

Three-year Retrospective Study of Forensic and Psychosocial Aspects in Alleged Assailants of Sexual Offences

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ABSTRACT

A 3 year retrospective study was carried out with an aim to describe the assailant demographics, allegations made, assault characteristics, explanation quoted for latency in reporting & hence examination. Twenty two such cases had been examined. Majority (50%) belonged to age group of 20-29 years, 77% were illiterates, all were known to victims; few were under the influence of alcohol and forensic examination didn't give any supportive evidence probably due to long latency between the alleged act and examination; and the median time gap was 49 days. It appears to us, that laws of rape are being misused.

Key words: Rape, Illiteracy, Latency, Forensic evidence, Misuse of law.

INTRODUCTION

Sexual assault is defined by law as sexualized contact (sometimes referred to as carnal knowledge) with another person without consent and by force (compulsion) [1]. Victims (both men and women) of sexual assault can be compelled or forced to participate through fear, physical force, deception, other forms of coercion, or the use of intoxicants such as alcohol and drugs. Sexual Assault is the foremost heinous assault upon any individual, for this person is traumatized mentally, physically and socially for life. Some forms of sexual assault do not require the use of

force but are still considered criminal. Sexual assault has taken place if sexual contact has happened that has not been consented to in a conscious and voluntary way. Cases of rape in India are increasing; perpetrators are usually children or young adults[2]. In 2000, 5852 cases were reported for offences against women in Karnataka[3], but the reasons behind the perpetrator indulging in such activities are not clearly known. Hence this study was undertaken.

MATERIALS AND METHODS

A retrospective 3 year cross-sectional study was conducted to examine males who were brought to our department with an alleged history of having committed sexually assaults.

Data were compiled from the available

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certificates, information furnished by the police and the information obtained from the alleged assailants, about socio-demographic variables, detailed facts of the alleged act, acquaintance with the victim, time elapsed after the alleged offence, information of them indulging in clean habits (like bathing, changing of clothes, passed urine and stools, usage of condom) during the said sexual assault. The alleged assailants were examined after obtaining an informed consent from them or their guardians and examination findings were correlated with history given by the police, alleged assailant and laboratory findings.

The study is in adherence to ICMR ethical guidelines on human participants 2006[4] and the information thus gathered was grouped, analyzed and discussed.

OBSERVATIONS

Age of the alleged assailants varied from 12 to 56 years, with a median age of 25 years and was categorized into five groups (Table.1), majority were manual laborers, working on daily wages (54.55%), were illiterates (77.28%), belonging to economic status of below poverty line (90.91%) and more than half were unmarried.

All the alleged assailants were known to the victims, in the form of lover, relative, friend or colleague and the most distant association was in the form of third party acquaintance. Role of alcohol was complained in 2 (9.09%) cases. Latency between the alleged act and examination varied from 1day to 7years with a median of 49 days. Except for one person who was examined the next day of alleged act, all other assailants had indulged in bathing, had passed urine and stools. None used Condoms or any barrier methods. All victims were females, vaginal penetration was the method alleged in all the cases and age of the victims ranged

Table 1. Socio-demographic characteristics of the study population

SOCIO-DEMOGRAPHIC VARIABLE	FREQUENCY (n = 22)	PERCENTAGE
Year wise statistics of cases		
2008	5	22.72
2009	5	22.72
2010	12	54.55
Age category in years		
10-19	2	9.09
20-29	11	50
30-39	6	27.27
40-49	2	9.09
> 50	1	4.54
Level of Education		
Primary	-	-
Secondary	3	13.64
Higher Secondary	1	4.54
Graduation and above	1	4.54
Illiterate	17	77.28
Occupation		
Student	2	9.09
Businessmen	3	13.26
Agriculturist	3	13.26
Manual laborers	12	54.55
Others	2	9.09
Unemployed	0	-
Marital status		
Single	13	59.09
Married	8	36.36
Divorced	0	-
Widowed/ Separated	1	4.54
Religion		
Hindu	19	86.36
Christian	0	-
Muslim	3	13.63
Socio-economic status		
Below Poverty Line	20	90.91
Above Poverty Line	2	9.09
Place of Residence		
Rural	12	54.55

Table 2. Shows victim offender relation, latency and profile of assessment.

VARIABLE	FREQUENCY (n = 22)	PERCENTAGE
Relation of the assailant to victim		
Friend	4	18.18
Lover (As alleged by assailant)	9	40.90
Relative	5	22.72
Employer	0	-
Colleague	1	4.54
Third party Acquaintance	3	13.64
Stranger	0	-
Time gap between the alleged act and time of examination		
< 6hours	0	-
6-24hours	0	-
1-3days	3	13.64
4-7days	0	-
8-15 days	5	22.72
15days - 1month	0	-
> 1month	14	63.63
Physical findings		
Non-genital external injuries	1	4.54
Local genital injuries	Nil	-
Matted pubic hairs	Nil	-
Loose hairs at genitalia	Nil	-
Presence of Smegma	2	9.09
Circumcised	4	18.18
Urethral discharge/ Signs of sexually transmitted diseases	Nil	-

50% had not attained majority and 36.4% had attained majority but were below the age group of 30years. Except in one case number of offenders remained one.

Genital examination of the accused did not reveal clinching evidence of sexual assault. None of the assailants examined had genital injury, and only one (4.54%) of them had physical injuries in the form of multiple bruises and abrasions.

Subjects were detained for offences described under different sections of Indian penal code, and those included Rape (13.6%), Kidnap and Rape (45.5%), Deception (22.7%), Betrayal of promise to marriage (9.1%) and Rape and Murder (9.1%). Around half of the assailants were said to have employed physical force against the victims to fulfill their desire.

DISCUSSION

More than 3/4th of the offenders were adult, illiterates, hailing from lower socioeconomic strata. This higher prevalence among younger adults can be attributed to a higher instance of cases being booked due to an act against their unmarried partners (lovers) and sharp physiological rise of sexual maturation and need for sexual activity in them; added to this illiteracy and inability to communicate to their partners drive them to hurriedly have sexual intercourse which are later labelled as rape due to parental complaints or pressures of parents on victims to do so. Majority of them had intercourse where in the consent was implied by the situation instead of being clearly stated. Similar data of higher incidence in persons belonging to lower socioeconomic class and nonconsensual intercourse are reported by Sagar et.al⁵ and Fantasia⁶ respectively.

Age of the victims ranged from 4 to 20 years and half of them were below 18 years.

annoying parents to book cases under kidnap and rape, similar higher instance in young girls is reported by Grossin et.al⁷, Riggs⁸, Santos⁹, Hassan¹⁰, Palmer¹¹ and Daru et.al¹². This age group is said to be more prone as they are immature, defenseless and vulnerable.

All the offenders were known to victims in the form of friends, family members or lovers and comparable rate of acquaintance with victims, as a relative/ cohabiting family member in 55-60% of cases^{7, 13, 14}, as friend⁹ in 24% and as a known third party in 20% and a large majority belonging to victims social or family circle⁹ (85%) are reported. In contrast Riggs⁸, Hassan¹⁰ and Worm¹³, report stranger as an offender in 40% of cases. A known victim-offender relationship moderates sexual offence, makes the act nonviolent, and are reported after passage of medically significant time, sufficient enough to lose crucial forensic evidence.

Latency between alleged act and clinical examination proper varied from 1 day to 7 Yrs, most of them were brought after 72hours (95%). This is consistent with the study by Hassan¹⁰, Daru et.al¹² and in contrast Santos⁹ reports 60% examinations prior to 72 hours. This late presentation for examination could be due to embarrassment of being exposed or due to the intimacy between the victim-offender. This again is the important cause for absence of findings suggestive of sexual act¹¹.

Alcohol is known to interact with personality and aspects of the situation, might produce a dead end to rational thinking, and is considered as an important determinant when some men commit sexual aggression, rather than who becomes sexually aggressive^[14,15,16&17]. Non usage of contraception at the time of assault as in Worm AM¹³ study, (65%) might be hypothesized to commission of offence without preparation/ intention or may be attributed to

lack of awareness about safe sexual practices

SUMMARY AND CONCLUSIONS

The cases were brought to examination by Police authorities after a considerable time in majority of the cases. Eight of the cases were brought with history of elopement after love; it appears that the victim's guardians are filing cases on the alleged accused with a revenge attitude, as the victim and alleged accused were living happily. The Supreme Court opined that the courts should, at the same time, bear in mind that false charges of rape are not uncommon. There have been some, though rare instances where a parent has persuaded a gullible or obedient daughter to make a false charge of rape either to take revenge or extort money or to get rid of financial liability. Whether there was rape or not would depend ultimately on the facts and circumstances of each case¹⁸.

All of the cases were those of attempted/ completed vaginal intercourse only. Alcohol as a factor in assault was recorded in 9% of cases and is a factor which could prevent these intra-familial sexual assaults. The data collected favours the importance of physical examination within 24 Hrs after the alleged assault. Allegations of penetration, physical evidence of trauma was neither predictive nor essential for consideration of sexual assault. Medical examiners need to circumspect when they record non-medical variables.

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Happy are those who are concerned for the poor; the Lord will help them when they are in trouble. PS. 41:1

IMMANUEL ASSEMBLY FOUNDATION CHARITABLE TRUST (Regd.4891)

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Vision

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We carry out project work in the following villages

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This is a resettlement colony formed by the Juggi's relocated from seven areas. Totally 50,000 people reside in the village.

Village Jasola Centre, New Delhi-25

This village has been inhabited by the SC/ST from Jharkhand, Bihar, Uttar Pradesh and Haryana.

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The goal of the Trust is to be a channel of blessing for the weaker section of the society through projects focusing on areas such as Balwadi, Cutting and Tailoring, Computer Operator Courses. Health Care, Day Care and Musician Course. Soon, we will start the mobile repairing course.

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God has called IMMANUEL ASSEMBLY FOUNDATION TRUST in partnership with people like you to meet the physical, educational, emotional and spiritual needs of orphaned and neglected children. This holistic approach not only ensures that each child receives food for life here on earth, but eternal food for life in heaven. Jesus said in Luke 4:4 that, "Man does not live on bread alone."

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