

**Summary of the papers written by Judicial Officers on
following topic for the workshop to be held on
08/11/2014.**

**“LAW RELATING TO THE VICTIMIZATION
OF CHILD AND WOMAN WITH REFERENCE TO
THE PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES ACT AND AMENDMENTS MADE IN
INDIAN PENAL CODE, 1860, CRIMINAL
PROCEDURE CODE, 1973 AND THE INDIAN
EVIDENCE ACT, 1872”**

POCSO Act - Providing Child-Friendly Judicial Process

1. India is home to the largest child population in the world, with almost 42 per cent of the total population under eighteen years of age. Needless to say, the health and security of the country's children is integral to any vision for its progress and development.
2. One of the issues marring this vision for the country's future generation is the evil of child sexual abuse. Statistics released by the National Crime Records Bureau reveal that there has been a steady increase in sexual crimes against children. According to a study conducted by the Ministry of Women and Child Development in 2007, over half of the children surveyed reported having faced some form of sexual abuse, with their suffering exacerbated by the lack of specific legislation to provide remedies for these crimes. While

rape is considered a serious offence under the Indian Penal Code, the law was deficient in recognizing and punishing other sexual offences, such as sexual harassment, stalking, and child pornography, for which prosecutors had to rely on imprecise provisions such as "outraging the modesty of a woman". The Ministry of Women and Child Development, recognizing that the problem of child sexual abuse needs to be addressed through less ambiguous and more stringent legal provisions, championed the introduction of a specific law to address this offence. The POCSO Act was therefore formulated in order to effectively address the heinous crimes of sexual abuse and sexual exploitation of children. The Protection of Children from Sexual Offences Act, 2012 received the President's assent on 19th June 2012 and was notified in the Gazette of India on 20/06/2012.

3. The Act defines a child as any person below eighteen years of age, and regards the best interests and well being of the child as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child. It defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-a-vis the child, like a family member, police officer, teacher, or doctor. People who traffic

children for sexual purposes are also punishable under the provisions relating to abetment in the Act. The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

4. In keeping with the best international child protection standards, the Act also provides for mandatory reporting of sexual offences. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so, he may be punished with six months' imprisonment and/or a fine. Thus, a teacher who is aware that one of her students has been sexually abused by a colleague is legally obliged to bring the matter to the attention of the authorities. The Act, on the other hand, also prescribes punishment for a person, if he provides false information with the intention to defame any person, including the child.

5. The Act also casts the police in the role of child protectors during the investigative process. Thus, the police personnel receiving a report of sexual abuse of a child are given the responsibility of making urgent arrangements for the care and protection of the child, such as obtaining emergency medical treatment for the child and placing the child in a shelter home, should the need arise. The police are also required to bring the matter to the attention of the Child Welfare Committee (CWC) with 24 hours of receiving the report, so the CWC may then proceed where required to make

further arrangements for the safety and security of the child.

6. The Act also makes provisions for the medical examination of the child designed to cause as little distress as possible. The examination is to be carried out in the presence of the parent or other person whom the child trusts, and in the case of a female child, by a female doctor.

7. The Act further makes provisions for avoiding the re-victimization of the child as the hands of the judicial system. It provides for special courts that conduct the trial in-camera and without revealing the identity of the child, in a manner that is as child-friendly as possible. Hence, the child may have a parent or other trusted person present at the time of testifying and can call for assistance from an interpreter, special educator, or other professional while giving evidence; further, the child is not to be called repeatedly to testify in court and may testify through video-link rather than in the intimidating environs of a courtroom.

8. Another important provision in the Act is that it provides for the Special Court to determine the amount of compensation to be paid to a child who has been sexually abused, so that this money can then be used for the child's medical treatment and rehabilitation.

9. The Act is a welcome piece of legislation, in that it recognizes almost every known form of sexual abuse against children as punishable offences, leaving little room for ambiguity in its interpretation. Further, by providing for a

child-friendly judicial process, the Act encourages children who have been victims of sexual abuse to bring their offender to book and seek redress for their suffering, as well as to obtain assistance in overcoming their trauma. It makes the different agencies of the State, such as the police, judiciary and child protection machinery, collaborators in securing justice for a sexually abused child; working together, they can ensure that the child is given an opportunity to obtain justice for the harm suffered, and begin the process of rebuilding the child's life and future.

10. Now days it has noticed in society that the maximum cases are in respect of children who have been sexually abused. The mind of children is like mud and such mind take shape of what they experience. The exploitation and abuse of children may cause injury to the mind of children, in the consequences, they may hate society and live in the society by bearing the pains experienced by them during their childhood. It is very serious matter and it will cause damage to the not only society, but our nation by way of losing well talent. Therefore the legislation has taken initiative to protect the children from sexual offences. In result of which, the enactment The Protection Of Children From Sexual Offences Act, 2012 came into force on 14/11/2012.

11. The Protection Of Children From Sexual Offences Act, 2012 (POCSO) has brought various act of debauchery elements in the society in the category of offences against children. It is comprehensive law to provide for the protection

of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interest of child at every stage of the judicial process by incorporating child friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts.

12. This Act has defined the definition of child as to any person below the age of 18 years is child. Moreover the statute is enshrined the sexual offences against children like penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, use of child for pornographic purposes, abatement of an offences. Moreover this act casts duty on public also to inform to Local Police or Special Juvenile Police Unit that the offence is likely to be committed or has knowledge that such an offence has been committed by somebody.

13. To ensure the children from any apprehension and to keep them in comfort zone while investigation of any crime against child, the police has to record the statement of such child at his residence or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of Sub Inspector and the police officer shall not be in uniform while recording statement of child. Moreover the child shall not be detained in the police station in the night for any reason and police officer shall protect the identity of child from the public media, unless

otherwise directed by the Special Court in the interest of child.

14. Moreover the duty imposed on Magistrate while recording the statement under section 164 of Criminal Procedure Code of child the Magistrate shall record the statement as spoken by the child. At that time the presence of Advocate is not permitted.

15. In the background of aforesaid newly introduced amendments in Indian Penal Code, Criminal Procedure Code, Indian Evidence Act and The Protection Of Children From Sexual Offences Act, 2012 (POCSO) has casted the police as well as people in the role of woman and child protectors while living in the society. The said Act provides for Courts and Special Courts that conduct the trial in-camera and without revealing the identity of the child and woman.

16. The fundamental principles to be followed in the determination of a case involving a sexual offence against a child have been laid down in the various international instruments and in the Preamble to the POCSO ACT, 2012 itself. The State Government, the Child Welfare Committee, the police, the Special Courts, all other government functionaries as well as N.G.O.'s and all professional and experts assisting the child at the trial and pre-trial stages are bound to abide by these following principles.

- (1) Right to life and survival.
- (2) The best interests of the child.

- (3) Right to be treated with dignity and compassion.
- (4) Right to be protected from discrimination.
- (5) The right to special preventive measures.
- (6) The right to be informed.
- (7) The right to be heard and express views and concerns.
- (8) The right to effective assistance.
- (9) The right to privacy.
- (10) The right to be protected from hardship during the justice process.
- (11) The right to safety.
- (12) The right to compensation.

17. In the context POCSO Act, 2012 interviews may need to be conducted by a variety of professionals, including police or investigative agencies. These are forensic rather than therapeutic interviews, with the objective being to obtain a statement from the child. The followings are basic guidelines that should be kept in mind while conducting forensic interview.

- 1) All children should be approached with extreme sensitivity and their vulnerability recognized and

understood.

- 2) Try to establish a neutral environment and rapport with the child before beginning the interview.
- 3) Try to select locations that are away from traffic, noise, or other disruptions. Items such as telephones, cell phones, televisions, and other potential distractions should be temporarily turned off.
- 4) The interview location should be as simple and uncluttered.
- 5) Always identify yourself as helping person and try to build a rapport with the child.
- 6) Make the child comfortable with the interview setting.
- 7) Ask the child if he/she knows why they have come to see you. Children are often confused about the purpose of the interview or worried that they are in trouble.
- 8) Convey and maintain a relaxed, friendly atmosphere.
- 9) Avoid touching the child and respect the child's personal space.
- 10) Do not suggest feelings or responses to the child. 11)

Do not make false promises.

- 12) Establish ground rules for the interview, including permission for the child to say he/she doesn't know and permission to correct the interviewer.
- 13) Ask the child to describe what happened, or is happening, to them in their own words.
- 14) Always begin with open-ended questions. Avoid asking the child a direct question.
- 15) To allow the child to use free narrative.
- 16) To avoid the use of leading questions.
- 17) The interviewer should avoid probing un-necessary details.
- 18) Not to prolong the enquiry.
- 19) Regularly check whether the child is hungry or thirsty, tired or sleepy, and address these needs immediately.
- 20) Let the child do the talking and answer any questions the child may have in a direct manner.
- 21) Avoid questioning the child as to why he behaved in a particular way.
- 22) Avoid correcting the child's behaviour unnecessarily during the interview.

- 23) Interviewer should not discuss the case in front of the child.
- 24) Individuals who might be accused of influencing children to discuss abuse, such as parents involved in custody disputes or therapists, should not be allowed to sit with children during interviews.
- 25) In some cases, the interviewer may consider it appropriate to allow a support person to sit in on the interview.
- 26) The interviewer should convey to all parties that no assumptions have been made about whether abuse has occurred.
- 27) Interviewer to take the time necessary to perform a complete evaluation and should avoid any coercive quality to the interview.

18. **Guidelines of examine the child victim and witnesses.**

(I) Before Trial

- 1) List cases for an as soon as possible and avoid adjournments.
- 2) Ensure that communication with the child is in an understandable language and manner.
- 3) Consider what special measures may be taken in

light of the child's wishes and needs.

- 4) Ensure that the child is able to exercise his/her right to be accompanied by an adult in whom he has trust and confidence.
- 5) Chart all stages of children's evidence to minimize time at court and give them a fresh start in the morning.
- 6) Request that the child is given an opportunity to visit the court to familiarize himself with it before the trial.
- 7) Request that the child sees or can be briefed on his/her statement for the purpose of memory-refreshing before trial.

(II) At Trial

- 1) Children have the right to be heard in any judicial and administrative proceedings affecting them.
- 2) Children have the right to information about the case in which they involved. Such information would includes;
 - (a) Charges brought against the accused.
 - (b) The progress and result of the investigation.
 - (c) The progress of the case.

- (d) The status of the accused.
 - (e) The available evidence.
 - (f) The child role in the proceedings.
 - (g) The child's right to express their views and concerns in relation to the proceedings.
 - (h) The scheduling of the cases.
 - (i) All decisions affecting their interests.
 - (j) Their right to challenge or appeal decisions and the modalities of such appeal.
 - (k) The status of convicted offenders and the enforcement of their sentence, including their possible release, transfer, escape or death.
- 3) Ensure ahead of time that equipment is working, recordings can be played and that camera angles will not permit the witness to see the defendant.
 - 4) Explain that the judge or magistrate can always see the witness over the live video link.
 - 5) Request the Public Prosecutor to himself to the child before the trial and to answer his /her questions.
 - 6) Encourage the child to let the court know if they have a problem.

- 7) Do not ask the child at trial to demonstrate intimate touching on his/her own body.

19. In now days the society would seem ferociously cruel and oppressive to women. The women have been subjected to various forms of exploitation, harassment, torture and sexual capacities. Not only the women but the children are not safe from such bad elements in the society. Even women who are not the victims of violence have had their way of life affected by the fear of such violence. In the factors and to keep away the women from such cruel and oppressive instances as well as to strengthen their capability to fight against such acts with help of law, the legislation has introduced various stringent amendments in Code of Criminal Procedure, Indian Penal Code and Indian Evidence Act.

20. The Criminal Law Amendment Act, 2013 has been introduced by Parliament in the 64th year of Republic of India. This Act has brought amendments in Indian Penal Code, 1860, The Code of Criminal Procedure Code, 1973 and The Indian Evidence Act, 1872 and also brought the statute Protection of Children From Sexual Offences Act 2012. This Criminal Law Amendment Act, 2013 has been passed on 02/04/2013 and it has come into force on 03/02/2013. The statute The Protection of Children from Sexual Offences Act, 2012 came into force from 03/02/2013.

21. The aforesaid amendments in The Indian Penal Code, Criminal Procedure Code, Indian Evidence Act and The

Protection of Children from Sexual Offences Act are either correlated to each other or consequential offence either of them.

22. Section 166A, 166B inserted in the Indian Penal Code and such amendment introduced Penal Section against public servant who is responsible to record any information given to him under sub-section (1) of section 154 of Criminal Procedure Code in relation to cognizable offences punishable under section 326A, 326B, 354, 354B, 370, 370A, 376, 376A, 376B, 376C, 376D, 376E and 509 of Indian Penal Code.

23. On reading the Section 166 of Indian Penal Code it reveals that this section was applicable to each and every Public Servant who knowingly disobeys any direction of the Law. Now the newly introduced section 166A and 166B of Indian Penal Code are applicable to Police Officials as they are responsible to record any information under Section 154 of Criminal Procedure Code in relation to cognizable offences under section 326A, 326B, 354, 354B, 370, 370A, 376, 376A, 376B, 376C, 376D, 376E and 509 of Indian Penal Code. The newly introduced section 166A, 166B of Indian Penal Code has compelled to the Police Officers to receive the information of aforesaid cognizable offences and to register as well as investigate into such crime. Section 197 of Criminal Procedure Code is amended by inserting the explanation wherein it has explained that for removable of doubts it is hereby declared that no sanction shall be required in case of public servant who is accused of any offence alleged to have been committed under section 166A and 166B of the Indian Penal Code. These

amendments casts burden on Police Officer/Officer who is responsible to record information under section 154 of Criminal Procedure Code in relating to aforesaid newly introduced cognizable offences. This section is motivating to the women to move to the police station against sexual crime and to lodge the complaint.

24. The Criminal Law Amendment Act, 2013 has also introduced the provisions under section 354A to 354D, 370, 375, 376A to 376E and 509 of the Indian Penal Code. On perusal of these amendments in Indian Penal Code it reveals that these are in relation to the sexual offences with women. These amendments are relating to the act of offender alleged to have been committed either a sexual offence or offence relating to women. The newly amended offences under section 326A and 326B of the Indian Penal Code are not differentiating the gender, but in now days the women have been subjected to grievous hurt by using acid or other chemical which was damages to the body of person. Though the section 326A and 326B of the Indian Penal Code showing special regards with the women, but those amendments are introduced by keeping in mind the cruelty or harassment of women by using acid etc. Therefore we can say that impliedly those amendments helps more to the women than the men.

25. Before introducing the offences under section 354A, 354B, 354C and 354D, there was only offence under section 354 of Indian Penal Code. Section 354 of Indian Penal Code explains that there was punishment to the person whoever

assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty. On comparing the offence under section 354 with newly introduced offence under section 354A to 354D of the Indian Penal Code, it reveals that the legislation has taken broad view and considered each and every overact with women with intend to commit sexual act. No doubt the intention behind every act of person must be related to commit sexual act. Now not only assaults or uses criminal force intending to outrage the modesty of women is punishable, but the acts as to unwelcome physical contact or demand or request for sexual favours or showing pornography against the will of a woman or making sexually coloured remarks as well as using criminal force or assaults with intend to disrobe a woman and attempt to contact to woman to foster personal interaction repeatedly despite a clear indication of disimpressed by such woman, monitors the use of the Internet by woman are brought in the category of offence.

26. These amendments provided safeguard to the women as to restrain to every unwelcome man who tried to contact her or explicit sexual overtures. Not only this, these amendments may cause apprehension in the mind of every man to think a lot before going to commit any aforesaid act with a woman.

27. Section 370A is introduced in the Indian Penal Code as offence and such provision in respect of child. Whoever, knowing or having reason to believe that a minor trafficked,

engages such minor for sexual exploitation in any manner, such act is an offence. The offences under section 375, 376A to 376E of the Indian Penal Code are in respect of sexual offences with a woman. Previously Section 376 of the Indian Penal Code was limited to the act of man who commit rape with woman against her will, without her consent etc. Now the amendment in Section 375 and newly introduced offences under section 376A to 376E of Indian Penal Code are touching to the each and every act of man who is intending to initiate sexual relation with a woman against her will. The section 509 of Indian Penal Code is related to the act, word or gesture intended to insult the modesty of a woman and because of that for such offence the amendment has enhanced the punishment for term which may extent to three years instead of one year.

28. We have already been discussed about the amendment of section 154, 197 of Criminal Procedure Code. Besides of these amendments, the legislation has introduced some procedural amendments by way of inserting the proviso in section 54A of Criminal Procedure Code. The proviso provides that if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a Judicial Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with. Provided further that if the person identifying the person arrested is mentally or physically

disabled, the identification process shall be videographed.

29. Moreover the depth of section 161 of Criminal Procedure Code is enhanced in the matters in which offence against women under section 354, 354B, 370, 370A, 376, 376A, 376B, 376C, 376D and 509 of Indian Penal Code by way of inserting the proviso as to the statement of woman against whom an aforesaid offence is alleged to have been committed or attempted shall be recorded by a woman police officer or any woman officer. Moreover the amended sub section (5A) (a) of section 164 of Criminal Procedure Code imposed duty on Judicial Magistrate shall record the statement of the person against whom the aforesaid offences has been committed in the manner prescribed in sub section (5), as soon as the commission of the offence is brought to the notice of the police.

30. To ensure the justice to the women subjected sexual harassment the legislation has made amendment in Section 309 of Criminal Procedure Code and imposed the liability on Court for conducting such cases. As per amendment in Section 309 of Criminal Procure Code in every inquiry or trial the proceedings shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for the reasons to be recorded. Provided that when the inquiry or trial relates to an offence under Section 376, 376A to 376D of Indian Penal Code, the inquiry or trial shall as far as possible be completed

within a period of two months from the date of filing of the chargesheet.

31. Mere amendments in any Act without amendments in the other Acts relating to those Acts, the purpose of such amendment would not serve. Therefore the legislation has introduced the amendments in not only Indian Penal Code, Criminal Procedure Code, but in other statute which are related to those Acts. Accordingly some amendments are introduced in Indian Evidence Act. Section 53 of the Indian Evidence Act says that in criminal proceedings, the fact that the person accused is of a good character, is relevant. Now amended section 53A of Indian Evidence Act has differentiated the offence under Section 354, 354A to 354D, 376, 376A to 376E of Indian Penal Code or for attempt to commit any such offence from other offences and ensure that where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the equality of consent in the cases under Section 354, 354A to 354D, 376, 376A to 376E of Indian Penal Code.

32. Section 114A of Indian Evidence Act raises the presumption as to absence of consent in certain prosecution for rape. Where sexual intercourse by the accused is proved and the question is whether it was without consent of the woman alleged to have been raped and such woman states in her evidence before the Court that she did not consent, the Court shall presume that she did not consent. Moreover the

amendment in Section 146 of Indian Evidence Act by way of substituting proviso, it has settled that where the question of consent of prosecutrix in the cases under Section 376, 376A to 376E of Indian Penal Code is an issue, it has not be permissible to adduce evidence or to put question in the cross-examination of the victim as to the general immoral character or previous sexual experience, of such victim with any other person for proving such consent or the quality of the consent.

33. Important Case Laws.

(1) **Shankar Kisanrao Khade Vs. State of Maharashtra reported in (2013)5 S.C.C. 546.**

Hon'ble Supreme Court have held that relying on several judgments by the Apex Court, present Court applied "crime test", "criminal test" and the R-R Test and not "balancing test" to award death sentence. To award death sentence, "crime test" has to be fully satisfied, i.e. 100% and "criminal test" 0% i.e. no Mitigating circumstances favouring the accused. If there is any circumstance favouring the accused, like lack of intention to commit the crime, possibility of reformation, young age of the accused not a menace to the society no previous track record etc. Rarest of rare case test depends upon the perception of the society i.e. "society centric" and not "Judge Centric" i.e. whether the society will approve the awarding of death sentence to certain

types of crimes or not. While applying that test, the Court has to look into variety of factors like society's abhorrence, extreme indignation and antipathy to certain types of crimes like sexual assault and murder of minor girls intellectually challenged, suffering from physical disability, old and infirm women with those disabilities etc. Supreme Court have also pleased to elucidate some judicial principles for awarding death penalty.

(2) **State of Maharashtra Vs. Dattatraya @ DattaAmbo Rokade reported in 2014 ALL M.R. (Cri.) 2078.**

Hon'ble Bombay High Court have dealt with various legal aspects in respect of circumstantial evidence, in respect of test identification parade, in respect of recovery under Section 27 of the Indian Evidence Act, 1872, from any open place, in respect of extra judicial confession. In para No.17 all these citations the Lordship pleased to elucidate, aggravating and mitigating circumstance to be considered while confirming death penalty.

(3) **Sate of Uttar Pradesh Vs. Munesh reported in 2013 Criminal Law Journal 194 (S.C.)**

“It is held that the primary concern both at National and International level is about the devastating increase in rape cases and cases relating crimes against women in the world. India is no exception to

it. Although the statutory provisions provides strict penal action against such offenders, it is for the Courts to ultimately decide whether such incident occurred or not. The Courts should be more cautious in appreciating the evidence and the accused should not be left scot-free merely on flimsy grounds. In the instant case, the accused had committed rape, which repels against moral conscience as he chose a girl of 11 year to satisfy his lust and subsequently murdered her. The incident took place in the year 2002. Punishment of life imprisonment was awarded.”

(4) **Deepak Gulati Vs. State Haryana reported in 2013 Criminal Law Journal 2290 (S.C.).**

“It is held that rape is the most morally and physically reprehensible crime in a society, as it is an assault on the body, mind and privacy of the victim. While murderer destroys the physical frame of the victim, a rapist degrades and defiles the soul of a helpless female. Rape reduces women to an animal, as it shakes the very core of her life. By no means can a rape victim be called an accomplice. Rape leaves a permanent scar on the life of the victim, and therefore, a rape victim is placed on higher pedestal than an injured witness. Rape is a crime against the entire society and violates the human rights of the victim. Being the most hated

crime, rape tantamount to serious blow to the supreme honour of a woman, and offends both, her esteem and dignity. It causes psychological and physical harm to the victim, leaving upon her indelible marks.”

(5) **Narendra Kumar Vs. State of (NCT) Delhi reported in AIR 2012 S.C. 2281**

“It is held that conviction can be based on sole testimony of prosecutrix provide it lends assurance of her testimony.”

(6) **Salil Bali Vs. Union of India reported in (2013)7 S.C.C. 705**

“It is held that juvenile justice (Care and protection of children) Act, 2000 is in tune with provisions of Constitution and various declarations and convention adopted by World Community represented by United Nations. Said Act cannot be held to be ultra vires Constitution nor it can be struck down.”

(7) **Joginder Singh Vs. State of Maharashtra reported in 2014(3) Bombay C.R. (Cri.) 91.**

It is held that applicant preferred an application for seeking anticipatory bail - The offence was punishable under Section 354(A) of the Indian Penal Code, 1860 - The question was, whether applicant

was entitled for anticipatory bail - It is held that applicant had co-operated with the investigation agency - Custodial interrogation of applicant would not be necessary - Registration of offence against applicant had exposed him to social obloquy and that he had been humiliated in society as well as at work place - Registration of offence was sufficiently deterrent factor - Therefore, bail was granted to the applicant."

(8) **2014 Criminal Law Journal 3135 (S.C.)**

"Crimes against woman - Occurred due to states in capacity to protect fundamental rights - State ought to take long-term measures to curb such crimes - Victim to be given free first aid or medical treatment.

Rape victim - State is obliged to pay - Compensation payable by the State Government under Section 357(A) shall be in addition to payment of fine to victim under Section 326(A) or Section 376(D) of Indian Penal Code, 1860
