

Incest-A Legal Paradox: Point of View in Personal Laws and The Growing Criminal Concerns

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ABSTRACT

Incest means sexual intercourse between a male and a female who are closely linked by blood or affinity provided that such people are prohibited by law to marry or to conduct a sexual activity. Though the majority in the society treat this as an immoral act, the law does not have the strong stand over incest. Nevertheless, an act becomes a crime when it is expressly declared to be a crime under the legislation, not just because of an act which is immoral. Even though Section 376(2)(f) talks about incest in an implied way by having this wordings “being a relative, guardian or teacher of, or a position of trust or authority towards woman, commits rape on such woman”, that provision was found to be ineffective because of less number of cases being reported on that arena according to statistics. And punishing the accused under Rape is found to be inappropriate because of the key difference called “trust” because rape is committed by a person who is unknown and incest is committed by a person who holds a position of trust. Therefore, an amendment have to be brought in IPC or any criminal legislation which separately have a provision for incest. The basic object behind this paper is an attempt to critically examine the legality of the incestuous relationship in the personal laws and analyse the reporting of cases pertaining to incest according to statistics and suggesting the lawmakers to make an amendment which provides an effective provision for incest.

KEYWORDS-Incest-closely related by blood-sexual activity-immoral-Absence of effective IPC provision-Trust

INTRODUCTION:

Incest is basically a sexual activity happening between closely tied up family members or relatives or others. The most common sexual involvement of people which can be constituted as incest are from consanguineous relationship or which come under affinity, adoption or sometimes lineage. Crime of sexual involvement or marriage which is taking place between a man and a woman who are closely linked by blood or affinity and those activity which is prohibited by law in that context is the legal definition of incest. Incest is considered as a social taboo but it remains as a ambiguous and a grey area in law. IPC, 1860¹ or any other statutes doesn't have an express provision on incest eventhough it had been expressly criminalised in many countries like U.S.A. Because of not having an expressed provision the

¹ Indian penal code, 1860

common questions that arise in this context is –is incest really a crime ,what will be the consequences if someone indulge in incest.This paper is an attempt to answer these questions and finally ending up with possible suggestions that can overcome these issues.

OBJECTIVES:

- To analyse the permissibility of incest in personal laws
- To analyse the implied provision in IPC i.e. 376(2)(f)²
- To analyse the difference between the implied provision and incest
- To analyse the juvenile incest and its consequences and ways to overcome these issues

RESEARCH METHODOLOGY:

The methodology which is used in this research is qualitative and it is elaborated through secondary data collection from various Non governmental organisation, government statistics and scholarly articles.

CONCEPT OF INCEST:

Incest is derived from the latin term called”incestus” which means impure or unchaste.Majority countries had completely criminalised incest while some countries consider it legal but with some exceptions.Countries such as Brunei,Iran,Nigeria,Somalia,UAE,Sudan had punished incest with death penalty.The countries which don’t expressly criminalise are India,Argentina,Brazil,Japan.The concept of incest consanguinity is very common among muslim communities and South Indian Hindu communities.There are various categories of incest,it can be between adult and a children,between siblings,even between two consenting adults.Siblings incest are rarely reported according to statistics.The most reported cases of incest come under the category of adult child and it is also known as juvenile incest and should not justified on any grounds and therefore this incest needs an immediate explicit attention from law.

LEGAL ASPECT OF INCEST:

In Mumbai, a 60 year old father, for more than nine years, raped both of his daughters. And this incident shook the conscience of the whole India. And here the father was held guilty under sec 376³ under IPC.He can’t be held guilty for incest because Indian penal code doesn’t recognize such thing as an offence so far. Then what about the factor called trust is the question which was raised from most of the people. If parliament can make amendments to the existing provisions, then why they are not taking any steps to make an amendment in this regard and make incest as a separate provision in IPC ? This was the question which was raised from the other side.

“Law is silent on this bitter shame which is giving a silent message that they are accepting this impliedly”, this was the opinion of many social workers. And most of the incest cases are going unreported and most of the time; to protect the family values, the child’s interests are getting sacrificed. Ministry of Women and Child Development held a study on 2017 and that study reveals abhorrent numbers of child sexual abuse and they revealed that about 50% of the children are becoming as victims

² Section 376(2)(f) of Indian Penal Code,1860

³ Section 376 of Indian penal code,1860

and they are victimized by the people who are bounded by the factor “trust” and those are the person whom the child can recognize. This figures are actually the cases the incest⁴.

There is no provision or act or legislation or statute which gives incest a recognition of “crime”. The gender specific provision “rape” is very specific and it covers sexual intercourse alone and not covers any other form of sexual abuse. The latest juvenile justice act also fails to keep an eye towards incest.

IS INCEST A CRIME IN INDIA?

NO!!

Only when it is supported by specific legislation an act will become as a crime. It cannot be regarded something as a crime just because it is immoral. Incest hadn't been defined expressly in any of the provisions in Indian statutes only an implied way of explaining had been found in Section 376(2)(f) of IPC, 1860 by way of “being a relative, guardian or teacher of, or a person in a position of trust or authority towards woman, commits rape on such woman⁵” but there are certain drawbacks associated in the provision, firstly it didn't have the term “Parent”, it only mention position of trust but that can include anyone and not specifically parent and also they will be punished under the provision called rape, but the main concept that differentiated incest from rape is the “concept of trust”, rape can be committed by anyone but incest had been committed by those person on whom the victim holds trust, so the trust factor have to be relooked and it should be given importance. And also when a person enters into a incestuous relationship voluntarily and with consent, that is not an offence under Indian law. So it hadn't been criminalised explicitly in any of the Indian legislations.

INCESTUOUS RELATIONSHIP-POINT OF VIEW OF PERSONAL LAWS:

1. HINDU PERSONAL LAW

Certain type of marriages were declared void ab initio under the Hindu Marriage act, 1955. Those type of marriages are not valid and they are not supportable in the eyes of law. Section 5(iv), upon interpretation found the marriages between two person considering them as A and B as invalid and they will be in a prohibited form of relationship when they are

- Linear descendants (mother son)
- Mother in law and son in law/stepfather and step daughter
- Siblings
- Uncle and niece & aunt and nephew⁶

Therefore, the incestuous marriages are prohibited in the eyes of law.

2. MUSLIM PERSONAL LAW⁷

Islamic population considers consanguineous marriage and incest to be favourable in most of the Indian states. But incestuous marriages are not acceptable in the eyes of Muslim personal laws. Three prohibited degrees of relationship as per Shia law are consanguinity, affinity and fosterage. If the parties to the marriage are from same parentage or kinship. Affinity is a kind of kinship relationship which is created

⁴ Study by Ministry of Women and Child Development, 2017

⁵ Supra 2

⁶ Section 5(iv) of Hindu Marriage act, 1955

⁷ Shariat application act, 1962

between two people as a result of someone else's marriage. Example of this kind of relationship is if he is man, then he is prohibited from marrying his wife's mother, grandfather, daughter, granddaughter etc. Fosterage is also known as rada in Sharia muslim law. Any women other than the biological women from whom the concerned person suckled under the age of two is basically the relationship called fosterage. But in Sunni law, there are certain exceptions to this concept called fosterage. He can contract a valid form of marriage with women of foster relations.

Even though first cousin marriage is allowed in Muslim community according to their custom, that is not considered incest.

3. SPECIAL MARRIAGE ACT, 1954

The basic purpose behind this act is to govern marriages that could not be solemnised due to religious customs particularly interfaith and intercaste marriages. Special marriage also prohibits marriage between blood relations same as that of a personal laws. Parties should not be in any form of prohibited relationship is mentioned in Section 4 of the Special marriage act, 1954. By this provision, it basically covers the concept of incest, marriages between first cousin and they specifically declares these relationship as null and void⁸.

ATTEMPTS MADE BY INDIAN PARLIAMENT IN THE CONTEXT OF INCEST:

Apart from the Personal Laws and the Special Marriage Act 1954, some bills have been introduced in the Indian Parliament only to check the menace of incest. The Incest offence bill, 2009 was introduced in the Rajya Sabha on 31 July 2009⁹. It provides for the punishment of offenses relating to incest and matters connected with it. The Incest and Sexual abuse in Family (offences) bill, 2010 was introduced on 25 February 2011¹⁰ to define the offenses of incest and domestic sexual abuse and to prescribe a special procedure for punishing incest and domestic sexual abuse offenses and matters connected therewith. In addition, the Incest offences bill, 2012¹¹ also speaks in favor of criminalizing incest. Apart from some minor differences, all these laws provide severe punishments for abusers accused of incest. Unfortunately, none of the bills have yet been passed by Parliament.

CONCEPT OF JUVENILE INCEST:

Children will be generally given awareness to be safe from outsiders, but the fact that the danger is within the house had been forgotten. Generally we won't tell the children to be careful in their own house and to open up when anything unsuitable happens to them. It is a very harsh reality that the concept of juvenile incest is present in almost all the strata of the society but most of the people ignore the happenings. It mostly happens in the form of child sexual abuse and it is undoubtedly a public health concern and an irresistible human rights issue. An alarming amount of sexual abuse of children and teenage girls by family is masked by the Close knit family life in India. Not only girls, boys were also subject to this type of incest. But 90% of cases didn't get reported because this happens in the circle of

⁸ Section 4 of Special marriage act, 1954

⁹ The Incest offence bill, 2009, available at <http://164.100.47.4/billtexts/rsbilltexts/AsIntroduced/incest%20X%20of%20of%2009.pdf>

¹⁰ The Incest and Sexual abuse in Family (offences) bill, 2010, available at <http://164.100.47.4/billtexts/rsbilltexts/AsIntroduced/incest.pdf>

¹¹ The Incest offences bill, 2012, available at <http://164.100.47.4/billtexts/lrbilltexts/asintroduced/4119LS.pdf>

close family members where an external agency can't intervene¹². Delhi organisation, called RAHI through its survey found that 40% of the abusers of sexual abuse are closely known to the victim¹³. The worst part in this context is whenever the victim come and open up, they won't be trusted or people in the family won't be hearing about their issues because of the fact that they are kids, they might be making stories. In other cases, because of the fear that the family might be separated, they won't open up.

NEED FOR CRIMINALISING JUVENILE INCEST:

Incest forms of relationship and kinship are prohibited under personal laws, but juvenile incest, unlike other forms of incest, turns out to be the worst case scenario. Such domestic sexual abuse not only damages children's immediate thinking, but also affects them in the long term. Additionally, when a child is abused by adults who are supposed to protect them from danger, their ability to trust and rely on adults is shaken. This is again an act of betrayal for innocent souls. They are confused, there is a lot of hesitation in their minds. Should I raise my voice? should i run away should i cry It will help?

There are already various laws that criminalize sexual relations with minors. The question that comes to mind is whether juvenile incest should be considered a separate crime or whether it should be considered an aggravated form of statutory rape of a minor?

Having sex with a minor in a consanguineous relationship is more harmful and illegal than having sex with a non-consanguineous minor. The "harm principle" under criminal law clearly states that when an act undertaken causes harm to another person, it results in a wrong that should be remedied by a remedy. This is truly a shameful act and a definitive law is necessary. Incest is prohibited under personal laws, but there are no penalties against it. Often ,incest is punishable under Section 376 of IPC. The Juvenile Justice Act 2015¹⁴ and the POCSO Act¹⁵ also contain provisions to deal with cases of child abuse. But why not a strict law for incest?

The elders in the family have the duty to take care of the children. Violation of this duty by indulging in horrific acts such as juvenile incest should not go unpunished. Incest is rape by blackmail. A child's childhood becomes a weapon used to control him. Therefore, incest with a minor should be punished more severely than the rape of a minor who is not related, because the degree of harm and injustice to a minor is higher and also the trust factor is completely shaken.

REASONS BEHIND INTRODUCING INCEST AS A SEPARATE PROVISION/AMEND THE EXISTING PROVISION:

Prohibiting incest, or sexual relationships between close relatives, is a cultural and legal norm in most societies. There are various psychological, medical, and ethical reasons for these prohibitions:

1. PSYCHOLOGICAL REASONS:

Power dynamics: Incestuous relationships can involve significant power imbalances, particularly when they occur within families. This power imbalance can lead to coercion, manipulation, and abuse.

¹² National Crime Records Bureau,2018

¹³ Report by RAHI,Delhi based non governmental organisation,available at https://en.wikipedia.org/wiki/Incest#Between_adults_and_children

¹⁴ The Juvenile Justice act,2015

¹⁵ The protection of children from sexual offences act,2012

Incest taboos: Many societies have developed incest taboos as a way to maintain social order and family cohesion. Incest can disrupt family dynamics and lead to jealousy, rivalry, and division within families.

Emotional and psychological harm: Incestuous relationships can result in emotional and psychological harm to the individuals involved. They may experience guilt, shame, and emotional trauma, which can have long-lasting effects.

2. MEDICAL REASONS:

Increased risk of genetic disorders: Offspring resulting from incestuous relationships have a higher risk of inheriting genetic disorders. This is because they are more likely to share a higher percentage of their DNA, increasing the chances of passing on recessive genetic mutations. This can lead to serious health issues in the offspring.

Reduced genetic diversity: Over time, widespread incestuous relationships can lead to a reduction in genetic diversity within a population, making it more vulnerable to diseases and environmental changes.

Increased risk of birth defects: Incestuous relationships can lead to an increased risk of birth defects and congenital disorders in offspring due to the sharing of genetic material between closely related individuals.

Increased risk of mental health issues: The secrecy and social stigma surrounding incestuous relationships can contribute to mental health issues for those involved, as well as for family members who may be aware of the relationship.

3. CONCEPT OF TRUST

The incest will usually be punished under Section 376 of IPC that is rape. But there is a huge difference between these two concepts. Firstly, rape is something which will usually be committed by a unknown person but incest is done by a person who is connected to victim by blood or otherwise. And the trust factor is absolutely absent in rape and trust factor plays a major role in incest. Because incest is usually committed by the person whom the child trusts the more and the person with whom they have the feel of atmost comfortable and protectiveness. If the same person does this act, then on whom the child will keep their trust. The influence of these acts over other children also needs to be considered. So a separate provision in IPC have to be included or Section 376(2)(f) should mention it specifically because it has a certain list of people of trust but excluded the term parents but most of the incest cases are being committed by parents. So there should be a relook in the provision and introduce a provision just like dowry death 304B which was introduced through an amendment which will look on the specific aspects of dowry. In the same manner, a separate act which is governing the same should be introduced or the IPC provision should be amended in such a way that it covers the essence of incest that is trust and all the categories of people who come under the concept have to be mentioned.

POSITION OF INCEST IN OTHER COUNTRIES:

HONG KONG:

In Hong Kong, incest is generally considered a criminal offense and is prohibited under the Crimes Ordinance. Sexual activity between close blood relatives, such as parents and children, siblings, and other close relatives, is typically illegal. The penalties for violating these laws may include imprisonment.

UNITED STATES:

In the United States, the legality of incest is determined at the state level. Laws regarding incest vary from state to state, and they often define the degree of relationship that is considered incestuous. In many U.S. states, sexual relationships between close blood relatives, such as parents and children and siblings, are prohibited, and engaging in such relationships may result in criminal charges. However, the specific laws and penalties can differ from one state to another. It's essential to check the laws of the specific state in question.

CANADA:

Canada, like the United States, has laws regarding incest that vary by province and territory. Generally, incest between close blood relatives is considered a criminal offense. The Criminal Code of Canada addresses this issue, and it is illegal to engage in sexual activity with a close blood relative, including parents and children, siblings, and other close family members. The specific laws and penalties may differ slightly from one province or territory to another.

So if we see all the countries, all of the countries have an express provision for incest and a specified penalty for the same and India punishes the incest under the provision of rape which is basically not considering the essence of the offence that is trust, therefore a separate law have to be introduced in this regard.

CASELAWS AND STATISTICS ON INCEST:

A report called "Voices from the Silent zone" by a Delhi based NGO called RAHI (Recovering and Healing from Incest) showed that about 3/4th of women in household area of Delhi got abused by incestuous activities. Most of the time the perpetrators would be the person who are attached by fiduciary relationship. A study which was conducted in 2016 by an institute called "Tata Institute of Social Science" showed that one out of ten boys and one out of three girls are subjected to sexual abuse and most of the time this kind of abuses were happened at home¹⁶. A research held by Samvada, a Bangalore based NGO conducted a research on child sexual abuses among 348 girls and the result had shown that 75 percent of the perpetrators were male family members and more than 15 percent of girls when they were under 10 years of age were used for masturbation process¹⁷. Abusers are mostly the people whom the child trust the more and with whom the child shares the fiduciary relationship.

In a surprising incident, a 35-year-old woman was arrested under the Protection of Children from Sexual Offenses Act in Kerala's Tiruvananthapuram district for sexually abusing her 14-year-old son. This was the first such incident seen in Kerala and has sent shockwaves across the state. And then more information has surfaced regarding the incident. The mother's youngest child had revealed that it was his father who forced his brother to testify against his mother. The woman's parents also complained that she was trapped in the case as she opposed her husband's demand for a divorce to remarry some other lady. The family alleged that the husband who filed the complaint against his wife even remarried without obtaining a legal divorce. The accused woman has three boys aged 17, 14 and 11 and a girl aged 6. Although it was a romantic marriage, she was separated from her husband for three years due to constant harassment. With this the husband remarried. After that he took three children with him. The

¹⁶ Study by Tata Institute of Social Science, 2016

¹⁷ Study by Samvada, Bangalore based NGO

case and the arrest are based on the statement of one of the children. The woman's elderly parents and their fellow citizens are desperate to prove their daughter's innocence.

The incident came to light after the father lodged a complaint with child line saying that his teenage son was abused by his mother for over 4 years. The child opened up to his father and then the child was counselled by child line workers and the statement was recorded. The boy gave similar statement of abuse to the child line workers as he did to his father. She was produced before a court which sent her to judicial custody and is now at the woman's prison at Tiruvananthapuram. While reporting the matter, the police said that this was first such incident seen in the state. In this way it is affecting the emotional relationship between the families.¹⁸

In the case of State Vs. Ghanshyam Metro¹⁹, the father raped his minor daughter aged 13 at his residence and the prosecution also proved the commission of the offence and testimonies which were submitted by prosecution were also natural, consistent and corroborative and it didn't suffer from any kind of infirmities. Accordingly the court punished him under section 376 of IPC and the maximum punishment which can be given to the accused of the rape is life imprisonment but the accused in this case is father whom the child trusts the most and if the child gets abused by the people with whom the child shares the fiduciary relationship, the same should not be punished under Section 376 and a specific section which is explicitly mentioning about incest should be included and the punishment should also be increased.

An another strange case where a man married his own sister here. The two are said to have been in a love relationship for the past few years and both wanted to get married but their families did not agree. In such a situation, the young man ran away with his cousin and got married. At the same time, the boy's father filed a criminal complaint with the police station. According to reports, the police took the young man into custody after investigating the matter. According to information obtained in this case, a young man living in a village in Rajoun block area was in love with his own cousin. And the girl liked it too. Both wanted to get married, but the family of both the boy and the girl were not ready for this relationship. At the same time, members of both families explained to the young man and the girl several times, but both remained adamant in their marriage. On the other hand, in this case, the girl's father said that the two are cousins. So the wedding cannot take place, but both did not agree to it. Both have been explained many times, but they both got married. But this kind of marriages are shaking the major trust factor and if incest was there as a specific legal provision this kind of things won't take place and trust factor will not be in vulnerable state. Even though the particular type of marriages is consensual, but they have so many drawbacks from various streams.

In *Shaharban vs Sub Inspector of Police*²⁰, a father is accused of sexually assaulting his daughter along with other co-accused. The applicant is a mother who applied for bail U/S 439 Cr.P.C. The statement of the minor victim before the concerned authority is that she was taken to a Saudi lodge in Kozhikkode and was sexually assaulted by her own father and other accused. The complainant (mother) knew the actions of the accused and helped and induced the accused to commit the crime. It was the neighbors of the victims who reported the sexual abuse to the authorities on the child hotline and then forwarded the same to the police. In this case, a neighbor took the initiative to report child abuse [incest].

¹⁸ Available at <https://www.news18.com/news/india/in-a-first-kerala-woman-arrested-for-sexually-exploiting-14-year-old-son-under-pocso-law-3246656.html>

¹⁹ Fir no 201/13, available at <https://indiankanoon.org/doc/176694151/>

²⁰ B.A Nos.4560& 5078 of 2018

In *Madhaeshwaran v. Inspector of Police*²¹ [Madras High Court]: The victim was 10 years old and was sexually abused by her maternal uncle after the death of her father. The victim's mother ran away with someone and hid in her mother's house. The victim was left alone with the accused.

College students visited the victims' schools to conduct child abuse awareness camps. It was during this camp that the victim reported sexual abuse by her uncle to the volunteers and the same was reported to the dispatchers at the child line. After consulting the victim's teachers and necessary authorities, a complaint was filed at the police station and after police investigation, the victim was rescued and sent to a child care home. The accused was convicted U/S 5(1)(m) of the protection of children from sexual offences act, 2012 and was sentenced to rigorous imprisonment for 12 years, which was reduced to 10 years on appeal.

By these cases, we can clearly find how the factor called “trust”, got shackled by the members of the victim and punishing the same under other provisions called rape or sexual abuse is only a secondary way of approaching the evil and legislature should take steps to prevent this evil in a specific way.

REASONS FOR NOT REPORTING OF CASES:

Statistics had revealed that most of the cases got unreported when it comes to incest. The major reasons are as follows:

- Fear of retribution: Victims may fear retaliation or harm from their abuser if they report the incest. The perpetrator may use threats or intimidation to keep the victim silent.
- Emotional trauma: Incest often results in profound emotional and psychological trauma for the victim. They may feel overwhelmed, ashamed, or guilt-ridden, making it challenging to come forward.
- Family dynamics: Reporting incest can disrupt family dynamics and relationships. Victims may worry about the impact on their family, especially if the abuser is a close family member.
- Lack of evidence: In some cases, there may be limited physical evidence or witnesses to the abuse, making it challenging to pursue legal action.
- Lack of awareness: Some victims may not fully recognize or understand that they are being abused, especially if the abuse began at a young age. They may not be aware of the legal and support options available to them.
- Cultural or religious factors: Cultural or religious beliefs may discourage individuals from reporting incest cases due to concerns about stigma, honor, or community backlash.
- Economic dependency: In cases where the victim is economically dependent on the abuser, fear of losing financial support can be a significant barrier to reporting.
- Lack of support: Victims may not have a support system or resources to turn to for help, leaving them feeling isolated and powerless.
- Lack of explicit provision in IPC or in any of the Indian legislation: This is the main reason behind the non reporting of cases

SUGGESTIONS:

In India, there is no specific provision in the Indian Penal Code (IPC) that deals with incest as a separate offence. Instead, incest cases may be dealt with under different provisions of the IPC, such as those

²¹ CRL .OP.NO.20681 of 2016

involving rape, sexual assault or child abuse, depending on the circumstances and age of the parties involved. In addition, the Protection of Children from Sexual Offences Act (POCSO) 2012 is a significant piece of legislation that ensures the protection of children from sexual abuse, including incestuous abuse.

There are several suggestions and measures that can be considered to deal more effectively with incest-related issues:

- **Comprehensive legislation:** Consider amending the Indian Penal Code to include specific provisions relating to incest. This would clarify the legal framework and penalties for these crimes and also it will give a relook on the concept of trust and give importance to it.
- **Education and awareness:** Support awareness campaigns and educational programs to inform the public, especially children and adolescents, about what constitutes incest and how to report it. This can help potential victims seek help.
- **Strengthening the POCSO Act:** The Protection of Children from Sexual Offences Act (POCSO) 2012 could be amended to specifically address incestuous abuse and provide a more detailed framework for prosecuting such cases.
- **Support Services:** Ensure the availability of support services for victims of incest, including counseling, legal assistance, and shelters to assist them during and after reporting abuse.
- **Law enforcement training:** Provide law enforcement with training on how to handle incest cases sensitively and effectively, including the use of forensic evidence.
- **Eliminating the statute of limitations:** Consider eliminating the statute of limitations for incest cases so that victims can come forward at any time without a time limit.
- **Hotlines and Helplines:** Establish dedicated hotlines and helplines to report incest cases and ensure anonymity for those reluctant to reveal their identity.
- **Community support:** Create community support networks and NGOs that can provide assistance to victims and their families.

It is important to recognize that dealing with incest and other forms of sexual abuse is a complex and sensitive issue. Any legal and policy changes should be implemented in a way that respects the rights and dignity of victims while holding perpetrators accountable. In addition, social attitudes and taboos related to incest need to be addressed through education and awareness campaigns.

CONCLUSION:

Incest against a child is basically ruining the child's most precious childhood life. The experiences a child has during their childhood and what they learn are priceless and most memorable for a lifetime. And parents undoubtedly and naturally have a big part in shaping their children's lives. Unfortunately, there are things that parents or close relatives can do to a child that are not ideal which is incest. Incest as a crime is currently punished under the provisions of rape/sexual abuse. But incest being a concept which is different from the offence called rape have to be addressed by having a separate provision /amending the existing provision of IPC, only then the major factor called trust will be addressed which will provide a stable and a long term remedy for this offence. Just like other countries position of incest in having a separate code/law for incest, India have to take stand in formulating a separate code for

incest or amend the provision in IPC in such a way that will address the incest in an explicit way and also increase the reporting of the cases in this regard.

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