## **CONTENTS**

,	
(i) Abbreviations	iii
(ii) List of Tables	iv
r ·	v
	viii
(11) Tubiu 5. 44555	
Introduction	1-18
CHAPTER-I	
STATUS AND RIGHTS OF WOMEN UNDER THE INTERNATIONAL	
AND NATIONAL LEGAL FRAMEWORK	19-73
An Overview	20
A) Status of Women; A Historical Perspective	20
i) Status of Women Intellectually	20
ii) Status of Women in Ancient India	21
B) Status and Rights of Women Under	
the International Instruments	26
i) Right to life, Liberty and Security of Persons	27
ii) Right to Equality before law and	
Equal Protection of Law	27
iii) Rights against Slavery	28
iv) Rights against Discrimination	28
v) Right to Privacy	29
vi) Right to Family and Marriage	30
vii) Right to Nationality	30
viii) Right to Favourable Condition of Work	30
ix) Right to Education	31
x) Civil and Political Rights	32
xi) Economic, Social and Cultural Rights	33
xii) Rights against Exploitation	33
xiii) Rights against Violence	34
xiv) Rights as to Freedom of movement and Residence	35
xv) Rights as to Freedom of Movement and Residence xv) Rights as to Freedom of Speech and Expression	35
xvi) Rights as to Freedom of Religion	35
xvii) Reproductive Rights	35 35
C) Achievements of the United Nations in the Protection	33
of the Human Rights of Women	36
i) Committee of the Status of Women	30 37
ii) The Committee on CEDAW:	38
iii) Establishment of (UNIFEM) and (INSTRAW)	38
iv) Adoption of various Convention & Declaration	39
D) Position of Women Under the National Legal Framework	
i)The Preamble of the Constitution	42
ii) The Fundamental Rights	42
a) Right to Equality	43
b) Right to Life	44.
c) Right to Privacy and Dignity of Women	44
d) Women Reservation	45
e) Women Reservation in Election to Local Bodies	46
f) Women's Reservation in the National and	.,,
State Legislative Assembly	47
g) Right Against Exploitation	47
h) Right Against Sexual Harassment of Women	48
,g riganist status introduction in monitor	, 0

iii) Welfare of Women under the Directive Principles of State Policy	48
iv) Fundamental Duties	52
E) Women's Rights Human Rights; International	
and National Concern	52
a) A Short History of Human Rights	53
b) The Concept of Women's Human Rights	56
c) The Movement for Women's Human Rights	59
d) National Concern for Human Rights	62
e) The Protection of Human Rights Act 1993	65
f) National Human Rights Commission	66
q) National Commission for Women	69
F) A Sum Up	72
r) A Suitt Op	12
CHAPTER -II	
SEXUAL OFFENCES AGAINST WOMEN: ANALYSIS OF	74.400
LEGISLATIVE PRINCIPLES	74-100
A - Occasions	75
An Overview	75
A) Sexual Offences-Concept Analysis	75
i) Typology	76
ii) Sex, Gender & Sexual Orientation	78
iii) Critical Analysis of Sexual Offences	
under Indian Penal Code	80
iv) Sexual Offences under Special Criminal Legislations	89
B) The Aspect of Consent in Sexual Offences	89
C) A Sum Up	99
CHAPTER- III	
RAPE AND THE LAW IN INDIA	101-192
An Overview	102
A) General Meaning and Kinds of Rape	103
B) Rape Laws and Flaws	105
a) Offence of Rape and the	103
Indian Penal Code, 1860	105
b) Custodial Rape	109
c) Gang Rape	110
d) Marital Rape	110
i) What is Marital Rape?	110
ii) The Law	
· · · · · · · · · · · · · · · · · · ·	111
iii) The Lacunae and Contradiction in the	113
Law Relating to Marital Rape	113
iv) Efforts of the Law Commission	114
v) The Clue and Suggestion for Reform	115
e) Attempt to Rape	117
f) Consent in Rape	123
C) Investigation, Trial and the Victim's Evidence	128
a) FIR and Investigation	128
i) Procedure for Investigation	128
ii) Filing and Recording of FIR-Root Problem	131
iii) Delay in Filing FIR	131
b) Examination of the Victim	134

c) Examination of the Accused	136
d) Medical Evidence and Forensic Test	137
i) Importance of Medical Evidence	137
ii) Forensic Test	139
iii) Applicability of Medical Evidence	1.40
and Forensic Evidence	140
iv) The Way Out-Recognition of Rape	1.41
as Psychological Assault	141
e) Corroboration of the Prosecutrix Testimony	143
i) The Rule of Corroboration	143
ii) Whether the Victim is an Accomplice	147
f) Disclosure of the Identity of the Victim	148
g) Question as to the Chastity	4 64
of the Women Victim	151
h) Rape of a Woman of Easy Virtue	154
i) Duty of the Court	155
D) Rights of the Victim of Rape	157
a) Victimology	157
b) Right to Life and Personal Liberty	157
c) Right to compensation	158
d) Rights to Assistance	161
e) The Draft Scheme for Relief and	
Rehabilitation of Victims of Rape, 2005	163
f) Right to Maintenance to the Child	400
Born to the Illegal Intercourse	166
E) Sentencing in sexual offence of rape	166
a) Recent Trend as to the Approaches to Punishment	166
b) Sentencing Disparity: An Introspection of Cases	169
c) Imposition of Death Penalty in Sexual Offences	100
Falling in the 'Rarest of the Rare' Category	182
F) A Sum Up	188
CHAPTER-IV	
SEXUAL OFFENCES RELATING TO MARRIAGE	193-230
An Overview	194
A) Unlawful or Deceitful Marriage	134
(Section 493 & 496 IPC)	195
a) Cohabitation Caused by a Man Deceitfully	193
Inducing a Belief of Lawful Marriage	195
b) Fraudulent or Mock Marriage	197
i) The Offence Defined	197
li) The Ingredients	198
iii) Section 493 and 496 of the IPC	198
iv) Section 494 and 496 of the IPC	198
B) Enticing or Taking Away or Detaining With	230
Criminal Intent a Married Women	199
a) The Offence Defined	199
b) Ingredients	199
c) Section 366 and section 498 of the IPC	200
d) Section 498 Makes the Wife, the Property	
of the Husband	200
C) Bigamy	201
a) Bigamy Defined	. 201
b) Bigamy and Discrimination in Law	202

c) The Contrast that Public Law Dependent	
on Civil Law	204
d) Bigamy and the Judicial Behaviour	205
i) Second Marriage Must be Void by Reason	
of its Taking Place During the Life of the	205
Husband or Wife	205
ii) Proof of Second Marriage	206
iii) Device to Bypass the Anti Bigamy Law iv) Bigamy and Irrational Punishment	208 211
D) Adultery	212
a) Definition	212
b) Adultery and Discrimination in law	214
c) An Evaluation of the Legal Policy and	214
Approach of the Judiciary	220
d) Adultery & Proposal for Reform	222
E) A Sum Up	225
E) A Sum Op	223
CHAPTER-V	
INATURAL OFFENCES	23 <b>0</b> -263
AN Overview	232
A) Unnatural Offence Defined	233
B) What Constitutes Unnatural Offence	234
C) Actual Sentencing by the Court in	
Unnatural Offences	235
D) Emergence of Alternative Sexuality	•
and Our Legal Policy	236
i) Alternative Sexuality	236
ii) Homosexuality	237
iii) Decriminalization of Homosexuality	222
Around the Globe	238
E) Non Relevance of Section 377 IPC	254
in The Modern Context	251
a) The Basis of the Present Policy of Law	251
b) The Invisibility in Law	253
c) Backlash Around Sexuality and the	254
Incidence of Same Sex Marriage in India d) Section 377 May Lead to Various Problems	254
in the Sphere of Private International Law	257
e) What Human Rights Demands	258
F) A Sum Up	262
1) A Sum op	202
CHAPTER-VI	
SEXUAL HARASSMENT AND SEXUAL	264 262
EXPLOITATION OF WOMEN	264-362
AN Overview	265
A) Sexual Harassment	267
a) The Origin of the term 'Sexual Harassment'	267
b) What is Sexual Harassment?	269
c) Is Sexual Harassment a form of	
Sexual Discrimination?	273

	m to the said and
d) Sexually Determined	
Unwelcome Conduct of	
e) Forms of Sexual Hara	
i) Quid Pro Que H	
	nment Sexual Harassment 281
iii) Street Harass	
harassment o	
iv) Domestic sex	ual harassment 285
f) Constitution; Vishaka	and the Supreme Court
on Sexual Harassmen	t against Women 286
g) Vishaka and Internat	<del>-</del>
h) An Assessment of Vis	
i) Post Vishaka Scenario	<b>—</b>
a) Legal Front	, 297
	exual harassment 299
•	·
c) Efforts of the	•
B) Sexual Harassment; a Cr	• •
a) Outraging the Modes	•
i) A Popular Misc	•
	pretation of Modesty 312
	e Device of Slight harm 315
	IPC which may be used in
	arassment against women 316
C) Obscenity	317
a) The Meaning of 'Obs	
b) Obscenity Law in Uk	
c) Our Obscenity law a	
Approach of the Jud	iclary 321
D) Indecent Representation	n of women 328
a) The Statutory Provi	sions 328
b) The Reality	329
E) Sexual Exploitation of V	
i) Sexual Exploitation (	
ii) The Indian Penal Co	
	c (Prevention) Act, 1956 336
a) Prostitution	
b) Keeping of E	· ·
	Soliciting for the
Purpose of F	
	ovisions & Consequent
Discriminati	
	ective Institutions
and Protecti	
g) Child Prostit	
	zation of Prostitution-
	of Indian Law 349
	in Paradigm in the West 350
	ion to the Problem of Prostitution 353
i) The I	dentification of Traditional &
Emer	ging Factors That Promotes
Prost	itution 353
ii) Impl	ementation of Human Rights
Ager	nda for them 355
F) A Sum Up	358
· i / A Sum Op	
Ty A Sum Op	•
1) A Sum Op	•
r y A Sum Op	
r y A Sum Op	
r y A Sum Op	

## CHAPTER- VII

CONCLUSIONS AND SUGGESTIONS		363-385
Select I	Bibliography	386-396
i)	Books	386-389
ii)	Journals, Periodicals, Dailies etc	389-390
iii)	Articles, Notes, Comments etc	390-393
iv)	Reports	394-395
v)	Websites	395-396