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## Original Research Article

### Retrospective Analysis of Pattern of Rape Accused Examined at a Tertiary Care Center in South-West Delhi

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#### Key words

Sexual Violence,  
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Offender.

#### Abstract

**Background:** According to WHO, sexual violence is defined as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person’s sexuality using force, coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home or work. It is regarded as a under-reported pandemic. **Material & Methods:** We carried out a retrospective study analysing the pattern of Sexual assault done by the Rape Accused brought by the Police at a tertiary care center in South-West Delhi for medico-legal examination. **Results:** We analysed three year data with a total cases amounting to 144 cases maintaining strict confidentiality, of which most common age of the accused was 25-35 years i.e. 60 cases(41.66%), 50 cases(34.72%) were friends/live in partners with regarding relationship to the victim, 119 cases(82.64%) reported after 48 hours of alleged sexual assault for medicolegal examination, In 46 cases(31.94%) method used to subdue victim was false belief of marriage, Peno-Vaginal penetration was reported in 125 cases(86.80%). **Conclusion:** Special emphasis must be given to Acquaintance Rape as it is an emerging problem in developed countries like America and government should raise campaigns and psychological counselling centres for early grapple of this prevailing sexual assault problems in the society.

#### 1. Introduction

Of all the crimes, sex related crimes are the most humiliating ones. The alarming rise in the rate of sexual assault worldwide represents a major public health problem.<sup>1</sup> The term “sexual assault”, “sexual abuse” and “sexual violence” are generally used

synonymously.<sup>2</sup> According to WHO, sexual violence is defined as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person’s sexuality using force, coercion, by any person regard-

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less of their relationship to the victim, in any setting, including but not limited to home or work.<sup>3</sup> Sexual assault is a pandemic crime that is characteristically under-reported worldwide because of enduring culture or male dominance, female social and economic disempowerment, poor or non-prosecution of accused of Rape, arduous legal requirement needed to prove the cases and the associated stigma.<sup>4</sup> According to an annual United Nations report, some countries like Russia, Thailand and Venezuela are still practicing "Marry your Rapist" laws to prevent justice.<sup>5</sup> According to WHO, one in every woman is a victim of sexual assault and globally.<sup>6</sup>

According to NRCB data a total of 1253 women rape cases were filed/reported in Delhi in the year 2019 and a total of 1611 cases of rape were filed under POCSO act in the year 2019. Out of which 1237 Rape accused were known to victim of which 129 were the family members, 588 were neighbors/ friends/ employee/ colleague, 520 were online friends/live-in partners on pretext of marriage/separated husband and only 16 were the accused which were stranger or unknown to the victim.<sup>7</sup>

S.C. Sarkar et al<sup>8</sup> observed in the year 2002 that Delhi had been ranked fifth for the incidence of cases of rape against women. But now the scenario has changed attributed to major rape cases in India which caught the public attention and led the implementations of strict parameters by the law enforcing agencies in Delhi which led to a significant fall in rape cases in Delhi as evident by the newspaper article of Times of India titled "Delhi sees a 28% fall in rape cases in 2020 which further highlights some major points like analysis of rape cases shows that accused were known to the victim in 97.66% cases while rape by strangers stood at 2.34%, case solving percentage in rape cases stood at 91.6%.<sup>8</sup>

But the city still experienced a rape case every 5 hours.<sup>9</sup> Sexual assault is being researched worldwide but not much data are available about sexual assault offender/accused in Delhi. Therefore we did this study to understand certain demographic and medico-legal characteristics of the alleged rape accused, relation of accused to the victim circumstances of the alleged sexual assault and interval of reporting after the alleged sexual assault, method to subdue the victim, type of sexual assault alleged. Findings were documented in a standard proforma for examination of Accused of Rape.

## 2. Material and Methods

We had done a retrospective study of medico-legal examination reports of the alleged sexual accused/offender who were brought by the Investigating Officer to the department of Forensic Medicine & Toxicology for medico-legal examination at a tertiary care center in South-West Delhi from 1<sup>st</sup> January 2018 to 31<sup>st</sup> December 2020. We analyzed a total of 144 case reports having MLC, Opinion report given by the examining doctor having date of examination so as to point out after how much interval after the incident does accused reported to us by the Investigating officer, FIR report provided by the police containing information of the alleged accused/offender such as gender, age, residence, first information report date, section of Indian Penal Code(IPC) applied against accused/offender (mostly 376 IPC corroborated by the 363 IPC in some cases in which ailment of kidnapping and then rape was involved and 377 IPC in which issue of unnatural sexual offence was involved against the accused/offender). As it was the matter of medico-legal importance, we assured strict confidentiality.

## 3. Results

The findings on medicolegal reports in 144 cases were documented in the proforma and tabulated in the **table no. 1 to 5.**

**Table 1: Frequency distribution on age of accused.**

Age of the Accused	No. of cases	Percentage (%)
12 – 18 years	10	6.94%
18 – 25 years	52	36.11%
25 – 35 years	60	41.66%
35 – 45 years	17	11.80%
More than 45 years	5	3.47%

**Table 2: Frequency distribution on relation of victim.**

Relation to the Victim	No. of cases	Percentage (%)
Stranger	30	20.83%
Neighbour	22	15.28%
Friend/Live in partners	50	34.72%
Family member/Relative	8	5.56%
Acquaintance	32	22.22%
Ex- Husband	2	1.38%

**Table 3: Frequency distribution interval before presentation.**

Interval before presentation	No. of cases	Percentage (%)
Less than 6 hours	3	2.08%

6 – 12 hours	4	2.78%
12 – 24 hours	10	6.94%
24 – 36 hours	2	1.38%
36 – 48 hours	6	4.16%
More than 48 hours	119	82.64%

**Table 4: Frequency distribution method used to subdue victim.**

Method used to subdue victim	No. of cases	Percentage (%)
False belief of marriage	46	31.94%
Use of force	40	27.78%
Verbal threat	10	6.94%
Enticement	22	15.28%
Blackmailing	11	7.64%
Use of Sedative/Intoxicated	15	10.41%

**Table 5: Frequency distribution type of sexual assault alleged.**

Type of Sexual Assault alleged	No. of cases	Percentage (%)
Fondling	9	6.25%
Peno-vaginal penetration	125	86.80%
Peno-oral	2	1.38%
Peno-anal	7	4.86%
Digital Penetration/Fingering	1	0.69%

## 4. Discussion

### 4.1 Age of the Accused-

Most common age came in the range of 25-35 years i.e. 60 cases (41.66%) followed by 18-25 years i.e. 52 cases(32.11%) and the least common being the cases more than 45 years i.e. 5 cases(3.47%) as shown in Table 1. The minimum age being the 13 years and maximum age was 62 years which is consistent with study done by Soumeek Chowdhuri et al.<sup>10</sup>

As most of the accused/offender were in the age group of 25-35 years i.e. 60 cases(41.66%), some of the preventive programs for Adolescents as prescribed by the National Institute of Justice in their journal titled "The Criminal Justice and Community Response to Rape" are- Setting clear personal boundaries, Confronting sex role stereotypes, Developing healthy attitudes towards emotional and sexual intimacy, Distinguishing between non-assertiveness, assertiveness and aggressiveness, Managing emotions, Bolstering self-esteem, Overcoming peer pressure to behave harmfully and supporting the efforts of others to behave constructively and ethically, Feeling empowered to decline sex, Understanding the commonality of boys and girls, Understanding what

constitutes sexual assault including Acquaintance rape and the adverse consequences of penetrating rape, Providing positive models of intimate relationships.<sup>11</sup>

### 4.2 Relation to the Victim-

Accused was known to the victim in 114 cases (79.17 %) of cases and they ranged from neighbors in 22 cases, friends/live in partners in 50 cases, family member/relative in 8 cases and acquaintance in 32 cases as shown in Table 2, this agrees with findings in studies done by Ashimi et al<sup>2</sup>, Akinsuli et al<sup>4</sup>, Badejoko et al<sup>12</sup> and Margaret et al<sup>13</sup>. The higher number of known/close accused/offender signifies the decreased moral standards of the society people. The sexual assault by friends/live in partners in our study was founded to be 50 cases which were much higher compared to that reported by Cerdas et al.<sup>14</sup> This pattern can be attributed to a male-dominant society where women are suppressed physically, emotionally and sexually as is relevant in the Indian context.

Special emphasis should be given to the Acquaintance as it is considered as the Emerging Issue by the U.S. Department of Justice in its journal titled "The Criminal Justice and Community Response to Rape". Strange rapes are identical to acquaintance rapes in all respects except that no prior relationship exists between the accused and the victim, In most strange rape cases, the defense counsel argues that the victim has not adequately identified the accused as her attacker but in almost all Acquaintance rape cases, the defense argues that the victim consented. In Acquaintance rape cases, there is much greater effort on the part of the defense to defame the victim's character.<sup>15</sup>

### 4.3 Type of Sexual assault alleged-

The most common form of assault in this study was reported to be Peno-vaginal intercourse in 125 cases(86.80%) as shown in table 5 which is consistent with findings in Ile-lfe but differs from the findings in Port-Hartcourt in which fondling/grabbing of sensitive body part was the highest form of sexual assault used by the accused/offender.<sup>12,13</sup>

### 4.4 Interval before presentation-

A large number of accused/offender 119 cases(82.64%) reported for medico-legal examination after or more than 48 hours i.e. reported very late as shown in Table 3. Median delay observed was 14 days which is consistent with study done by Lakew<sup>16</sup>, the cases reported within 24 hours were observed to be only 17 cases(11.8%) which is significantly lowered compared to that in other studies by Lal S et al<sup>17</sup>,

Badejoko et al<sup>12</sup> and Chaudhry et al<sup>18</sup> in many cases accused reported even after years of the incidents, in some cases they were absconded/untraceable by the Investigating officer and in some FIR was lodged late by the victim due to many social stigmas.

#### 4.5 Method used to Subdue Victim-

In most of the cases, the method used to subdue the victim was False belief of marriage as alleged by the victim and due to which rape charge was forced over the accused, however on talking personally with the accused, it has been observed that both of them had consensual sexual intercourse but later on victim brought up the Rape charge over the accused. It has been observed in this study that Indian laws specially rape laws are more biased towards the females as in most cases the accused were successfully acquitted by the court but during the mean time of case proceedings many of them was being fired by their jobs/offices as they were charged by the heinous rape crime but even on after being acquitted they were not able to get that previous respect in the society or family which was enjoyed previously by them. To avoid this, steps were taken by National Human Right Commission. It has recommended to keep identity of accused undisclosed in public until he is found guilty to protect the rape accused from "false cases". Under section 228 IPC, while revealing the identity of the victims of sexual crimes is a punishable offence, the same principle does not hold in the case of alleged or actual accused/offender, whose names and personal details can be freely circulated. A time has come, when there is a need for safeguards to protect the accused from "false claims".<sup>19</sup>

The most common method to Subdue the victim in our study was founded to be the False belief of Marriage in 46 cases(31.64%) cases and the least common one was found to be Verbal threat in 10 cases(6.94%) as shown in table 4 but we observed that in many cases initially there was one method to subdue but later on the other method overridden and leading to continuous sexual harassment of the victim like in many cases first the accused/offender enticed the victim by offering her a job showing his fake standards and subsequently convinced the victim to meet and then at first meeting intoxicated the victim, having sexual intercourse with her then later on either by blackmailing the victim in fear of her video/picture getting viral or by giving her false belief of Marriage continued to harass the victim sexually. That's the main reason the Accused/Offender presented after more

than 48 hours where in such cases chances to get positive physical evidences becomes quite difficult and case in the Jury relies totally over the circumstances.

#### 5. Conclusion

Power and reputation based inequalities and differences represents not only in the relationships but also in belief, shape and structure of the society too. This is more often resorted to, perpetrated and professed to confirm hegemonic masculinity.

As this problem is arising in youth, government should take prompt actions to carry out certain campaigns and counseling centers to address this problem at its early stages and to empower women through various social schemes reducing their dependence on men for economic needs.

Government need to ensure speedy trial of the cases in fast track courts to maintain public's belief in country's law enforcement agencies in view of the increasing number of Rape cases year by year.

**Conflict of Interest-** None.

**Ethical Clearance:** Yes.

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