



Review Article

Shedding light on sexual crimes and victim's rights: Examining the intersection of psychology and law in the Indian legal system

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Abstract

The Indian legal system reveals a complex and often problematic relationship between law, society, and sexual crime. This paper tries to investigate the different legal meanings and the role of law in treating individual psychology through analysis of various laws, scenarios, and their respective shortcomings, along with the changes that need to be introduced. The paper thoroughly asserts, taking with it arguments and criticisms of the law, the need for a sense of awareness regarding victim's rights in India. One side of the Indian legal system which has to change and has been changing for progress in penalizing sexual crimes is the Indian Penal Code which has also been critically analyzed; moreover, the contradictory paradox of marital rape and the retrogression which is extremely prevalent in India has also been discussed in the paper. There is a need for greater awareness and education about sexual rights and laws in India, particularly in rural areas where there may be a lack of understanding and access to legal resources. The laws must be reformed to reflect the diverse sexual identities and experiences of individuals

and communities and to ensure that the legal system serves as a tool for justice and equality rather than a source of further oppression and discrimination.

Introduction

According to the National Crime Records Bureau (NCRB) data of 2021, an Indian body that collects and analyses data on crime and criminal activities, the crime rate in India increased from 385.5 in 2019 to 383.8 in 2020.^[1] There are

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hundreds of publications, research, and empirical studies on the mental health impact of the victims and the victimization of the individual; however, Post Trauma Stress Disorder does not have to be limited to the victims. The accused, who, in fact, is innocent until proven guilty, also has a fair share of grief to deal with. There are several behavioural-emotional conditions that are experienced, which include but are not limited to a feeling of fear, a feeling of loss of control, a feeling of helplessness, depression, attempted or actual suicide, self-harming, substance abuse, and a cry for help behaviours.

One theory is that criminal behaviour is often the result of a complex interplay between genetic, environmental, and psychological factors. For instance, a study published in the *Journal of Criminal Justice* found that childhood maltreatment and abuse were significant predictors of criminal behavior in adulthood.^[2] The *Journal of Abnormal Psychology* suggested that certain genetic variations could increase an individual's risk of engaging in violent and aggressive behavior.^[2] Another perspective is that criminals often weigh the potential benefits and costs of committing a crime.^[2] This 'Rational Choice Theory' suggests that individuals who perceive a higher likelihood of getting away with a crime and lower chances of getting caught and punished are more likely to engage in criminal behavior. A study published in the *Journal of Research in Crime and Delinquency* found that offenders who reported more positive attitudes towards crime and lower perceived risk of apprehension were more likely to commit offences.^[3] However, not all crimes are committed for material gain or rational reasons. Some individuals may commit crimes due to emotional or psychological factors such as anger, revenge, or a desire for power or control.

Another study published in the *Journal of Interpersonal Violence* found that a significant proportion of homicides committed by men

against intimate partners were motivated by jealousy, possessiveness, and perceived infidelity. In all cases, a timely study focusing on the legal aspect of the psychological impact of criminals and victims after the act is a dire need and much required to understand the interplay between law and psychology. This paper attempts to study the different legal connotations and the role law plays in handling the psychology of an individual through the medium of the case and statutory analysis.

Changing need for the Indian legal system and the interplay of criminal law

India has a rich history of legal systems that have evolved over time, ranging from the ancient Vedic legal system to the British colonial legal system. However, despite its long development history, India's legal system has faced several challenges in adapting to the changing needs of society. One of the challenges stems from the colonial legacy of the British legal system, which still forms the backbone of the Indian legal system. The British legal system was primarily designed to serve the needs of the colonial administration and maintain social order rather than promote justice or protect individual rights.

As a result, many of the laws and legal institutions inherited from the British colonial era are often criticized for being outdated, archaic, and irrelevant to the needs of modern society.^[4] Furthermore, the Indian legal system has struggled to keep up with the country's changing social and political landscape. For instance, despite the growing awareness of gender issues and the need for gender justice, the legal system has responded slowly, with many laws and practices still reflecting patriarchal attitudes and discriminatory practices. Despite these challenges, there have been several efforts to reform and modernize India's legal system in recent years. For instance, there have been several landmark judgments by the Indian Supreme Court that have expanded the scope of individual rights and civil liberties and paved the way for greater

social justice and inclusivity.^[7] Additionally, there have been several initiatives to simplify and streamline legal procedures, increase access to legal aid and services, and strengthen the independence and accountability of the judiciary. In the Journal of traumatic stress, the paper by Riggs titled “Anger and posttraumatic-stress-disorder in female crime”, victims mention anger as a reaction to post-trauma stress, which has not been discussed in the history of psychological works.^[8] It seems that extreme rage prevents the traumatic memory from being changed.

Understanding the interactions among these

emotional memory structures, if emotions other than fear are also represented as memory structures, may lay the foundation for understanding how anger impedes psychological recovery after trauma. One could imagine an “anger structure” analogous to the “fear structure”. The recent findings imply that trauma creates an easily triggered anger structure similar to fear. The strong correlation between fear and rage shows that the stimulus components omitted in these two structures are very similar. India’s legal system is complex and evolving that reflects the country’s rich history and diverse social and cultural fabric.

Table 1: Number of reported crimes against women across India during 2021

| Reported crimes against women in India 2021, by type | |
|-------------------------------------------------------------|--------|
| Cruelty by husband or relatives | 14,312 |
| Kidnapping and abduction | 8,664 |
| Assault | 7,610 |
| Protection of Children from Sexual Violence Act | 5,702 |
| Rape | 3,208 |
| Insults | 1,496 |
| Dowry Prohibition Act | 889 |
| Abetment to suicide of women | 389 |
| Dowry deaths | 375 |
| Immoral Traffic (Prevention) Act | 309 |
| Cyber crime | 224 |
| Human trafficking | 104 |
| Attempt to commit rape | 56 |
| Protection of Women from Domestic Violence Act | 21 |
| Acid attack | 16 |
| Murder with rape/gang rape | 15 |
| Attempt to acid attack | 12 |
| Miscarriage | 10 |
| Selling of minor girls | 1 |
| Buying of minor girls | 1 |

* National Crime Records Bureau

The plight of women in India is shown critically by national crime statistics, influenced by social, economic, and cultural variables. An examination of India's official statistics for 1991 to 2001 reveals a general rise in crimes perpetrated against females. Rape of women increased by 5.34 percent during the time period, as did the cruelty by husbands and relatives by 11.32 percent and molestation by 6.8 percent.^[5]

The crime of marital rape: Current legal position

Marriage as an institution was long stated as a 'recluse for' social protection' for women. Unlike the claims living in a domestic setup can make women equally vulnerable to gender-based crimes, the -talked and debated one is the marital rapes. The decades-old debate on the fundamental constitutional validity of marital rape still continues and doesn't seem to change its pace. Much talked about and much-needed marital rape provisions remain stuck at the parliamentary constant level due to a lot of weakly thought-about reasons, but mainly the unnatural political pressures create an unending debate about a "controversial law to be proposed". The recourses offered to women are incomplete, and in essentiality, their rights are being denied.

Existing criminal remedies are provided under Section 498A of the IPC for cruelty. Other legislations, such as the Domestic Violence Act of 2005 (DVA) add civil remedies while continuing to ignore the status of marital rape. Although Section 498-A deals with cruelty to protect women from their husbands' perverse sexual behaviour, there is no legal standard or interpretation for the courts regarding what constitutes "perversion" or "unnatural" in the context of intimate spousal relations. Is a disproportionate craving for sex perverse? Consent is a requirement? Can a rape occur with a marriage license? These are some of the questions that need to be addressed,

keeping in mind that the provisions which may be introduced in the future do not cause hurt, injury, jeopardize health, physical, mental, or sexual existence, etc.

The freedom of a woman to choose what she wants is not an issue whatsoever; Despite being married, she maintains her independent status and is free to refuse every bodily request even though it is only her husband. This is about the essential design of the marital institution. Except in cases where one marriage partner is being prosecuted over an infraction against the other, Section 122 of the Indian Evidence Act prohibits disclosure of marital correspondence in law. Since marital rape is not a crime, the evidence is irrelevant but inadmissible unless a battery case is pursued or anything else is included in Section 3 of the DVA's definition of domestic violence.

In such cases where women are being subjected to such violence, they have an option of resorting to the Protection of Women from Domestic Violence Act, 2005, where the victim of such violence has the right to proceed with a formal police complaint or institute a suit. If the woman instead feels that the husband should be punished and penalized, she has the option to use an alternate option of using Section 498A, this, however, cannot be a substitute for a much-needed marital rape act. Many different courts have taken up the issue of marital rape at various times. A landmark verdict by the High Court of Kerala ruled that marital rape is a solid ground for divorce.^[6] The Karnataka high court recently held that a man could be prosecuted for raping his wife, and the exception granted to the husband under the IPC cannot be "absolute" in any sense. Supreme Court of India made differential observations in September 2022, where it was realized and acknowledged that forceful pregnancy of a married woman can be treated as rape.^[7]

In the broader context of rape in general, the revised section 376A has been added that states anyone convicted of sexual assault who inflicts an injury that results in death or renders the victim in a persistent vegetative state shall be punished with rigorous imprisonment for a term that shall not be less than 20 years but which may extend to imprisonment for life, meaning the remainder of that person's natural life, or with death.

Under Section 376(2)(g) in The Indian Penal Code, Without regard to gender, those responsible for gang rape must be punished with strict imprisonment for a time that is not less than 20 years but may run as long as life. They must also provide the victim with fair financial compensation. The Criminal Procedure Code, 1973 and the Indian Evidence Act, 1872 have undergone some changes, including the facilitation of the victim's statement recording, the exclusion of the victim's character from consideration, and the presumption of no consent in cases where sexual intercourse is established and the victim testifies in court that no consent was given. But when it comes to marital rape, it still needs to be seen how the legislature or the judiciary carves the law and protects the woman and her psychological health.

Indian legislations and the problems they pose

1. Indian Penal Code, 1860

The Indian Penal Code (IPC) is the principal criminal code of India that covers various crimes against the state, public order, and individual rights. However, the IPC has been criticized for its implementation and impact on various sections of society. One of the most significant criticisms of the IPC is related to false accusations and prosecutions.^[8] The code has several provisions that criminalize various acts, but in practice, these provisions have been used to harass and falsely accuse individuals, particularly marginalized groups such as Scheduled castes and scheduled tribes,

women, and religious minorities. False accusations and false prosecutions not only lead to the miscarriage of justice but also erode public trust in the legal system. The hassle and the mental harassment create a long-lasting trauma that needs urgent medical attention. With the media portrayal of certain cases, public shaming and online trolling, the individual's mental health can take an immense backseat while awaiting court proceedings. Another criticism of the IPC is related to the treatment of the accused. In many cases, the accused are subjected to torture, coercion, and inhumane treatment, which violates their human rights and undermines the principles of justice. The IPC has provisions prohibiting such practices, but implementing these provisions remains weak, resulting in impunity for the perpetrators.^[9]

Low-income groups are also adversely affected by the IPC, as they often do not have access to adequate legal representation and face discrimination within the legal system. As a result, they are more likely to be falsely accused, wrongfully convicted, and subject to harsher sentences. Furthermore, some sections of the IPC are problematic, such as Section 377, which criminalized consensual same-sex relationships until it was decriminalized by the Indian Supreme Court in 2018; this provision had been used to discriminate against and stigmatize the LGBTQ+ community, undermining their rights and dignity.^[10] Presently, the Supreme Court is hearing the plea on same-sex marriage, and the nation awaits the decision and the impact it will create, whether positive or negative, that needs to be seen with time.

The Indian Penal Code (IPC) has provisions that protect the rights of the accused, such as the presumption of innocence until proven guilty, the right to a fair trial, and the right to legal representation. However, these rights are often violated in practice, particularly for marginalized groups and individuals with low socio-economic status. One of the major

problems faced by the accused in India is police brutality and torture. The police are known to use coercive methods to extract confessions, including physical and psychological torture, threats, and blackmail. This violates the human rights of the accused and undermines the principles of justice.^[11] According to the National Crime Records Bureau, there were 1,731 cases of custodial deaths in India between 2010 and 2019, highlighting the severity of the problem.^[12] Moreover, the slow pace of the legal system is another significant issue faced by the accused. The Indian legal system is notoriously slow, with cases often taking years, if not decades, to be resolved. This causes undue stress and anxiety for the accused and results in prolonged pre-trial detention, which can be detrimental to their physical and mental health. According to the National Crime Records Bureau, about 70% of the prison population in India consists of under trial prisoners awaiting trial. Additionally, the lack of access to adequate legal representation and medical assistance is a significant problem faced by the accused, particularly for low-income groups.

The cost of legal representation is prohibitively high for many individuals, and government-appointed lawyers are often overburdened and underpaid, resulting in inadequate representation. This can lead to wrongful convictions and harsher sentences, undermining the principles of justice.

2. The Protection of Children from Sexual Offences (POCSO) Act, 2012

Under reporting of cases of sexual abuse against children is a significant issue in India. Section 19 of the POCSO Act makes it mandatory for any person who has the knowledge or has reason to believe that a child has been sexually abused to report the offence to the police or the Special Juvenile Police Unit (SJPU) or the Child Welfare Committee (CWC). However, many cases go unreported

in practice due to fear, shame, and societal stigma. Delayed justice is another problem related to POCSO. Section 35 of the POCSO Act mandates that the trial of POCSO cases should be completed within one year from the date of filing of the charge sheet.^[13] However, due to the large number of cases and other factors, such as procedural delays, cases often take much longer to be resolved, resulting in delays in justice for victims.

Lack of awareness about the POCSO Act is also a significant challenge. Section 44 of the Act requires the government to take measures to ensure that the provisions of the Act are widely disseminated through media, including television, radio, newspapers, and other sources. However, many people, especially in rural areas, are still not aware of the provisions of the Act, how to report sexual abuse against children, or the support services available to victims. Section 39 of the POCSO Act mandates the establishment of Special Courts for the speedy trial of POCSO cases. These courts are intended to ensure that cases are resolved quickly and that victims receive timely justice.^[14] However, the shortage of judges, prosecutors, and other staff has resulted in a backlog of cases and delays in justice for victims. Inadequate support for victims is another significant issue related to POCSO. Section 39 of the Act requires the establishment of Special Courts and the appointment of Special Public Prosecutors to ensure that victims receive justice. However, support services such as counselling, rehabilitation, and other forms of assistance are often inadequate and underfunded. False allegations can also be made under the POCSO Act. Section 22 of the Act provides for punishment for false complaints or false information. However, false allegations can significantly impact the accused, especially if they are innocent. In conclusion, the POCSO Act is an essential tool for protecting children from sexual abuse and exploitation. However, the Act faces several challenges, including

under reporting, delayed justice, lack of awareness, inadequate support for victims, and false allegations. Addressing these issues requires a comprehensive approach that includes awareness-raising, capacity building, and strengthening support services for victims.^[15] It is essential to ensure that the provisions of the Act are implemented effectively to protect children and ensure justice for victims.

One famous POCSO false allegation case is the Ryan International School case^[16] in Gurugram, India in 2017. A seven-year-old boy at the school was found dead in a bathroom with his throat slit. The school's bus conductor was initially accused of sexually assaulting and murdering the child. However, it was later discovered that the allegations were false and the real culprit was a senior student at the school. False allegations can have a significant impact on the accused, and it is essential to ensure that justice is served in a fair and unbiased manner. The murky boundaries surrounding the POCSO act are also evident when a family of girls labeled a false accusation where the relationship could be consensual between the adolescents. If falsely charged, the social, mental, and legal impact on a young male can be tremendous, scarring him for life.

3. Medical Termination of Pregnancy Act, 1971

The Medical Termination of Pregnancy (MTP) Act, 1971 is an important legislation in India that allows women to terminate their pregnancies under certain circumstances legally. Despite its significance, the Act has been criticized and debated, particularly around its provisions and implementation. In this article, the authors discuss the criticisms of the MTP Act and its impact on women's reproductive rights in India.

One of the primary criticisms of the MTP Act is its restrictive nature. The Act only allows for the termination of pregnancies up to 20 weeks,^[17]

which many argue is an arbitrary limit. In cases where a woman's health is at risk or the fetus has severe abnormalities, termination may be needed after the 20-week mark. However, under the MTP Act, such cases are not allowed, and women are forced to carry the pregnancy to term, which can have serious health consequences. Another criticism of the MTP Act is its failure to adequately address the issue of access to safe abortion services. While the Act legalizes abortion, it does not ensure that women can access safe and affordable abortion services. In many parts of India, especially rural areas, women face significant barriers to accessing safe abortion services. This includes a lack of trained healthcare providers, inadequate facilities, and a lack of awareness of the legality of abortion.^[18] This lack of access can lead women to seek out unsafe and illegal abortion methods, resulting in serious health complications or even death. The MTP Act also restricts who can perform abortions, which has been criticized as a barrier to access.

According to the Act, only registered medical practitioners who have undergone specialized training can perform abortions. This restricts access to abortion services, as certain areas may not have enough trained healthcare providers. Moreover, it is argued that other healthcare providers, such as nurses and midwives, should also be allowed to perform abortions, as they are often the first point of contact for women seeking abortion services. Another issue with the MTP Act is the requirement of consent from a husband or guardian in cases where the woman seeking an abortion is married or a minor. This has been criticized as a violation of women's autonomy and right to decide about their bodies. In cases where the husband or guardian does not provide consent, women may be forced to continue with unwanted pregnancies or seek out unsafe abortion methods.

Finally, the MTP Act has been criticized for its lack of clarity around conscientious objection.

The Act allows healthcare providers to refuse to perform abortions on moral or religious grounds. However, it does not specify how this should be implemented, and there have been cases where healthcare providers have refused to perform abortions, even in cases where it is legal and necessary. This can significantly impact women's access to safe abortion services and their reproductive rights. While the MTP Act is an important legislation in India that has provided women with the legal right to terminate their pregnancies, it has been subject to criticism and debate. These issues highlight the need for reforms to ensure that women have access to safe and affordable abortion services and that their reproductive rights are protected.

4. The Transgender Persons (Protection of Rights) Act, 2019

The Indian government introduced the Act to protect the rights of transgender individuals in the country. The Act recognizes transgender persons as a separate category and provides for their welfare, development, and equal rights. However, the Act has been criticized for various reasons, including its restrictive definition of transgender persons, inadequate provisions for affirmative action, and insufficient protection against discrimination and violence. One of the major criticisms of the Act is its definition of transgender persons. The Act defines a transgender person as someone who is 'partly female or male; or a combination of female and male; or neither female nor male' and whose gender does not match the gender assigned at birth. However, the definition excludes inter sex and non-binary individuals who do not conform to binary notions of gender. This exclusion of non-binary persons from the definition of transgender has been criticized as discriminatory and non-inclusive. The Act also requires transgender persons to apply for a certificate of identity from a district magistrate, which can be a complex and difficult process. The certificate is required to access various

government welfare schemes, employment opportunities, and education, among other things. The requirement for a certification of identity has been criticized as intrusive and a violation of the right to privacy. The Act also lacks sufficient provisions for affirmative action, such as reservations in education and employment for transgender persons. The Act only provides for the inclusion of transgender persons in the 'socially and educationally backward classes' category, which may not be sufficient to address their socio-economic marginalization. Another criticism of the Act is its failure to provide adequate protection against discrimination and violence faced by transgender persons. The Act criminalizes offences such as physical and sexual abuse of transgender persons but does not provide for affirmative action, such as reservations in education and employment for transgender persons. The Act has also been criticized for failing to recognize the right to self-identify gender. The Act only allows for the recognition of transgender persons if they undergo sex reassignment surgery, which is a costly and invasive procedure. The requirement for surgery has been criticized as intrusive and a violation of the right to self-determination. In addition, the Act also lacks provisions for the welfare and development of transgender persons. While the Act provides for the establishment of a National Council for Transgender Persons, it does not provide for the provision of adequate healthcare, education, and employment opportunities for transgender persons.

Recent cases that were legal turning points for women in India

The Shayara Bano^[19] case first gained attention when the named petitioner and four other Muslim women objected to the practice of 'talaq-e-biddat', or instantaneous unilateral divorce, after each of them had gone through such a divorce. They claimed, in their Writ Petition (Civil) No. 118 of 2016, that this traditional form of divorce violated their

individual constitutional rights to equality and against sex discrimination and that Islam did not recognize it as a religious practice because it was not sanctioned by the Muslim faith.

The case was later turned into a Public Interest Litigation (PIL), not at the request of the concerned petitioners but at the court's request, even though it had originally started as an individual lawsuit by aggrieved individuals. In a previous case^[20] involving the application of a rule governing property succession for Hindu women, Even though it is not directly related to this appeal, the Court offered a few observations on what it called a "crucial matter concerning discrimination based on gender that affects the liberties of Muslim women", which has been highlighted by a few of the learned counsel. The Supreme Court chose to associate Shayara Bano's petition and four additional proceedings with the Petition after concurrently considering all claims and allowing numerous submissions from parties worried about the legal issues during the hearings. Although similar spontaneous interventions have been done before, their degrees of effectiveness have varied. One prominent objection is that the Court routinely denies representation from people directly impacted by the case.

The Supreme Court approved participating in the PIL of numerous parties and organizations. One example of them was the All-India Muslim Personal Law Board (AIMPLB), a privately organized group that requested to be implead to support the practice of 'talaq-e-biddat'. The foundation stated for its defense was the assertion that the talaq-e-biddat was acknowledged and accepted by Islamic law. The Bharatiya Muslim Mahila Andolan (BMMA), a women's organization, intervened against the practice after organizing a public campaign that garnered 50,000 signatures denouncing 'talaq-e-biddat' as a Muslim tradition.^[21] No standards were employed to determine how well the intervening parties were competent to argue their interests; for

instance, the Court didn't consider accusations stating that AIMPLB lacked the authority to advocate for Muslim opinions on their religious legislation. No background information or rationale was given; the decision to grant petitions was completely one of discretion.

The Court ultimately used these various parties' arguments as the basis for its decision on talaq-e-biddat, abolishing the practise rather than Shayara Bano's assertion that it infringed the statutory guarantee of equality because it did not adhere to Islamic law, as she, with others had argued.

Muslim women, privately and in official organisations stress the importance of the problem.

The Sabarimala temple issue and menstruation

The Court, though they preferred a religious construction over constitutional law as the basis for their decision, put an end to a long-standing discriminatory practise that was blatantly against women's rights. Despite this, where there are issues with how this power is utilised and the verdict is not as universally recognised, reasons for the ruling in this case that rely on the Court are required. This was made clear in the Sabarimala Temple case, as contrasted to Shayara Bano when the court had to deal with a challenge to the plaintiffs' eligibility to intervene in a case involving religious freedom. A trip to the Sabarimala Temple is dedicated to the celibate deity Lord Ayyappa. A pertinent state statute forbade discrimination in admission; a subsequent change to the act gave temple officials the authority to limit admission. Based on religious notions of purity and cleanliness connected with menstruation, the temple management subsequently issued rules prohibiting women between the ages of 10 and 50 from accessing the grounds. In response to news reports about the discriminatory habit of forbidding women

from entering the temple, a group of solicitors filed a PIL, which resulted in the Sabarimala Temple case. In contrast to the Shayara Bano case, this was the result of a petition presented by a group of young lawyers who strongly emphasized gender equality. The respondent temple representatives disputed the petitioners' qualification to file the case. They argued that they could not challenge a rule as discriminatory if they had not been the subject of prejudice, as none of them had actually been turned away from the temple. Ultimately, the Court determined that the restriction was discriminatory and overturned the pertinent rule with a 4:2 ratio. According to Justice Nariman, who sided with the majority, the petitioner's eligibility to lodge the PIL was only a technicality that could not stop "a constitutional court applying the constitution". The majority decision by the Chief Justice and Justice A. M. Khanwilkar did not even consider the objection.

In his lone dissent in the Sabarimala Temple case, Justice Malhotra did forcefully warn of the procedural repercussions of acknowledging that this case might result in risky, populist outcomes. She asserts that if this case is accepted, this Court will be compelled to handle religious issues at the request of individuals who do not adhere to this faith. It would also inspire majoritarian challenges to open cases to "interlopers". If petitions like this are granted, the hazards to religious minorities can be even bigger.

Conclusion

The realms and boundaries of sexual abuse in the Indian legal system are complex and multifaceted. Despite the existence of laws that aim to protect the rights and freedoms of individuals in matters of sex, there are several challenges and limitations that persist. In fact, the discussion of these laws surrounds the fact that there is heaving ramification on the mental health of the victims in sexual assault cases and in general cases relating to women and their rights.

The Indian legal system reveals a complex and often problematic relationship between law, society, and sexual-related crimes. While there are laws to protect individuals from sexual violence, abuse, and exploitation, there are also instances of misuse and abuse of these laws. The current legal framework in India often fails to address the diverse sexual identities and experiences of individuals and communities, leading to further marginalization and discrimination. The Indian legal system must recognize and respect the autonomy and agency of individuals in matters of sexual crimes, without reinforcing harmful societal norms and stigmas. The legal framework must be inclusive and sensitive to the needs of diverse sexual communities and identities, including but not limited to transgender, intersex, and non-binary individuals. The laws must be enforced impartially and without discrimination while ensuring due process and fair treatment for the accused. There is a need for greater awareness and education about sexual rights and laws in India, particularly in rural areas where there may be a lack of understanding and access to legal resources. Civil society and the media also have a crucial role in advocating for the protection of sexual rights and holding the legal system accountable for any violations. The Indian legal system has made some progress in addressing the realms and boundaries of sexual crimes, but there is still much work to be done. The laws must be reformed to reflect the diverse sexual identities and experiences of individuals and communities and to ensure that the legal system serves as a tool for justice and equality rather than a source of further oppression and discrimination. Similarly, the medical fraternity must work in tandem with the legal fraternity to see that the victims of sexual crimes receive adequate medical help and psychological assistance to overcome the deep-inflicted mental trauma.

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