



Review

Socio-cultural aspect of sexual practices and sexual offences – An Indian scenario ☆

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Abstract

Ignorance of the law of the land is no defence. Furthermore, it is a legal dictum that one should not be held criminally liable unless possessing a guilty mind. But during trials of some sexual offences in India it is often observed that the accused did not know that he had committed an offence because the crime in question was a part of his socio-cultural milieu.

India is a vast country with great socio-cultural diversity and many different ethnic groups, each with its own distinct cultures. However, the entire Indian culture is religion based and finds its root from the ancient Holy Scriptures. The sexual culture of Indian society stems from the Kama Sutra of Vatsyayana, an epic on sex. This text is considered holy and is accepted culturally, even though many practices contained therein are offences under modern law. Child marriages and arranged marriages are an integral part of Indian society and in some tribes, even prostitution is socially sanctioned. However, all of these are also against the law.

Many of the conflicts observed between the sexual practices that are accepted in Indian culture but not by the law can be explained on the basis that the Indian legal system is borrowed from that of the British.

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