



“THE REVIEW OF UNNATURAL SEXUAL OFFENCES”

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ABSTRACT-

In today's era Unnatural Sexual Offences were burning issue. The Unnatural Sexual Offences relates to sexual offences against the law of nature i.e., it does not involve the simultaneous use of penis & vagina. As per sec. 377 IPC, all unnatural sexual offences, except lesbianism, are a crime and the punishment may extend upto life imprisonment. Sodomy is sexual intercourse through anus. It has two types first is Homosexual and another is Heterosexual. In homosexual, it is done by a male on another male. Sometimes the two males may alternately do on each other. Heterosexual sodomy is anal intercourse with a woman. This article reviews on the characteristics of such types of offences. Discussion on the Medical Examinations which were done in Sodomy. Various terms i.e. Lesbianism, Bestiality and Sexual Perversions (Sexual Deviations) are discussed in detailed.

Key Words- 377 IPC, Unnatural Sexual Offences, Medical Examination, Sodomy, Lesbianism, Bestiality.

Introduction-

UNNATURAL SEXUAL OFFENCES

This relates to sexual offences against the law of nature i.e., it does not involve the simultaneous use of penis & vagina.

As per sec. 377 IPC., all unnatural sexual offences, except lesbianism, are a crime and the punishment may extend upto life imprisonment.

SODOMY/BUGGARY

(Greek love, sin of sodom - sodom is a place)

Definition - Sodomy is sexual intercourse through anus.

Types -

1. Homosexually
2. Heterosexual

In homosexual, it is done by a male on another male. Sometimes the two males may alternately do on each other. Heterosexual sodomy is anal intercourse with a woman.

Characteristics-

1. The person who does the act is known as active agent, and the person, on whom the act is done - is known as passive agent. If the passive agent is an adult/elderly, the act is known as Gerontophilia.

If the passive agent is a child, act is labelled as-Pederasty, the passive agent is labelled as Catamite, and the active agent is known as Paedophile.

2. Sodomy is punishable in India as per sec.. 377 IPC, with up to life imprisonment; attempt is punishable under sec. 511 IPC. The slightest of penetration of penis into anus, with or without seminal emission, constitutes the offence. However it is legalized in England, Germany, Canada, Belgium, Spain & Netherlands, between two above 21.

Homosexual marriages are permitted in England & Germany. In some countries, there are associations as "Gay Clubs".

3. There is no question of consent, & if done with consent, both the partners are punishable. It is no defense that it is being done on wife, rather they are a sufficient ground for her to seek divorce & punishment to him.

4. Sodomy is common among sex starved and mentally unstable & is therefore common in jails, hostels, army & police barracks.

5. In India there is a class of male prostitutes -eunuchs, who act as passive agents. They dress like females & wear female ornaments. They are of 2 types -

- a) Hijrahs Are castrated usually before puberty - so external genitals resemble female genitals. Due to hormonal imbalance, they develop female characters.
- b) Zenanas - Have intact genitals.

Medical Examination in Sodomy-

The medical examination should be done, both of passive & active agent after written informed consent.

- 1) Preliminary data.
- 2) Detailed history.
- 3) Examination of clothes - tears, stains, foreign body.

4) Examination of body.

I Signs of struggle-injuries, stains, foreign body.

II Age in catamite

5) EXAMINATION OF LOCAL AREA

AJ EXAMINATION OF ANORECTAL REGION IN PASSIVE AGENT

1) FINDINGS IN NON-HABITUAL PASSIVE AGENT

a) Injuries

Abrasions, rarely lacerations of posterior anal wall. Anal injury is usually triangular with base at external sphincter and apex inwards. May be tear of anal or rectal mucous membrane.

b) Stains

-Blood, semen & faecal stains around anus.

c) Spermatozoa/Smegma/STD

-Spermatozoa may be found in anus/ rectum.

-Smegma may be found in anus / rectum.

-STD may be found in anus/rectum at subsequent examination.

d) Foreign body

-Foreign pubic hair may be found around anus.

-A lubricant may be applied to anus.

FINDINGS IN HABITUAL PASSIVE AGENT

a) Injuries - Usually nil.

b) Stains-Semen or faecal stains present.

c) Spermatozoa/smegma/STD-Present.

d) Foreign body-Pubic hair present.

e) Findings due to being habitual - Scars around anus, due to old healed injuries.

-Anus is loose, dilated & patulous easily admits 2 fingers.

-Wrinkles around anus absent.

-May be prolapse of rectal mucous membrane.

-May be shaving off of anal hair.

-Usually STD present at anus.

-There is a funnel shaped depression of buttocks into anus, due to absorption of fat- funneling of buttocks.

-Lateral buttock traction test on lateral traction of buttocks with thumbs-relaxation of the sphincter occurs (In one not used to penetration - contraction occurs).

BJ EXAMINATION OF GENITALS IN ACTIVE AGENT

FINDINGS IN NON-HABITUAL ACTIVE AGENT.

a) Injuries

-Abrasions or contusions on penis or glans due to nails, teeth, tight anal sphincter.

-May be tear of fraenum.

b) Stains -May be blood /seminal or faecal.

c) Smegma/STD-Usually smegma absent.

-STD may be present.

d) Foreign body -Anal hair, lubricant or faeces may be present.

FINDINGS IN HABITUAL ACTIVE AGENT

a) Injuries -Usually nil.

b) Stains -May be blood/seminal/faecal.

c) Smegma/STD -Smegma usually absent.

-STD usually present.

d) Foreign body -Anal hair, lubricant or faeces may be present.

e) Findings due to being habitual

Due to penetration through tight anal sphincter there occurs constriction (depression) on penis 1-1.5 inch proximal to tip

6. OPINION/ INFERENCE**BUCCAL COITUS**

(Coitus per os, sin of Gomorrah - Gomorrah is a place) Buccal coitus is sexual intercourse through oral cavity. Usually it is done on children, though may be done on adult male or female. Is punishable under sec. 377 IPC. Usually there are no findings, at times there may be --

1. Injuries as teeth bites on penis.
2. Saliva on penis.
3. Spermatozoa may be detected in the smear made from oral cavity upto 10-12 hrs and in the spitted sputum.
4. Rarely death of the passive partner may occur due to suffocation due to gagging-pressure of penis on oropharyngeal region, or due to choking resulting from aspiration of ejaculate.

LESBIANISM

(Tribadism, female homosexual love, sin of Lesbos - Lesbos is a place)

1. Lesbianism involves kissing, bodily contact, manual or oral stimulation of breasts or genitals, rubbing of external genitals, penetration of enlarged clitoris or an artificial appliance (e.g., dildo) into others vagina - between two females.
2. Usually there are no findings. Rarely there may be abrasions or teeth bit and/or genitals. son breasts.
3. Lesbianism is common among mentally deranged, having apathy for males and nymphomaniacs (i.e. perverted, uncontrollable increased sexual desire in females).

4. Lesbianism is not covered under sec. 377 IPC and is therefore not a crime, though it is a sufficient ground for the husband to seek divorce for cruelty to him.

BESTIALITY

1. It is sexual intercourse with animals. Is punishable under sec. 377 IPC.
2. The common animals used by a male are - calf, cow, buffalo, goat, mare, sheep, she-ass, bitch and hen. Vagina, anus or even nose! ears may be used for penetration. The common animals used by a female are dogs, monkeys and male cats. Usually the animal manipulates the genitals with his mouth and actual coitus is very rare.
3. Such people are mental degenerates. Bestiality is more common in males, especially the boys who take cattle for grazing. Also there is a superstition that sexual intercourse with she-ass cures gonorrhoea.
4. Usually the person is caught red handed and there is no need for medical examination, which if done reveals
 - a) Injuries on clothes and body, due to horns, hooves and teeth of animals.
 - b) Exchange between the animal & human being of head/body hair.
 - c) Human spermatozoa in animal orifices or vice-versa.
 - d) Animal blood on human or vice-versa.

SEXUAL PERVERSIONS (Sexual deviations)-

The term refers to the acts which are done for sexual gratification (includes impulse, desire, orgasm and satisfaction) and necessarily there is no sexual intercourse. Such people are referred to as sexual perverts, and are usually mentally unstable, therefore they should be examined with the help of a psychiatrist. Some amount of perversion is, however, universal. Paraphilia refers to abnormal and unorthodox sex play by using unusual objects or parts of the body.

Perverted, uncontrollable, increased sexual desire in a female is known as nymphomania while in a male the same is known as satyriomania (satyriasis). They enjoy having multiple sex partners.

Examples -

- a) Done by self only
 1. Uranism
 2. Narcism.
 3. Exhibitionism
 4. Masturbation (Onanism)
- b) Involve no contact with partner
 5. Fetichism
 6. Transvestism (Eonism)
 7. Undinism
 8. Voyeurism (Scoptophilia)
- c) Involve contact with a partner
 9. Frotteurism

10. Fellation
11. Cunnilingus
12. Sadism (Algolagnia)
13. Masochism (Passive algolagnia)

d) Others

14. Urolagnia
15. Coprolagnia
16. Pyromania (Incendiarism)
17. Pygmalionism
18. Platonic/Statue love.

Discussion & Conclusion-

1. Uranism - It is the general term used for sexual perversions.
2. Narcism - Is sexual gratification by watching one's own body.
3. Exhibitionism - Is sexual gratification by exhibiting genitals in public places, especially to persons of opposite sex, he may also masturbate publicly. Exhibitionism is punishable under sec. 294 IPC (Imprisonment upto 3 months, or fine or both).
4. Masturbation (Onanism) - Is sexual gratification by manual stimulation of usually one's own genitals (may be masturbation by other, mutual masturbation) - a male may use bed or wall for rubbing, & a female may use hand or pillow. Such a person may sometimes insert finger, stick or foreign body into his perineal orifices. i.e. anus, urethra or vagina.
5. Fetichism (fetishism) - Is sexual gratification by seeing or touching the objects or body parts of a person of opposite sex. Commonly these objects or body parts are not sexually stimulating.e.g. hair, hands, feet, shoes. clothes, undergarments, scarf, pen etc. These objects are known as fetish objects. Sometimes he may use these objects to sexually stimulate himself & then may. masturbate on them. At times he may be. caught stealing these objects.
6. Transvestism (Eonism)
(Trans across, vest = clothes) Is sexual gratification by wearing the clothes, especially the under-garments of opposite sex.
Such a person is so much obsessed that he may even seek surgery on genitals, to resemble a person of opposite sex - Transsexualism.
7. Undinism - Is sexual gratification by watching the other person urinating (of same or opposite sex). He may like to micturate on or be micturated upon.
8. Voyeurism (Scoptophilia) Is sexual gratification by watching others perform sexual intercourse, therefore these people usually peep into lighted bedrooms at night. They are referred to as-voyeurs or peeping toms. It also includes gratification by watching or photographing a nude female while bathing, dressing etc. It is punishable u/s 354C of IPC.
Such a person may even submit his wife to others or force his wife to have sexual intercourse with others, so that he can get sexual gratification (known as Troilism).
Some get gratification by making or listening obscene phone calls.
Some get gratification by watching porn movies.

9. Frotteurism Is sexual gratification by rubbing the clothed genitals with others body. or buttocks, e.g..in crowded places, lifts, fairs, matches etc. It is punishable under sec.290, 291, IPC.

10. Fellation Is sexual gratification by oral stimulation of male genitals. It may be gratifying to either or both.

11. Cunnilingus - Is sexual gratification by oral stimulation of female genitals. It may be gratifying to either or both.

12. Sadism (Algolagnia, algos = pain, lagnia = lust) - Is sexual gratification by inflicting pain/ torture on the partner & therefore such a person may beat, bite nipple / body, cut, burn, insert bottle/stick into vagina/rectum, or injur his partner & in extreme cases even the death of the partner may result, labelled as lust murder. He may kill her & then have sexual intercourse with dead body, known as Necrophilia. Sexual intercourse may even be done with one recently buried. He may eat flesh or drink blood from the dead body, known as Necrophagia.

Necrophilia and necrophagia are punishable u/s 297 IPC with imprisonment upto 1 yr / fine/both

.13. Masochism (Passive algolagnia)

Is reverse of sadism. Sexual gratification is obtained by pain being inflicted on him by his partner.

If one partner is sadist and other a masochist - it is known as Bondage.

When alone he may tie a ligature around his neck, the other end being tied to water pipe, bed or his foot, so that pulling the ligature constricts the neck, causing hypoxia. He gets himself partially asphyxiated, presuming it to be sexually stimulating. The act is associated with masochism (injuries or cigarette burns on body) & transvestism. Rarely he may die due to over compression of the neck known as sexual asphyxia, Auto-erotic hanging/Strangulation.

14. Urolagnia (urophilia) - Is sexual gratification by sight, smell, taste of urine. He may smear the body of his partner with urine.

15. Coprolagnia (coprophilia) - Is sexual gratification by sight, smell, and taste of faeces. He may smear the body of his partner with faeces.

16. Pyromania - Is sexual gratification by sight of fire. He may burn his own or other's houses & buildings.

17. Pygmalionism - Is sexual gratification by loving an object made by him.

18. Platonic or statue love - Is sexual gratification by loving a statue.

References-

1. Modern medical toxicology by v. v. pillay 4th edition Jaypee Brothers medical publishers New Delhi 2013.

2. Modi's Medical Juries prudence and toxicology twenty third edition by Dr. K Mathiharan and Dr.Amrit K Patnaik, Lexis Nexis, New Delhi 2006.

3. Dr. C. K. Parik's textbook of medical jurisprudence, forensic medicine and toxicology sixth edition, Parikh CBS publication and distributer pvt. Ltd.

4. Modi'ss Medical Juries prudence and toxicology twenty third edition by Dr. K Mathiharan and Dr.Amrit K Patnaik, Lexis Nexis, New Delhi 2006.