

A CRITICAL APPRAISAL AND PHILOSOPHICAL STUDY OF SEXUAL OFFENCES

*Ramesh Kumar
LL.B. (Gold Medalist),
LL.M. (Student) Institute of Law,
Jiwaji University, Gwalior

**Raj Kumar Verma
LL.M., NET,
Research Scholar,
Jiwaji University, Gwalior

The history of sexual offences is as old as origin of human and their development. Sexual offences are against the human dignity and human rights, sexual offences are not only against a particular or specific person but are also against the society, state country and world as **heinous** Offences of Human being. In present scenario, the increasing the conditions of sexual offences are very much Miserable, controversial issue not only in India but also in all over worldwide. The Ratio of Sexual Offences are too much high in today's context. If We did not prevent the sexual offences, then the future shall be very **fiercely**. Now it is prime question before us, what should be done to prevent the sexual Offences? As for as it is concerned: "Every kinds of crime have got one single root of determinations" the theory of determinations shall be explained here in after. All kinds of sexual offences are behind the theory of determinations.

Accordance with the Natural phenomenon and natural process, generally human are competent to produce another human with the intercourse of sexual organs, this capacity is provided by the Nature free of cost for men and women; aforesaid capacity also is found up to a specific limit in animals and others living creatures. Except Some Exceptions in Human and living Creatures. The sexual intercourse is one of the major, specific, parts, procedures between man and women as essential and compulsory form or increasing and developing the human family and human world in default of it the development of population shall be stopped.

Generally every human does and **requires** of sexual intercourse except some exceptions as well as it also living creatures. Except Some exceptions, as essential and compulsory form. All Above the Natural procedures; but the uses and misuses of sexual organs depend on the human. Here we would like to discuss about " The theory of balance and convenience , violations and protections of human rights"

That is all human living creatures in the world always make the best effort to strike a perfect balance and convenience with every aspects of life according to them. At what atmosphere the human has born, brought up, care, education all are the questions of the fact accordance with time and circumstances. Having been made all the best efforts to strike a

perfect balance and Convenience, when human gets failure then the balance and convenience are destructed as a result finally upsets the balance.

In consequences of it; Now accordance with the time and circumstances, this is the specific time to unbalance, and violate of human rights because at the state of mind human gets incompetent to exercise the mind in well versed form; and make existence in this course human reacts accordance with time and circumstances at the time due to inconsistent Irrelevant time and circumstances, human some contrary and exceptional conditions now it is questions of fact whether are the consequences.

Human mind produces some irrelevant consistent results due to excitement, over excitement, and unbalance thinking, ideas , abstract otherwise in contrary form or except some contrary and exceptional conditions, now it is questions of fact whether the consequences of above facts may be good or relevant or consistent or bad, irrelevant or in consistent.

The most and over Extreme of any act is not good in the human world; So finally human and living creatures must be made perfect balance and convenience in all aspect of life for the welfare and interest of world human and living creatures. That is theory of balances and conveniences. Every human and living creatures do require the sexual activities while striking balance in relevant ways accordance with the natural order therefore subjecting to theory of balance and convenience, when the balance of human mind [including the thinking, thoughts, ideas, abstract] is upset, destruct and their body, their hormones and otherwise because of unbalanced conditions, disorders, human reacts contrary irrelevant actions hence as a results, the actions , reactions, activates may be the misuses of sexual organs or other Wise in consequences of all, commit the sexual offences and also other offences. Which are violated the human rights, and total destructions of human rights and their humanity.

In the furtherance, establishment, faith and respect of Rule of law, in welfare state democratic countries as well as it is in all over worldwide. Sexual offences shall be prevented because we are well acquainted and it is well settled that any society, state, country world cannot be crime free wholly but up to a specific limit all the offences merely can be prevented. Hence we must be made every possible efforts and spare not efforts to prevent sexual offences for the welfare and interest of world human and living Creatures with preservation and protections of human rights and humanity

Any act is not offence until declares as an offence by law. As far as sexual offences are concerned:-

The sexual offences are against Women:-

If any man is commits following sexual activities shall be sexual offences¹:-
[A]:- Penetrates his penis, to any extant, into the vagina, mouth, urethra, or anus of a women or makes her to do so with him or any other person; or

[B]:- Inserts, to any existent any objects or a part of the body, not being the penis in to the vagina, the Urethra or anus of a women or makes her to do so with him or any other person; or

[C]:- Manipulates any part of the body of a women so as to cause penetrations in to the vagina, Urethra, anus or any part of body of such women or makes her to do with him or any other person; or

[D]:- Applies his mouth to the vagina, anus, Urethra of Women or makes her to of so with him or any other person.

I. Against her will.

II. Without her consent.

III. With her consent, when her consent has been obtained in whom she is interested, in fear of death or of hurt.

IV. With her consent, when the man knows that he is not her husband and that her consent is a given because he believes that he is another man to whom she is or believes herself to be lawfully married.

V. With her consent when, at the time of giving such consent, by reasons of unsoundness of mind or intoxication or the administrations by him personally or through another of any stupefying or Unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

VI. When she is unable to communicate consent.

VII. Vagina shall be also including Labia majora.

VIII. Consent means an unequivocal voluntary agreement when the women by words, gestures or any form of verbal or non-verbal communications, communicates willingness to participate in the specific Sexual act. Provides that a women who does not physically resists of the act of penetration shall not be the reason only of that fact, be regards as consenting to the sexual activity.

Unnatural Offence²:- who ever voluntarily has carnal intercourse against the order of the nature with any men, women, and animal. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in aforesaid.

Homo-sexuality is not applied in India by way of law: That is to do the carnal intercourse with man to man, or with women to women or other man or women or animals, if any man commits sexual acts with women with unnatural manners as:- To penetrate his penis into her Urethra, Anus, Mouth etc because to do so against the order of nature.

Constitutionality of sections 377 India penal code 1860 [act of 45 of 1860]:- As to above it, We mention Naz Foundation V/S Government of N.C.T of Delhi.³ held that U/S 377 IPC. Violates to articles 21, 14, 15, so this section deprives the dignity of human; Hence aforesaid acts also make out the sexual Offences. Finally sexual offences are not only against human body, but also Humanity their dignity as well as violates the human rights on the large scale with fiercely, brutally.

A critical appraisal of sexual offences:-The sexual offences are not committed only in present scenario but also used to commit in the time of the human origin and development in the most early stage. Since then to till now many reasons are liable to be caused sexual offences as, social, economical, political, cultural, scientific, physiological, legal, moral, natural, medically over population, unemployment, lack of education, atmosphere, hot climate, idleness of human, misuses, spirituality fiduciary relations, forcibly, power, money, diseases, misuses of the liability, to perform liability or not to be performed liability, misuses of knowledge, too much attractions of human body, clothes, obscenity, pornography, ill feelings, thinking, thoughts, ideas, abstract full of obscenity, pornography, Dress up [Up to a specific limit], inconstant eating, drinking, food, adulteration, Unbalance of Harmon's medicines constantly obscene introspecting, obscene atmosphere electronic devices, as a mobile, computer, palmtop, internet, porn websites, availability of obscenity and pornography easily by many means and living style with atmosphere etc.

MAJOR CAUSES ARE AS FOLLOWING:-

[I]:- Availability of Obscenity and Pornography:- one of the major reasons is liable to cause of sexual offences in today's context first is with the help of electronic means as:- Mobile, laptop, palmtop, computer, up to the access of the obscenity and pornography is very easily as well as it internet also; that is due to above all the ability of obscenity and pornography with the internet too much easily. In present time it is very miserable conditions with misery that the children who are age group at 10 to 18 and above old year's gave easily made access to obscenity and pornography with the help of the internet and electronic devices, they watch pornography on many websites easily without having disturbance also with the cyber café; All above are very cheap, make avail of all only worth rupees five or ten, due to all. Now a days it is very easily to make MM.S and upload on internet after committing rape sexual activities and sexual offence which are offences and punishable, As a result we can say that "A competent and empowered thing, We have been entrusted with incompetent and immature hands."

Because all the electronic devices are nonliving they don't understand the uses and misuses; As a result the uses and misuses depend on us because we are living have wisdom, intellectual power and we understand finally uses and misuses depend on human. As:- Eyes have work to see but it depends on us that what thing we want to see or not in the world." As:- A pen has work to write but it depends on us what thing we want to write or not." Second thing is that newspapers, magazines, T.V movies, T.V serials which have contained obscene things as a result, human are very compelled to watch, see, read all the aforesaid things. All the things are crossed the limit as to obscenity in the spite of all the things, laws are not in existence if are found then not implemented, the measures by government made are insufficient, in complement to prevent all.

Dress up is one of reasons of the Sexual Offences :-

Now a day's dress up is up to a specific limit liable to sexual offenses, the dress up must be reasonable and adequate but must not be exhibition of obscenity. The dress up which is

shown the exhibition of the obscenity then it is morally, socially, psychologically, spiritually, destructed the culture of the country and contrary against humanity and human; in consequences of all as to aforesaid all aspects “ some thinking, thoughts, ideas, abstract feelings which are firmly settled in definite form concluding determined into the heart and mind of the person or have made a house of thinking, thoughts, ideas, abstracts definitely is called theory of determinations developed in definite from conclusively aforesaid for applications and holders on the body the persons started to educations ,training, developments of the capacities as well as it started to collect means and resources as money and as thing”⁴ as a result the commission of sexual offences are made.

The Role of Theory of Determination⁵ In Sexual Offences:-

Theory of Determination, Violation And Protection of Human Rights:-

For the furtherance and establishment of rule of law in all over worldwide, whole world is a family. The foundation of Determination is found in every kind of offences as well as mankind determination even is found up to a definite limit in animal also. The specific major center point of the earth is the welfare of Human and living creatures. The greatest specific purpose of every kind of Laws must be the welfare of world human and living creatures. All laws whether the laws are made by any means and any medium. The purpose of all laws must be for welfare, interest, protection of world Human and living creatures (which take breath) and there, it’s connected with all aspects. “The origin and path of every kind of laws may be different to different and are different to different provided that the purpose of all kind of laws namely must be and is for the welfare of world Human and living creatures.” The flowing rivers of laws from the different to different origin and paths, mixing into the ocean of world human welfare and living creatures, get its purpose.” Fully destroying the roots of offences from strong preponderance to the strongest preponderance reforming offenders, thinking ideas, abstracts, feelings, tendencies to commit offences, creating weak to weakest, destructing from the root to impart develop, transmit healthy sound thinking, ideas, abstracts, felling tendencies, developing preponderance to the strongest preponderance, full of maturity, thinking, ideas, abstracts, feelings namely to develop matured good healthy, sound determination. To make offenders, a worth living person in the society. To produce felling of repent, atone, hate on committees crimes, and other illegal, immoral wrongs as well as to punish, sentence and from prevention, fear of Law having been produced such aforesaid things, in such empty place, vacating place into the heart and mind of the offender to fill create, develop good, healthy, sound, thinking, ideas, abstracts, feeling. To give and Human designation, Human dignity, knowledge science, Literature spiritual, morality,

sociality, healthy, sound, good thinking, ideas, abstract opinion, feelings sound mind skills, habits, conducts, economic, lost Human sacraments, Humanity exclusive love and affection Humanity of Human. Developing aforesaid all to establish well educated, well trained, polite, civilized, specific, peacefully, Nonviolent, truth, person, family, society, state, nation and world.”

“Saying this and to nourish this thinking, idea, mind, abstract, that any society, state, nation and world shall be entirely free from crimes and wrongs in any time and circumstance. It is absolutely irrelevant and also improper.”“It can be said that where is the existence of goodness there is evil in any form, by any medium, directly or indirectly, evil also is in existence.”“Any society state, nation and world in any time and in any circumstance cannot be wholly devoid from crimes and wrongs that is can’t be crime and wrong free.”For the welfare of world human and living creatures , To develop determination of Humanism, humanity ,compassion for human and living creatures , spirit of reformation¹, scientific temper, promotion of harmony, the spirit of common brotherhood amongst all the people to follow the noble ideals² which inspired the people. So such determination must be preserved and cherished. To strive towards excellence in all spheres of individual and collective activity³so that the person, family, society, state, nation and world constantly rises to higher Levels of endeavour and achievement. The supreme system of Democracy in the furtherance of Rule of law, in the creation and development of the world family, each and every persons can be contributed participating their role as well as role and participation, to be held the Humanism, Humanity designation of Human, Human dignity to value and preserve the rich heritage of our composite culture⁴of ways. It is the major specific purpose of theory of determination.

For the prevention of offences and reformation of offender namely the reformation theory of criminology is favored but is dictum of reformative effectively executed. It is the system and arrangement competent to reform offenders. All liable persons, security and working agencies, government and are performing their duty wholly liability, responsibility Accepted and also by expressly, impliedly. In today’s context as to aforesaid a question is entitled to get its answer. Democracy is the supreme system in the world. The democratic system must not be changed but it must be reformed and progressive, accordance with time and circumstances. “It is sought that only which is true or truth that is true or truth.” ‘Why it

is not accepted' only on truth aspect or a true full of veracity changing into a false aspect or a false fact and for proving false or fake.

Many uncountable people destruct the Human or their humanity. Many types rigorous to the most rigorous extremely fiercely flagrantly brutally. Tortures, cruelty, Atrocities, exploitation, violation of rights, human rights Humanity of human that is Being Human is become enemy of Human and their humanity. To destruct it is deemed to think dharma, duty, liability.

Being human oneself, becoming enemy of human sowing seeds of enmity growing a tree of Human destruction, and keep nourishing Human blood of innocents keep on doing it such like became an enemy of Human oneself is ruined. The foregoing consequences keep effecting on coming prospective generation after generation. Directly, indirectly or substantially there upon the nourishment of the tree of human destruction starts by their generation or there with concerned people and this sequence runs consequence. The violation or destruction of Human and humanity continue and keep going further once minute after minute.

One question seeks to satisfaction with competent logically and perfect balanced answer-

Can the tree of Human destruction root out fully? If so it is yes than how? This question and it's answer are ancient, Antiquity provided Aggrieved person and criminal or offender, Accordance with time and circumstances are new, This aspect is Ancient and antiquity but result and foregoing results or it is part originated from determination sometimes the roots are found in ancient and Antiquity this theory and also produced. Now the question before us that what are the ancient and Antiquity thinking, ideas, abstracts and feelings which is so affected and this strongest preponderance. Which is till today even effected from the strongest preponderance it fiercely flagrantly Brutally and enormity that the person is keeping nourishing the root from the blood of Human Being human, at all why all, thinking, ideas, abstracts feeling are the strongest preponderance even now. Will all aforesaid be keeping destructing, holding more to more preponderance. Now the question is how the root of is the tree of Human destruction is reached. So the deepest and who has been nourished it? Which is full of with so enormity? Fiercely, flagrantly, brutally, imminently violent? How has it been nourished? With nutritious facts of Nourishment? Which are flourishing growing emerging as many fruits of offences like:- terrorism, naxalvad , Robbery, sexual offences,

that is against Human body their property as well as connected with other aspects of Human and also living creatures.

By which whole world are suffering why? What is foundation of it ? When, how, Why, How much time, How long, for what, where, for when this foundation is created and produces. And in coming time and circumstances how long to what extent it shall be destructed of world human, humanity and living creatures. To grow this tree, so the deepest to root shall be gone will the root of this tree be cut ever ? Will the root of this tree be destructed or may be destructed Or shall be destructed definitely. If it is so than how?

Will it be possible to establish a healthy, educated, trained civilized loved, Humanism with humanity as well as, social, economic, moral, scientific, Cultural, good healthy thinking, ideas, opinion, abstract, feelings without having any discrimination of religion, race, cast, sex or place of birth and others a person, family, society, state, nation and world, without existence of crimes and wrongs in rule of law. But up to a limit crimes and wrongs can be prevented and always continuously with entirely diligence Endeavour to prevention of crimes and wrongs. For the establishment and world human and living creatures are compulsory and essential. As a result all worldwide shall be the happiest family.

Theory of Determination:-

Creation and development of Theory of Determination—

What is Determination? What is role of determination in every kind of offences? Every kind of crimes has got merely one root and also one origin that is determination. To decrease and prevention of offences, the tree of bad unhealthy against human and living creatures determination must be eliminated, rooted out; having been rooted out it the empty and vacated place must be fulfilled with well matured, stable, healthy, humanitarian, sound, well-educated trained thinking, ideas, opinion, Abstracts, feelings, spirit of reformation, compassion towards Human and living creatures, love, truthiness, nonviolence, Divinity.

As well as by punished, sentenced, and producing repenting, Atonement, hate, abstracts reforming, developing, make a good sound person; prevent the offences.

First of all in human and living creatures (which take breath) have got two things first is corporeal things that is their and its body second thing is incorporeal that is their and its thinking, ideas, opinion, abstract, feelings mind or Brain. Incorporeal or unphysical as:-

thinking, abstracts,. Love, hate, habits, conduct, dreams, imagination, worries, desires, lust, knowledge, introspect, repenting, Abstract of Atonement, sadness, Happiness, defamation, reputation, dignity, Abstract of Honesty, Happiness of winning, sadness of defeating, respect, disrespect, win, defeat, Humanity, mercy, Angry, peace, restlessness, kindness, ideas, opinion, feelings. Above all are itself proved, no need of proving with any proof .

Out of above all mainly the Abstract of happiness and sadness, rest, luxury, mercy, angry, are found is in all types of persons in a limited form in a quantity.

Each and every person's seeks to get more to more abstract of happiness and becoming happy keep collecting the means, conveyances of abstract of happiness as well as to nourish, preserve, cherish. Expressly or impliedly is dedicated but the definition of happiness is found different to different accordance with the abstracts of the persons.

Namely according to prime thinking, thinking, ideas, abstract opinion, feelings, Human applies and hold such of aforesaid things on the body and showing and constructing, do – conduct. In this form, appearance started to identification and recognition and finally holds and obtains ordinary and major identification or recognition. “it is proper said that Human is production of atmosphere up to a specific Limitation. ” Generally the effect of atmosphere do give effect on the person, directly, indirectly or substantially, there with due to continuously sequence, Human passes through the continuously sequence procedure; And directly, indirectly, substantially produced consequences as thinking, ideas, abstract, feeling, keep effecting the persons. Passing through this sequence procedure, As a determined habit, this atmosphere is cleared shown, found and constructed finally such the person starts to same to same conduct according to atmosphere that is one or more or collectively thinking, ideas, abstract, feelings firmly in the definite form, conclusively get a specific place, accommodation, recognition identification that is have made a house into the heart and mind of the person there upon as soon as such like thinking, ideas, abstract, feelings have been made a house than all are change into a determined habit and the persons starts to purpose, follow such aforesaid things directly, indirectly, partial directly, partial indirectly, Absolutely or partly substantially or partly substantially , expressly or impliedly; And gradually such types thinking, ideas, abstract opinion, feelings with that thinking, ideas, abstract are started to nourish, collecting means and resources there with. If this sequence does not break or in any ordinary or specific circumstances or any Natural and other events do not happened than with this bit by bit, from the continuously sequences of nourishment, developed, produced immediately, forthwith, foregoing, substantially thinking, ideas, abstract, feelings, maturity,

understanding capacity, get being firmly, definitely conclusively determined with wholly determination. Except exceptional situations and circumstances, absolutely full of determined such types thinking, ideas, abstract, feelings in certainly and conclusive form are called the Determination theory or Due to steady continuously.

Making connection or attachment in communication of produced thinking, ideas, abstract, feelings, such consequential form of thinking, ideas, abstracts, feelings, which are firmly settled in definite form conclusively determined into the heart and mind of the person or have made a house definitely is called the theory of determination. Developed in definite form conclusively, thinking, ideas, abstract, feelings, for application and holdness on the body. The person is started to education training, development of capacities as well as is started to collect means and resources as money and as a thing. Such person seeks more to more positive results as compare to negative results generally the person keeps in one's mind both result that is positive and also negative but predominance is found of affirmative results. There after the person starts to create, form the planning it's format, place or specific place time, person situation. Circumstances atmosphere, company and companions expert of the field get knowledge about Historical, sociological, Economical, cultural, present, past, future and discovers, researches, about above all. Accordance with developed thinking, ideas, abstracts, and the person wants to obtain results. And make efforts on the foundation of determination the person namely determination holder, one or more person or collectively for nourishing determination and obtain desirable consequences performs- Tantra-mantra, or goes to the special place. For nourishment other connected aspects, facts are researched, discovered and search also. In a not shall results are obtained as:- hopes, disappointments, success, failure, strongness, weakness, goodness, badness, according to time and circumstances. It is corrected to say that any irrelevant thing become relevant due to continuously connection and communication. For want of such thing the person feels appear deserted for some time and thinking, ideas, abstracts of Aloofness are felt. After some time such empty place of thinking, ideas, abstracts are fulfilled. But some time again it is instigated according to time and circumstances.

Now the question is accordance with time and circumstances such vacated place or the specific place, how it is fulfilled? Which types objects, thinking, ideas and abstracts it is fulfilled. It is a question of fact from time to time, according to time and circumstances, situation if the vacated place is vacant namely it is not fulfilled or did not fulfill than it is kept hurting in the heart and mind of the person than in consequence of it occasionally the person

changed, reflected suddenly directly, indirectly, substantially or balanced substantially positive or negative forms positive as:- to reform to maintain balance do not commit acts, wrongs, crimes against human and living creatures etc. Negative as- To be violent angry, lunatic, Mad, to suicide and do acts wrongs crimes against human and living creatures. To give pain, troubles oneself, To keep sad oneself, depression, frustration to live with inconsistency etc.

It is also a special type of determination which has its own existence in crimes, keeping its own existence it is shown positive or negative results accordance with time circumstances and situations. Every person has been born in a specific atmosphere. Now the atmosphere may have become like this:- good, bad, healthy, unhealthy, relevant, irrelevant, good character, obscene, just, unjust, fair, unfair, conduct, misconduct, ideal, evil, violent, nonviolent, peacefully, not peacefully discipline, not disciplined, sacrament, truth, false, knowledgeable, ignorant, idiot, intelligent, genius, talented, not talented, Honesty, dishonesty, Atheist, theist, that is good or bad either it is good or bad. In a specific time and circumstances atmosphere also are obtained with mixture namely combination of healthy or unhealthy.

Now the people have been born at what atmosphere as well as brought up and also look after it is a question of fact accordance with that time circumstances and situations. Further that according to atmosphere, time and situation the person and one's personality, thinking, ideas, abstracts, feeling experience, shall be vested. And also perform the conduct according to above all. Now in the pursuance of this sequence a personality is created and developed one or more or collectively, thinking, ideas, abstracts, feeling in firmly decided definite conclusively determined determining determination. With the school of good or bad, healthy or unhealthy from Preponderance to the strongest preponderance, weakness to the strongest weakness.

Now the personality of such person may be good or bad healthy or unhealthy. Such person may be famous or notorious for the other persons, family, society, state, nation, and world also may be beneficiary or destructed. Above all that time circumstances and situation in which, the person has been born brought up looked after, or is bringing up, looked after, or shall be brought up, looked after. It is a question of fact accordance with time and circumstances also liable to situation for above all.

More over there are two facts are emerging as to it first is atmosphere and second is Natural. Some thinking, ideas, abstracts, human is vested heredity or by birth naturally. Provided further that one this is certain with proving fact that Accordance with time

circumstances, situations, get changed the thinking, ideas, abstracts, of the person even also body is changeable according to time that is everything of world human and living creatures are changeable not stable.

In a nut shell it can be said that good, bad healthy, unhealthy, disorders, nutritional thinking, ideas, abstracts violation, criminal tendencies, abstract of obscenity, jealous enmity misconduct, Atrocities, exploitation evils destructive abstracts ideas, opinion, approach all definitely variable, alterable, changeable not permanent, stable,

In shortly such variable, changeable thinking, ideas, abstracts, feelings, approach certainly must be or shall be reformed.

IV- The form of determination as from preponderance to the strongest preponderance and from weak to the strongest weak as well as fiercely Development--

Determination may be healthy, good, or unhealthy, bad. Any determination creating in a sequence hold the preponderance to the strongest preponderance, It is not created suddenly "Every kind of offences has got merely one single root which is produced from determination that is The original origin of all types of crimes is foundation of determination. Determination may be directly, indirectly and substantially."Sometime Determination is constructed, made, suddenly. As soon as the person changes into the mind, ideas, feelings, abstract than this is the prime time of creation of determination. If the person is determined and such person that (holder of determination) is educated, expert than forthwith determination is created or the person has made determination if the person is uneducated illiterate and is not determined personality than such type persons does not able to hold determination namely is incompetent. Here the creation of determination does not depend on merely literate and illiterate provided. Determination is a phenomenon, fact more to more competencies and more to more in competencies.

It can be said that this fact plays a key role to make from preponderance to the strongest preponderance and from weakness to the strongest weakness determination is made from good, healthy, sound thinking, ideas, abstract than the result is found also in favor of world human and living creatures. If the determination is created from bad, unhealthy, unsound, thinking, ideas, abstract than the result, consideration, consequences, definitely shall be negative and against world Human and living creatures and also found fierce, violent, extreme of negativity.

Determination is good, health, sound and bad unhealthy unsound, it is depended on the time, circumstances and situation also atmosphere. In the creation of determination time, circumstances and situation atmosphere, people, company, economic, social, scientific,

cultural, political, desires, attraction etc. Finally all are playing a key role namely all facts are pillar foundation of creation of Determination.

When as soon as determination determined firmly, definitely in conclusive from than the concentration is started to increase towards the goal as target which has been fixed, set, gradually, means resources, Nutritious facts or nourishment of determination, company, time, circumstances, situation, economic, social, scientific etc. foundation pillar facts externally, internally itself continuously, steady are inspired of the person. In addition to this, Accordance with determination, opinion, ideas, thinking, abstract, keep nourishing steady, continuously, there upon The force merit of thinking, striking, ideas, abstract, power and capacity above all as well as understanding power ability, capabilities are started to breakdown about other facts, aspects, get inability, in capabilities, powerless to think, striking, ideas, feeling abstracts as to other relevant facts. Present existing time, atmosphere situation, thinking, ideas, abstracts, felling, understanding, advice; suggestion by other will not be accepted feels aloofness, strange abstracts. Abstracts shall be only according to determined determination. Futher that the person according to determined firmly definite conclusively determination is applied, held on the one's body or make efforts, or endeavour to it. Due to binding force with boundation of determination such person is lost in oneself determined determination, in dreams, imagination, desires, while, sleeping Awaking, eating, drinking, getting up, sitting, Every moments time is lost in it and the person in one's mind, heart created a world of dreams or imagination. Bit by bit with nourishment of determined determination too much specific sensitivity, strictly performance of execution, as to connected thinking, ideas, abstracts, feeling share got increased. Due to this increasing sequence level standard one's wisdom, skills, logics, mind, Brain, intelligence, geniuses, one's body, with sensitive, thinking, ideas, abstracts also increased too much specific sensitivity and started to hold it on one's body so body gets also very much sensitivity accordance with determination. Finally the person reaches on the extreme mountain of determination. As a result due to do such so, each and every things is started to effect effectively too much the person's thirsty, hunger to get goal , target is too much increased as accordance with determination but for from reality truthiness to be too much over confident. Shortly one more fact here is emerged that ego to be egoist extremely. And binding force with this boundation also has started to hold; internally such person seeks Aloneness, solitary form. Angriness, to be unbalanced lost balance of mind, as to thinking, ideas, abstracts, crying and screaming namely over controlled from thinking, ideas, abstracts, losing balance

to be unbalanced. Finally the person's over all controls from one's own thinking, ideas, abstracts, have lost finally the dam of control is broken down extremely, absolutely and losing, defeating, wisdom, mind, foolish thinking, ideas, abstracts, feeling all fact connect like this make oneself fool, idiot, like lunatic person.

This fact is correct to say that the person become mad, fool, idiot, mindless, unbalanced total like lunatic, queer fish, finally on the name of common prudence or special Human person is void in shortly the person reaches on the extremely imminently of life danger namely like the Death. It a nut shell the person get forgot all boundaries, limitations, thinking, ideas, abstract, feelings good or bad, introspect, Atonement, worries, love, affection, sentiments emotions world Human their humanity all living creatures even one's body soul, spirit, taking breaths, now here is what is question of Rule of law. Law and law and order? Finally it is the prime most of origin, starting initially stage, the first initial step of commit all types of offences, violence, Atrocities, in humanity, It is here ferocity of determination badly namely destruction again world human and living creatures, from here is starting the openly unstop page violation, extremely violation if world human, humanity, mankind and all types of human rights.

Now it is the fiercely and the strongest predominance, preponderance of determination that is originally original major root of every kind of crimes, Now the nourished tree of human destruction and living creatures with nutritious facts finally how shall it be destructed this is the prime question before all world. We are wholly competent to destruct or cut, root out absolutely this tree.

Examination of theory of Determination –

As aforesaid has been described that Determination is created in two types first is suddenly second is when the person has changed the state of mind (thinking, ideas, abstract, feelings) namely state of mind, tendency are changed at the time Determination is created firmly, definitely conclusively determined as:- on happening any events, obtaining, acquiring knowledge, due to variation in time, circumstances, situations, by naturally, with the development and growth of body naturally to get more to the most happiness or sadness, to acquire or get reputation, fame, dignity to get high designation etc. and as:- To commit suicide due to negative thinking, ideas, abstract or as above mentioned reasons or to migrate one to another place etc. Second is when the mind is produced thinking, ideas, abstract when

all are adequate to the person or contrary than in forcibly, in aggressive form is nourished such type thinking, ideas, abstract. The person, who holds the determination is Determination holder, is started to develop the capacities, capabilities to hold determination more to the most form. Also is started to safeguard, protect, cherishing this determination from continuously steady nourishment this determination have been made a home and got the very specific place into the heart and mind of the person (determination holder) is well settled. Fix, set, place as the permanently place as the strongest major foundation of determination thinking, ideas, abstract, feelings are into the heart and mind of the person that is internally. Which is the one root of all kind of offences? When it is nourished than having been nourishment, the person collecting means, resources, holds and applies own one's body or Endeavour to hold and apply, or have held and applied. Then is started to one's own liberty, freedom take decision not take decision, whether it all may be preliminary, middle, final. Namely sometime get trapped oneself in own one's thinking, ideas, abstract, feelings, due to either takes decision or not like swing to keep swinging. Furthermore by cook or by crook determined full of determination preponderance, such determined determination seeks to change into reality as to it have taken decision to provided further that during all the person's body, condition, healthy, sound, good, weakness own one's company or companions, Atmosphere situation, circumstances, time, television, radio, internet, computer, mobile, phone, electronic devices, other means kidnapping, abducting and people all have It's there, own place, importance and role as the important, major fact.

After taking decision or not the person is started to plane, outline, format of it all, to start obtain education, training to collect means, resources other connected with it aspects, facts or make efforts, endeavour to do all than as compare to flexibility to seeks to perform with rigidity or get it performed with full rigidity in default of it to punish, sentenced, with brutally, ferocity, in human atrocities still all are on too much extreme peak It is too much common in the time, circumstances and situation or atmosphere. Sometimes due to continuously, steady introspecting activities the person it started to boring and worthless, aloofness such like aspect have been started to emerge. The binding force with boundation of determination is started to flexible with laxity but due to long time nourishment the major foundation of determination is not end. With this boring abstract or worthless feeling the person for amusing entertaining wants to get something for obtaining again the absolutely abstract come true, realization of earlier determination is nourished and attracted with, sexual things, activities sexual intercourse legal or illegal it does not any matter or difference at this

time prostitution, lust, all are started to nourish. Sometimes fear scary facts, love affection, attachment of own one's body, soul, spirit existence; protection feelings, love, and hate such like other abstracts are assistance to make flexibility in determined determination. Every time the holder of determination keeps introspecting about positive result due to extreme sensitive with sensitivity with specifically as well as a long time nourishment all procedure of introspect change into serious fiercely worries with fully the strongest preponderance on account of continuously, steady, introspect, worries in own one's body angry, foolish childish, ill feeling, filthy mind, Negative abstracts, thinking, ideas, feelings are started to strike and started to fix in one's heart of mind due to imminently determination which have been strongly placed so it is habit to determined in consequences of all the person internally does not feel peacefully fully gets violence, unpeacefully restlessness finally such unpeacefully violent person started to create unpeacefully abstracts, thinking, ideas, feelings all own one's internally aspects facts wants to show of all. If sought results according to the person are not obtained than the person started to hate, torture, inhumanity atrocities, violence autocrat, tyrants, deceived, , Murders, Rape, eve teasing, destruction, with ferocity extremely the strongest fiercely total change into fiery finally the strongest destruction of worlds Human and living creatures which are heart rending fully brutally also other connected facts are ruined. More overrun peacefully being violent losing balance is got unbalanced mental and body both balance are lost and change into the person in Animal state as compared to common or specific human. In Animal or other living creatures have wisdom intelligence, brain, mind, heart are found but as compared to human (mankind) is void provided in human, healthy, sound, mind, heart, wisdom intelligence power are found. From preponderance to the strongest preponderance It is all depended also on the well education and training. The time, circumstances, situations and atmosphere are different to different found in all people's life as well as all living creatures. Hence above all are assistant on the large scale in both life.

Understanding capacity and logical capacity are found in human mind from powerful to the strongest powerful due to this fact Human has fully control on the huge, enormity ,Animals and living creatures. It makes difference between Human and Animal as well as many more found the differences. This is the fatal, terrible; awfully determination reaches up to the death that is this life ending determination become enemy of world human and living creatures of a determination holder.

The determination makes unqualified, irrelevant of such person to worth living in a family, society, state, country, nation and world on account of all said aspects, facts, the

person does not has the sense, abstracts, about, Law, Rule of law, Law and order, Legality, illegality, constitutionality world Human, Humanity, living creatures that is no abstracts of welfare of world human and living creatures.

Finally the person becomes, idiot, fool, undesirable, like lunatic without wisdom, sound thinking, ideas, abstract, depriving of all breaking all boundaries and limitation, Being Human, destructing Human totally proves one's oneself with evidence proof like Animal. The above fact merely, taking birth and becoming nourished terrible, scary, fatal, bad, irrelevant, destructing and against for interest and welfare of world human and living creatures. the person does not fail to accept to oneself ancient and God but it is only illusion, false, fake abstract not veracity or truthiness Now the question is become Animal of such the person, How did it make again human full of true love affection and good health, sound thinking, ideas, abstracts and feelings ? How did the tree of world human and living creatures destruction of determination root out, destroy of it. What are the remedies? A right now final question is it will be able to applicable with applicability or enforcement in rule of Law.

The determination is agree and fully diligence creating, against the world human and living creatures. How did such determination reform or such determination destroy?

It is correct to say and well settled that "Any person does not accept any fact or aspect of others unless oneself one's thinking ideas, abstracts and feelings facts got the weakness before the strongest abstracts or make weakness."

There are two aspects, facts first is that in the person bad, unsound, unhealthy, with ferocity, imminently determination has been determined must be reformed as possible as from preponderance, brutally, fiercely enormity extreme, such determination must be decreased gradually from time to time accordance with circumstances and situation and must be reformed up to the strongest possible . with the help of well educated ,well versed well trained ,well experienced ,physiologist, experts , law experts , jurist and connected if others by imparting ,transmitting giving ,developing ,good , sound healthy ,matured with definite firmly, determined good conclusive determination such all must be from predominance to the strongest healthy sound good predominance.

Firstly- Good, relevant, sound, healthy, determined thinking, ideas, abstracts and feeling, means, resources, from time to time accordance with situation, circumstances worth living atmosphere with standard in the society all shall be created for reformation.

Seconly- when the determination is the strongest preponderance full of fiercely, enormity too much extreme, too much violent, fierce the person is extremist extreme Atrocious, having been given all kind of reformative reasonable opportunities, still all opportunities of reformation a far cry have been ended After failure all reformative efforts. Nothing is remaining to worth living, reforming in the person, as well as make every the strongest possible efforts spare not efforts.

Than such types thinking, ideas, abstracts and feelings personality namely the person must be ruined, destructed for the interest and welfare of world human and all living creatures as well as it for the well civilized with rule of Law, Law and order, peace, and creation of good, sound, healthy atmosphere, a person, family, society ,state, nation and world.

In a nut shell, It can be said that Any human does not experience less, every person has got necessary essential and compulsory experience of childhood, youth, old stage connected human life other experience, education and training also etc. whether it is weak and strong, much and less but It is found, shown in existence. The availability easily of means resources, atmosphere other concerned fact of it are liable to creation of good, sound, healthy or bad, unsound unhealthy determination, with it also attraction, not attraction according to action to get easily availability of facts also are playing a key role as a foundation of determination because any human trapping in attraction and continuously steady, attachment of things reacts and according to it gets results. Just as every person has got experience whether is good or bad in the same way every person has got determination whether it may be good or bad. In every persons has got thinking, ideas, abstracts and feeling whether may be good or bad but in a quantity have found or mixture of both shown. Which have got preponderance or the strongest preponderance and hold on oneself one's body, or for applying, holding have started to education and training for making one's body capable with capacities or abilities.

Sometime determination sleeps but according to same situation, circumstances from time to time when found same to same conditions facts than determination wakes up again and reflects the reflection, tolerance capacity, self control also make matter and worth thinking facts in determination. When bad, unhealthy, unsound, irrelevant with ferocity, the strongest preponderance, the strongest imminently, fatal, very extreme Atrocious, too much violent, full rigidity fiercely and living creatures than in the widest form the violation, contravention, infringement of Humanitarian Laws Human rights and also other Laws in rule of law. Which all are irrelevant inhuman fatal for entire mankind and all living creatures.

That is "every kind of crimes has got one single root of determination."

“The Determination and all Laws must be for the interest and welfare of human and all living creatures because All mankind (Human being) and living creatures both are major center point of this whole the earth and all Laws as well as it connected with it other aspects and facts.”“ Except interest and welfare of world Human and living creatures nothing is found in all over worldwide.”

Constantly contemplation of obscenity and pornography and fiercely development:-

Having been effected deeply by aforesaid factors, causes and facts the certain, specific, thinking, ideas, abstract, make house, establishment into the heart and mind firmly as conclusive form determined that is , make houses of some particular thinking ideas and abstract As determined determination due in this course the effects of person constantly introspect and contemplates as to the obscenity and pornography and connected other facts as to it. Due to it the person wants to apply in particularly by the means or by hook and or by crook finally such types of thinking, ideas, abstract, peruse constantly then change into the action due to pursuance of such actions constitutently change onto the habit, constitutently adoptions of habit changes into the conduct due to the conduct the body of the person starts to know as conduct, due to all constantly or otherwise the person addicts to the actions, reactions and consequences there upon is to be over controlled of persons is very common thing accordance with time and circumstances. Now what shall be the consequences of all whether good or bad it is questions of fact.

The person shall have the lust in conclusively for the sexual activities as addictions form. The persons shall be lustful with lustfully with very much sexual preponderance desires for sexual activates; accordance with all such types of persons create atmosphere and find out persons like them after all the such persons always constantly think, contemplate, introspect as to the sexual activities, while eating , drinking, sleeping , waking up, getting up, sitting, walking, stopping, that is the all time and all circumstances they always constantly put themselves and keep losing in sexual activities in false imaginations and always make efforts continuously according to them capabilities to change in reality abstract, thinking ,ideas.

The persons always are become unsatisfied because it is the natural procedure that “Also after fulfilling the desires never fulfill the desires.” For getting rid of such types of addictions some peoples get their sexual organs cut for Ever. They have done so yet they do not get rid of such addictions because aforesaid addictions does not depends and get rid of cutting sexual organs, because the determinations into the heart and mind of the persons.

Hence, the determinations must be rooted out, eliminated, from the mind and the heart. The sexual organs must not be got cut is inhuman treatment here any types of advice and suggestions or other facts connected with it are not being given to get sexual organs cut.

As:- If any person is blind accidentally and cannot see any thing but such blind person can think, strike ideas, abstracts about the things and can imagine , feel by mind and heart about the facts which are liked most by the person. Whether organ is or not. It does not make deference and matter, because with the help of mind and heart, the persons can do so. If we are wanting to reform the persons as a result, the founded foundations of determinations must be destructed and rooted out accordance with the time and circumstances.

Remedy:-Now the prime question before us that is whether the strict laws and capital punishment merely are competent to prevent the sexual offences?

In our opinion only strict laws and capital punishment are not capable of the preventing the sexual offences as :-Delhi Gang Rape was caused after that, the president of India under Article 123 constitution of India has **promulgated** the ordinance after that the ordinance has been enacted an act and amended criminal laws; by this amendment in case of rape has been mentioned the capital punishment subjected to provisions of I.P.C 1860.

Whether since then the offences of Rape and sexual were not committed in India?

After in spite of containing capital punishment in I.P.C , Major the Mumbai Gang Rape case with a journalist was caused and many others. The death penalty that is the death punishment is not a new concept in I.P.C, and criminal laws in many offences it is mentioned out of the all, Rape is one of the offences now. We are not against the protection and safety of women and human. But the death punishment merely and strict laws are insufficient to prevent the sexual offences and also other offences.

If the death punishment is sufficient then all the offences which have it them all must be prevented but it did not happen to till now. So some effective reformatory and the most effective physiologically reformatory steps must be taken with the help of psychologist and other specialties, expert of law. As possible as the accused must be reformed, unless all the reformatory measures are applied with proficiency and efficiently with the most effective form finally the determinations must be rooted out not only the body of the person when the

determinations shall be reformed, strict laws for creating fear of Rules of law, for the welfare and interest of world human and living creatures.

Women Empowerment Must be Made, Paying Proper Attention About Men Empowerment:-

We want to evidently or crystal clear that we are not against the empowerment of women, we are absolutely in the favor of women empowerment but in today's context women empowerment must be made while paying special proper attention as to the men empowerment because and grounds.

Criminal laws:- In IPC u/s 354, 354A, 354B, 354C, 354D, and 509 have mentioned provisions for the protections of women in good faith. But in any women wants to falsely implicate in **malafide** of any man, feeling, lie, with false allegations of her on him, merely allegations on him by her are sufficient to arrest, insult, annoyance, and defame him, finally why should the court pass **Acquittal** it is different aspect, CRPC 1973, 358, and 359 are not effective also IPC 1860 u/s 499, 500 all above must be needed to reform Implement. The delay of cases, decisions must be reformed. The suit for malicious prosecution is not success in present time due to the large pendency of suit and delay in the court in India.

After all, the persons (He) shall be called as an accused stamp and seal of criminals always shall be made on him in society. People always look down upon him.

Now Prime Questions is that what is remedy for this? So some guidelines and rules, laws must be made by legislature and Hono'ble Supreme and High courts for the Protection of Men and getting rid of aforesaid Problem. All women are not fair, good, in the world .Some are unfair and bad also doing work **malafide** to implicate falsely others. So must be paid proper attention the facts otherwise furthermore we will have to run movement of save man and establish the man commission. Prevention of man from domestic violence, exploitations, and atrocities act. It is to be presumed by some peoples that man is guilty as an essential and compulsory from as to sexual Offences whether it relevant or not, subjected to Constitution of India and laws.

It is human right that:-“ Rights to be presumed innocent until proved guilty according to law in public trial.”⁶” On the ground of it, it can be said that, always to be presumed guilty, without having public trial, according to law by competent court, finally this presumption is

irrelevant with irrelevancy. The empowerment of men and women must be made while striking a perfect balance and convenience because over empowerment is harmful for all human being.

For the prevention of the sexual offences are enforced In India by means of electronic devices “The information technology act 2000 [No.21 of 2000] but this act is insufficient to prevent the aforesaid offences. It must be reformed and amended, the websites of pornography and other connected matters, incidental must be rooted out, eliminated, and the police, and other agencies must be reformed, empowered. The large pendency and delay of cases and delay in justice in courts must be removed and vacant offices of judges must be fulfilled and recruited. Government must be taken strongest steps with the co-ordinations of the people of India. All the peoples must be made collective efforts with one voice. With the perfect balance and convenience accordance with authorized procedure of law, under Rule of law, for protection and prevention of human and humanity while understanding moral, social liability in the welfare for people.

Conclusion:-

In anut shell sexual offences must be prevented of way of morality, sociality with the bonafide, thinking, ideas, abstracts for the protection and prevention of humanity with liability the apex court of India that is Supreme court of India has been passed leading guideline in Vishakha v/s Rajastahn.⁷ for the protections from sexual harassment of women at work place. Fransiskorelee v/s Union of India.⁸ held that right to life with human dignity. HusnAarakhatoon v/s State of Bihar.⁹ and Abdul RahmanAntule v/s R.S Nayak¹⁰, held that rights to speedy trial. Delhi Domestic working women forum v/s Union of India.¹¹ it is one of the leading cases, Honourable Supreme court with bench of three justices, passed leading principles for providing compensations and rehabilitations to women, in cases of sexual harassment of women.

Now it can be said that, Indian judiciary has been made every possible effort to protect the women from sexual harassment; fast track courts are functioning for it in India. Recently, sexual harassment of women at work place [prevention prohibitions, and RedressalNo 14 of 2013] and the protection of children from sexual offences act 2012 [Act no.32 of 2012] have been passed and enforced.

Finally the thinking, ideas, abstracts must be changed of our society about rape victims and other victims of sexual harassment must be treated with the human behavior, with dignity in society, must not be looked down upon, every persons must be respect abide by, have faith , and peruse Rules of law, for the welfare of world human and living creatures with global peace. For the Protection and Prevention of Human Rights and Humanity.

Reference

1. India penal code 1860,[Act. No 45 of 1860] under section 375.
2. Indian penal code 1860 [Act. No 45 of 1860 under sections 377].
3. 2010 I cri L.J 94,[Delhi].
4. Ramesh kumar, Theory of Determinations, Violations and Protections of Human Rights, Thematic Journal of law, ISSN,N o2249-9806, VOL.3 Issue I.Nov.2013 Page No.20-27.
5. Ramesh kumar, Theory of Determinations, Violations and Protections of Human Rights, Thematic Journal of law, ISSN, No. 2249-9806, VOL.3 Issue I.Nov.2013 Page No.20-27.
6. Universal Declarations of Human Rights 1948, Article 11, Para 01.
7. AIR 1997 SCC 3011.
8. AIR 1981 SC 746.
9. AIR 1979 S.C 1360.
10. 1992 S.C.C.225.
11. [1995], 1 S.C.C 14.