

Cross Sectional Study of Age Profile of Alleged Accused and Victims of Sexual Offence

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Abstract

Rape is a forcible ravishment of a women by a man. It is one of the manifestations of her oppression and an expression of male chauvinism. Men still persist in treating women or female children as a sex objects for satisfying their lustor else to make money . The crime of rape not only damages the dignity of a women as a person and darkens her entire future but also undermines the dignity of all women .

Decades of fighting to change society's attitude has a little effect . Apart from subjecting the female to cruelty and sexual assault women has to further bear the strictures of the society that blames her in some way for a crime of which she is the victim , not the perpetrator .

A female child is victimized from birth to maturity and even post menopause. Girls are born into a secondary status and married off. If dowry is meager, girl is subjected to ridicule, criticism, or denigration by means of physical or mental torture.

This study has been taken by me to high light the incidence of sexual offences related to age in Bangalore city.

Key words: Accused; Victim; Age; Sexual offence; Rape

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Introduction

Legally, sexual harassment is a form of sex discrimination , an illegal behavior that creates differential barriers for women as opposed to men . Sexual harassment presents women as a group with a onus of stress , distraction , and dissatisfaction not experienced by most men .Women are in danger of being sexually assaulted throughout their lives . Although stranger rape is the most feared form of sexual violence , there is alarming evidence to show that sexual assault by known persons is far more common than has so far been recognized . The problem exists to a large extent in homes in India, where male family members are known to abuse women and girl children

in the household. In Sofi Sinozich's study of college students and nonstudents, the offender was known to the victim in about 80% of rape and sexual assault victimizations.¹ Above all there are few incidences where persons have misused their authoritative powers to outrage the modesty of women under their custody like rape of a patient by doctor, police custodial rape occurs in police lock-ups, junior colleagues by senior officers and most ashamed is the students by the teachers etc. Section 376-B to 376-D of the IPC are introduced to comprise a group of sections creating a new species of rape, the so called custodial rape wherein the offence is committed by those persons who happen to occupy supervisory positions indulging in having sexual intercourse with a woman in his custody. It is either by inducing or seducing the woman after taking advantage

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of his official position.² In view of alarming rise in sexual offences, an attempt has been made to study the age of victim and accused and the reasons for rise in various age groups. Bangalore, city with cosmopolitan culture has attracted people from all the corners of the country even small percentage of foreigners because of its culture, climatic conditions and no threat of natural calamities. More important, locals are soft spoken & mild in character & behavior accommodating people of all walks of life. With the population nearly one crore and increasing day by day, leading to unrest, poverty harboring of many criminals including sexual offenders. Often there is no provision of secured transport facilities from the companies for their women employee. No provision of secured separate cabins at work place and co-educational institutions etc, have facilitated sexual crime rate growth. Karnataka Government has enacted various laws to ensure equal rights to women and to prevent violence against them. It also aims to counter social discrimination.

The Karnataka Mahila Abhivrudhi Yojane (KMAY) Cell was started in the Directorate and came into force from 3-5-2003. It aims at monitoring the scheme for inter-sectorial allocation of funds for women to ensure gender equality. It also integrates women in the mainstream of development. The strategy of the scheme is to earmark one third of resources for women in individual beneficiary oriented schemes. The labour intensive schemes of various departments of Government come under KMAY. During the year 2013-14, 25 departments have identified 301 schemes. During the year 2014-15, 25 departments have identified 237 schemes.

Rape has been treated through history with silence. No age group is spared but study shows victims of rape happen to be of different age group. But children, adolescents and young women are the main targets. An increasing trend in the incidence of rape has been observed during the periods 2009 - 2013. These cases show an increase of 3.6% in 2010 over 2009 and an increase

of 9.2% in the year 2011 over the year 2010. There is an increase of 3.0% in the year 2012 over 2011. Further an increase of 35.2% in the year 2013 over 2012. And 12.9% of rape cases were reported in Madhya Pradesh (4,335 out of 33,707 cases) followed by 9.8% in Rajasthan (3,285 cases), 9.1% in Maharashtra (3,063 cases) and 9.1% in Uttar Pradesh (3,050 cases). It is very disheartening to note that Delhi Union Territory has reported the highest crime rate of 18.6 as compared to national average of 5.7.³

There were 33,764 victims of rape cases in the country during the year 2013. 13.1%, 4,427 out of 33,764 of the total victims of rape were girls under 14 years of age. In Karnataka 152 cases were reported out of them Bengaluru witnessed 10 cases. While 26.3%, 8,877 victims out of 33,764 were teenaged girls, 14-18 years (Karnataka 396 & Bengaluru 24 cases). And 46.1%, 15,556 victims were women in the age-group of 18-30 years (Karnataka 375 & Bengaluru 37 cases). However, 13.8%, 4,648 victims were in the age-group of 30-50 years (Karnataka 91 & Bengaluru 09 cases), while 0.7%, 256 victims were over 50 years of age (Karnataka 16 & Bengaluru 01 cases).⁴

Material and Methods

The study is a cross – sectional study. The study was carried out in the Department of Forensic Medicine, Dr. B. R. Ambedkar Medical College, Bengaluru, over a period of May – 2005 to September – 2006. A total of 93 cases were examined. Out of them, 51 cases were accused and remaining 42 were victims. Relevant information was collected from police, study subjects, parents, relatives and eye witnesses wherever present.

Observations & Results

Agewise distribution of victims was shown in **Table No. 1**. Majority of victims, 21 out of 42 amounting to 50 % were between 16 – 20 years. Followed by 10 cases amounting to 23.8 % were between 11– 15 years. And 4 cases amounting to 9.5 % were between 6 – 10 years. Children below 5

years were not spared amounting to about 7.1 % and the same number of cases noted between 21 – 30 years. There was one case of sodomy, victim above 31 years of age. The study indicates puberty is the most vulnerable period for victims. Probable reason being the girls look more attractive with well-developed secondary sexual characters. Followed by pre pubertal age and children are easy targets because of the absence of possible pregnancy risk. There is no resistance offered and haunted by myths. In old age, females are often sexually assaulted out of revenge and or by sexually pervert accused.

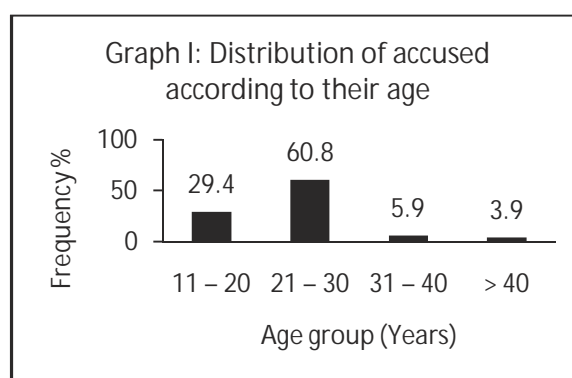
Table 1: Agewise Distribution of victims

Age in years	No.	%
1- 5	3	7.1
6 –10	4	9.5
11 – 15	10	23.8
16 – 20	21	50
21 - 25	3	7.1
26 - 30	0	0
Above 30	1	2.1
Total	42	100

Discussion

Age of the victims and accused involved in offence is very important parameter. The consent of a female below 16 years (now 18 years) for sexual intercourse is not valid. Person below 18 years are minor. In majority of cases victim belonged to teenage group and hardly four were above 20 years. One victim was aged 25 years married and having two years old child. The gullible are young, innocent and ignorant of consequence of sexual indulgence. Physically handicapped and mentally challenged females are often victimized. Also fall prey for monetary gain or for gifts, lavish life, etc. In this age group they are socially active. They are engaged in going to school, college & for job. Seven out of 42 which amounts to 16.6% were under 10 years of age. And one of them was male victim (Sodomy). Victims of younger age group usually don't have power to resist and are easily manipulated and pressurized by accused

Among alleged accused, as shown in **Graph I**, maximum number, 31 out of 51 amounting to 60.8% were between 21 – 30 years. Fifteen cases amounting to 29.4 % were between 15 – 20 years. Three cases amounting to 5.9 % were between 31 – 40 years and two cases amounting to 3.9 % were above 40 years. Majority of accused belonged to pubertal age. It may be because of hormonal changes and other reasons cited later.



to surrender to the circumstances. The sexual assault on children and she ass is observed in some rural areas. It is as a result of myth that it cures sexually transmitted disease, gonorrhea. In case of accused, majority, 31 out of 51 amounting to 60.8% were between 20 – 30 years. Probably men around puberty are more prone because of hormonal changes making them to deviate towards sexual crime. Psychiatry disorders such as delusion, schizophrenia, antisocial personality disorder (ASPD) in accused may result in sexual crimes. Many researchers have noted sexual undertone in serial killers who are often males.⁵ The other psychiatry disorders initiating sexual assault are impulse, pedophilia and hypoactive sexual desire disorders. On comparison of age incidences among victims between my study and that of Dr. Bhooshan Rao's study, it is observed that the majority of victims involved in my study fell in

between 16 to 20 years, 21 cases which amounts to 50%. As per Dr. Bhooshan Rao's study majority of victims fell in the age group between 11 to 15 years, 20 cases out of 46. The youngest victim observed in my study is 3 years old and was same in the study of Dr. Bhooshan Rao.⁶

In a study conducted by Roy Chowdhury et al, results showed that out of total 80 cases studied, 30 cases (37.5%) belonged to the age group of 16-20year. It is same in our study. It is closely followed by 28 cases (35%), 70 belonging to the age group of 10-15 year. Only 2 cases (2.5%) were above 30 years of age.⁷ Chandresh Tailor et al, reported in their study that the maximum percentages of the victims were in the age group of 14-17 years (i.e. 71.6%). The mean age was 16 years, noted same in our study. The indulgence in sexual activity was even observed at the age of 9 years ranging upwards up to the age of 23 years.⁸ McDermott et al in their study of total 890 cases had noted that 59% of cases were in the age group of 16 to 30 years.⁹ CAI Yiming and Daniel Fung had noted in their study of child sexual abuse in Singapore. A review of 38 cases have shown in a retrospective study that most cases of child sexual abuses were young (74% below age of 9) and female (78.5%). The perpetrators who were males and usually known to the victim. Young children were especially vulnerable as they could not resist nor verbalize their abuse to adults. Fondling (44.3%) was the most common form of sexual abuse.¹⁰ SofiSinozich, BJS Intern Lynn Langton in their study for the period of 1995–2013 had observed females of 18 to 24 age had the highest rate of rape. Sexual assault victimizations was more compared to females in other age groups. Within the 18 to 24 age group, victims could be identified as students enrolled in a college, university, trade school or vocational school or as nonstudents. Among student victims, 20% of rape and sexual assault victimizations were

reported to police, compared to 32% reported among nonstudent victims age of 18 to 24.¹

Conclusion

The ill effect of TV, cinema and uninterrupted, uncensored internet facility and easy to access even on mobile cannot be ignored. It has left telltale evidence on adolescent and youth. A study has been done in USA on internet initiated sex crimes. The young age encourages exploring wrong deeds of any nature and sometimes it can be an impulsive act. Internet is one of the greatest inventions. But unfortunately used for unlawful activities from pornography to terrorist activities. Busy parents, more so working folk are unable to keep watch on activities of children who are vulnerable for illegal activities. This is more common in big cities.

Charges of rape is very easy to make, hard to prove and even harder to disprove! Court insists on corroboration of the complainant's story. Thus medical evidence becomes a valuable piece of evidence on the following issues.

Question of age:

The prosecution should prove that the age of the victim is below the age of consent in consensual sexual act. In accused one should assess whether juvenile or otherwise to decide severity of punishment. The prosecution relies on

- a) Birth Certificate.
- b) School leaving Certificate and when in doubt,
- c) Medical certificate- An Age Certificate issued by competent Doctor

Provisions in Law for Victim and Tips to Curb Sexual Atrocity:

1. The amendments in 375 IPC, 53 Cr. PC, 357 (C) Cr. P.C, Protection of Children from Sexual Offences (POCSO) Act, 2012 etc. are boon to victims. They have tightened noose around perpetrator. The women at risk must know following.

2. Training in self-defense techniques and use of pepper gun to defend. Chilli

Powder can be used by those who cannot afford pepper gun.

3. Victim must file FIR at the nearest police station, collect a copy of the same at free of cost, according to Sec. 154(2) Cr. PC.

4. Victim must approach a registered medical practitioner and get examined at the earliest. Delay results in loss of valuable trace evidence.

5. Victim must demand the person who has raped her to get medically examined immediately.

6. Victim must take care not to change her clothes. She should avoid bath until the complete medical examination is over. Victim can hire a lawyer of her choice.

7. Victim must go to police station accompanied by a male. Even police cannot summon any female to police station. (160 Cr. PC)

8. Late night parties/ social activities should be avoided. If unavoidable attend only along with male companion.

9. For safety go for adequate security, CCTV coverage in schools, colleges and public places.

10. Women should not take drop by strangers. Must avoid blind dates, dating acquaintances over the internet social sites, etc.

Conflict of Interest: None declared

Ethical Clearance:

Ethical Clearance from Institutional Ethical committee was taken. Also I confirm that no monetary benefits were required and were not availed from any source.

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