focus those cases, which could not be registered or prosecuted due to executive apathy so that timely action or enquiry by higher authorities can be undertaken and justice is delivered to the victim.
11. The media should carry a 'know your legal rights' campaign through interesting programmes and quiz type competitions. The coverage of these programmes should be educative, interesting and appealing.
12. All political parties and religious and social bodies should impose a condition on their members that if they are found indulging in sex crimes like bigamy, rape, offences against marriage prostitution, etc. they will be debarred from membership of the party. Citizens committees at the *Mohalla* or village level should be formed to act as watchdogs to prevent crimes like wife beating, torture or giving and taking a dowry. Leaders in various fields should desist from ostentatious marriages and take a lead in not accepting a dowry. The enforcement strategies should be made flexible so that they can be adjusted according to requirements without any delay.
13. Another imperative need of the hour is to consolidate all the provisions of various enactments relating to sex crimes under one head. This can either be done by passing a full-fledged central law on the subject of consolidating all these crimes under a separate chapter of the Indian Penal Code. This job of consolidation and amendment must be entrusted to competent law officers, experts in drafting rules and regulations.
14. Necessary amendments should be made in the existing laws to make them simple and easily comprehensible. Lack of clarity and ambiguity of expressions in the existing protective laws have been a major cause of protracted legal wrangles. Laws should be flexible enough so that various shortcomings found during enforcement can be rectified by the judges themselves while interpreting the laws.
15. Some sex crimes, particularly trafficking of women and children for commercial and sexual purposes have international ramifications. Perpetrators work in close networks in many countries spreading all over the world. They are highly manipulative and powerful and are capable of influencing the criminal justice system and political masters of the countries where they operate. One country cannot control their activities on its own strength alone. It is therefore necessary that affected countries enter into bilateral and multilateral treaties to fight this evil in an effective manner. More United Nations initiatives are also urgently called for in this sphere.

XI. CONCLUSION

Sexual crime against women and children is universally condemned. In fact, this type of crime is a blot on the face of any civilized society. It reflects the mindset of a regressive era with patriarchal dominance. Whether overt or covert violence has seeped into the psyche of perpetrators these crimes are multi-causal and multidimensional. They are the manifestations of a very deep-rooted disease, which has socio-economic, cultural and political moorings. Many research studies have confirmed, and even experiences of different countries have shown, that simply the enactment of special laws will not serve the purpose unless laws are strictly implemented. The task cannot be accomplished only by the police alone but has to be shared by all the other wings of the criminal justice system. Particularly, the judiciary has to take it upon itself to see that no perpetrator of these crimes goes unpunished. Along with the criminal justice functionaries, non-governmental organizations, media people, political leaders, social workers and even the common man have to coordinate to create an environment in which sexual violence against women and children will not proliferate. What is most important is that the general attitude of society needs to be changed in favour of the dignity of women and children which would necessitate large scale literacy among women folk and the economic improvement of the downtrodden masses. International endeavours need to be further invigorated to such an extent that their outcome is reflected in the national efforts of different countries.

In many countries, data on most of the aspects of sexual violence are lacking, and there is a great need everywhere for research on all aspects of sexual violence. Of equal importance are interventions. These are of various types, but the essential ones concern the primary prevention of sexual violence, targeting both women and men, interventions supporting the victims of sexual assault, measures to make it more likely that perpetrators of rape will be caught and punished and strategies for changing social norms and raising the status of women. Health professionals have a large role to play in supporting victims of sexual assault - medically and psychologically - and collecting evidence to assist prosecutions. The health sector is considerably more effective in countries where there are protocols and guidelines for managing cases and collecting evidence, where the staff is well trained and where there is good collaboration with the judicial system. Ultimately, the strong commitment and involvement of governments and civil society, along with a coordinated response across a range of sectors, are required to end sexual violence against women and children.

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