

A Study on the Socio-demographic Profile of the Victims of Sexual Offences: A Retrospective Study

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Abstract

Background: Sexual violence against women and children has been recording an alarming rise in India. In the majority of cases, it involves younger individuals who are more vulnerable to victimization. Social and cultural factors are also considered to play a pivotal role in such offences.

Objective: This study aimed to assess the social and demographic factors of sexual offence cases brought for medical examination to identify the high-risk population.

Method: This is a retrospective study carried out in the Department of Forensic Medicine & Toxicology, JSS Medical College, Mysuru, Karnataka from January 2017 to December 2019. This study is based on the information obtained from medico-legal reports of the victim examination of alleged sexual offence cases.

Results: In the prescribed study period, 30 victims were examined. Majority of the victims belonged to the age group between 11 years to 20 years amounting to 70 % of the cases. 11 (36.6%) victims were still pursuing their secondary or higher secondary education. Unmarried victims were the maximum. In 19 (63.3%) cases, there was a consensual type of sexual activity and in most of these cases accused was a known individual.

Conclusion: The present study shows that younger age females are more vulnerable to the sexual assault especially those who belong to lower socioeconomic status and in the majority of these cases, type of sexual activity is consensual. Hence, formal education regarding legal implications associated with such sexual acts will go a long way in preventing their occurrence.

Keywords: Rape, Victim, Sexual offences, Socio-demographic profile.

Introduction

One of the verses from *Manu Smriti* says, *Yatra Nari Astu Pujyante, Ramante Tatra Devataa* – meaning

“Gods reside in places where a woman is worshipped.” In a country like India, where traditionally women are supposed to be referred to as Shakti - the ultimate power, they have now turned into inanimate objects.

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Rape is among the highest forms of crime experienced by women in all sectors of society. In recent years, there has been an alarming rise in the ratio of rape in India.¹ Crime is a manifestation of myriad complex factors. The genesis of crime can be traced to the interplay of various social, economic, demographic, local and institutional factors. They together influence education, employment, parenting/family relationships,

societal cohesiveness, emotional stability, mental health, anonymity, criminal orientation, residential stability, leisure etc. which in turn influences the nature, pattern, frequency and volume of crime.²

NCRB data in 2018 recorded 59% crime rate against women, one rape is reported every 15 minutes in India. Every fourth rape victim across the country in 2018 was a minor, while more than 50 per cent of them fell in the age category of 18 to 30 years. In 94 per cent of the cases, the offenders were known to the victims who were family members, friends, live-in partners, employers or others.³In the present study, efforts are made to study the social and demographic factors so that we can identify the high-risk population at the earliest and stringent legislative measures can be taken to safeguard the interest of the victims and society at large.

Materials and Method

Athree-year retrospective study was carried out in the Department of Forensic Medicine and Toxicology, JSS Medical College, JSS Academy of Higher Education and Research, Mysuru from January 2017 to December 2019. This study is based on the record of sexual assault victims who were brought for medico-legal examination in the department. The details regarding age, socio-economic status, marital status, place of incidence and relationship with the assailant were noted. The data was entered on the predesigned datasheet, tabulated and then statistically analyzed.

Findings: A total of 30 victims were examined in the study period. 21 victims (70%) were in the age group of 11- 20 years, among them 5 each belonged to the age group of 11 to 14 Yrs and 18 to 20 Yrs respectively. 11 were in the age group of 15–17 years. In three cases the victim’s age was less than 4 years. Majority of the accused belonged to the age group of 21 -30 years (Fig 1). The age difference between the victim and the alleged accused in the majority of the cases was in the range of 0-5 years and 6 – 10 years (Table 1). In 23(76.6 %) cases, the victim belonged to the low socioeconomic status, 4 victims belonged to middle socioeconomic status and 3 came from high socioeconomic status. Table 2 depicts the educational status of the victims examined. Among 30 victims, 11 were still pursuing their education.

Unmarried victims were the maximum amounting to 22 (73.3%) cases (Table 3). In three cases the victims were 15 yrs, 16 yrs and 17 yrs respectively who were married against the provisions of law. In 10 (33.3%) cases incidence occurred in the hotel/guest house premises (Table 4).

In 93.3 % of the cases, the alleged accused was a known person (Table 5). The manner of offence in 19 (63.3 %) cases was of consensual type; among them in 11 cases (36.6 %) consent was invalid since the age of victim was less than 18 years. In 8 (26.6 %) cases there was forceful sexual act and in 3 (10 %) cases the victim denied any kind of sexual contact.

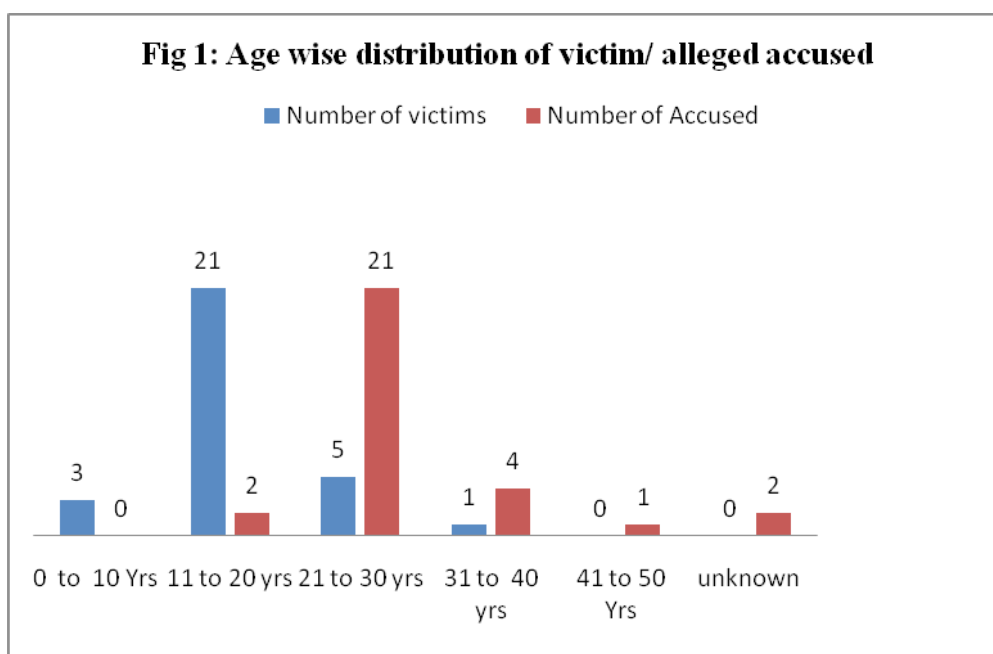


Table 1: Age gap between the victim and the alleged accused

Age Difference between victim and accused	Number of cases
0 to 5 yrs	11
6 to 10 yrs	11
11 to 15 yrs	02
16 to 20 yrs	01
More than 20 yrs	03
Unknown	02

Table 2: Educational status of the victims

Level of education	Number of victims
Not started schooling (Age < 4 years)	3
Post-graduation	1
Graduation	1
Class X to XII	10
Class VII to IX	10
Not attended formal schooling	5

Table 3: Marital status of the victim/alleged accused

Marital status	No of Accused	No of Victims
Married	9	5
Unmarried	16	22
Married to each other	3	3
Unknown marital status	2	Nil

Table 4: Alleged place of incidence

Place of incidence	Number of victims
Guest house/Hotel room	10
Victim's House	5
Their residence	4
Accused's house	3
Rented accommodation	3
Open space	2
Vehicle	1
Relatives house	2

Table 5: Relationship with the alleged accused

Type of relationship	Number of victims
Boy friend	15
Live – in partner	1
Husband (invalid marriage)	2
Colleague	1
Step father	1
Mother's live- in partner	1
Father's friend	1
Husband's friend	1
Paternal uncle	1
Neighbour	2
Acquaintance	2
Unknown	2

Discussion

In the present study, the age of victims ranged from 3 years to 35 years. Individuals between 11-20 yrs (70%) were the most affected and among them, 80.9 % were less than 18 years of age. Hence this study suggests that teenagers are more vulnerable for such offences. Similar results were observed in various studies conducted across India on the populations of South Bangalore, Maharashtra and Assam.⁴⁻⁶

In our study, the majority of the victims came from the lower socio-economic background. The study conducted by Runarsdottir E et al affirms this finding, they suggested that low socioeconomic status is an indicator of social disadvantage; for females, it may independently contribute to the risk of sexual abuse.⁷ Similar view was expressed in a study intended to assess the magnitude and the issues related to child sexual abuse.⁸

In a study conducted on rape victims at Kolkata, they found that in most of the cases, the sexual assault occurred outside the house.⁹ Similar findings were noted in the present study in contrast to the study conducted by Haridas S et al and Gangmei Agatha et al who found that the most of these incidences occurred at accused's house.^{10,11}

In this study, most of the sexual assaults were committed by known individual constituting 93.3% of the cases. Similar results were found by certain other researchers.^{12,13}

Findings of the present study reveal that manner of offence in most of the cases was the consensual type of sexual act, the majority of the victims being unmarried and still pursuing their education. A similar opinion was expressed in a study conducted in Surat, wherein the authors reported that in 83.7 per cent of the cases the sexual activity was with mutual consent.¹⁴

Our study reveals that in 36.6 % of the cases although sexual act took place with mutual consent, consent of the victim was invalid as per Indian law since the age was less than 18 years. Among them, 30 % of the victims were between 16 – 17 years of age.

Honourable Justice V Parthiban of the Madras High Court opined in the order concerning Criminal Appeal No. 490 of 2018 that the government should consider to redefine the word “child” to mean a person below 16 years of age instead of 18 for purposes of the Protection of Children from Sexual Offences (POCSO) Act 2012. Noting that many of the POCSO cases involved minor teenage girls in sexual relationships with teenage boys, Justice Parthiban said:

“When the girl below 18 years is involved in a relationship with the teenage boy or little over the teenage, it is always a question mark as to how such relationship could be defined, though such relationship would be the result of mutual innocence and biological attraction. Such a relationship cannot be construed as an unnatural one or alien to between relationships of opposite sexes. But in such cases where the age of the girl is below 18 years, even though she was capable of giving consent for a relationship, being mentally matured, unfortunately, the provisions of the POCSO Act get attracted if such relationship transcends beyond platonic limits, attracting strong arm of law sanctioned by the provisions of POCSO Act, catching up with the so-called offender of sexual assault, warranting severe imprisonment of 7/10 years”.¹⁵

In the western world, in countries like the UK, some states of the USA and Canada the age of consent for sexual intercourse is 16 yrs. In France and Brazil, it is 15 years and 14 years respectively.¹⁶ However in India, in case a boy and girl below 18 years have sexual intercourse with mutual consent, only the boy

is liable for punishment which is detrimental against the natural justice for the boy. Hence, the government has to sensitize the younger individuals about the legal provisions and its implications in such scenarios.

Education Department can take initiatives to educate the children about various provisions of Protection of Children from Sexual Offences Act 2012 since most of these cases involved minor teenage girls in consensual sexual relationships with young boys.

Conclusion

The present study shows that instances of a sexual offence are higher in younger age females especially among those who belong to lower socioeconomic status. In the majority of these cases, the type of sexual activity is consensual with the known person. Since most of these victims had completed or were pursuing their secondary/higher secondary education, formal education concerning legal nuances associated with such consensual sexual acts should be imparted to reduce their incidence. There is a need for further studies with a bigger sample size so that the high-risk population can be identified and educated effectively.

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Ethical Clearance: Study was approved by the Institutional Ethics Committee.

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