



Journal of International Academy of Forensic Science & Pathology

(JIAFP)

ISSN 2395-0722

RAPE CASES- A FORENSIC EVALUATION OF VICTIMS

Original Article

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Accepted: May 18, 2016

Published: July, 2016

Citation: Dr.Dinesh Rao (2016).Rape Cases-A Forensic Evaluation of Victims.

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ABSTRACT

OBJECTIVES: The Study was carried out to Forensically Evaluate Cases of Victim of Rape.

METHODS: The Study was retrospectively carried for the period 2009-2014 from the records available with the police and Department of FMT.

RESULTS: A total of 215 cases were studied, Majority of the Victims were Unmarried[86.04%;n-185] and Educated college going girls[n-130;60.47%]. Kidnapping and Rape were the major type of allegations in 55.81%[n-120] of cases, followed by Cheating and Rape in 39.53%[n-85] of cases. Majority of the accused were Known in 65.11%[n-140]. Majority of the Victims[53.48%;n-115] were subjected to Medical Examination one month after the alleged Rape and in only 65 cases[30.23%] the victims were subjected to Medical Examination within 72hours. In 65.11%[n-140] of cases the complainants were Parents of the Victims. When Consensual act brought within the Knowledge of Parents the Rape cases were filed against the accused in 46.51%[n-100] of cases and 23.25%[n-50] of cases were filed because of Breach in Love/Promise to marry.

CONCLUSIONS: Educated and unmarried victims were major complainants. Kidnapping and Rape, Cheating and Rape were the major type of False Allegations in Rape Cases. Majority of the False Allegations were the result of failed Relationship, Exposed Affair and Breach of Promise to Love/ Marry, This cases were reported after 72hours of the alleged Incidence.

KEYWORDS: Rape, False Case, Forensically, Evidence, Complainant, Complaint.



INTRODUCTION

In India though Sexual Offence are not uncommon very few cases are reported due to various factors like religion,taboo,Society,Family,Economic,Lack of Trust with the Police/Judiciary,Fear and others. Hence number of Rape reported is said to be only a tip of iceberg in comparison to actual incidents. Hence effective Counselling and Advocacy is the need of the Hour to encourage the Victim to Report the matter to the Police. Many a times though the Victim has no physical injury other than the rape itself, but her psychological injuries are profound. Man commits this act to fulfill his sexual desire, to prove his Domination through masculinity, a means to Cheat, to take revenge and various other reasons, out of deviated mind, due to arrogance and ignorance of the law of the land or some times out of opportunity. The mental trauma suffered by the victim may linger till the end of her life. On the other hand accusation of sexual assault is often used as a tool of advantage by female for various reasons like for blackmailing the alleged offender, monetary gain, forcing to compromise on some disputes. The overwhelming statistical profile of rape documents a commonplace crime committed by a man with an active consensual sex life on a woman he knows, often in her own home. He uses no weapon, but she offers little, if any, physical resistance because she is terrified into passivity, fears serious physical injury or death, or was taken totally by surprise given the nature of relationship she believed in. Hence many cases the Victims Family,friends report the matter on her behalf to the Police. Opinions on sexual intercourse by medico-legal examination are based on the physical findings on the private parts of the victim and detection of seminal fluid in and around the genitals and results of Biological examination of samples. Negative findings cannot rule out sexual intercourse on many occasions. Many cases it has been noted that there is a great difference between the time of occurrence and reporting causing extensive damage to the Prosecution due to the Evidences being Compromised as a reason of delay. It has been observed that besides all this issues There are reported cases wherein the individuals had used Rape as a tool to avenge against their Enemies. Hence considering all this aspects this study is carried out to Forensically analyze quantitative and qualitative data drawn from detailed analysis of rape and sexual assault files. Particular attention is paid to understand the Genuinity of the Rape Complaints.

OBJECTIVES:

1. To study the Reason for the Delayed Complaint.
2. To understand the type of Accused in the alleged sexual Assault.
3. To study the relationship between the age of the victim and type of complaint.
4. To study the type of Complaint, Delayed Complaint and Timer interval between Rape and Examination.
5. To study the complainant type .
6. To study the factors contributing to False Allegations of Rape.

METHODS:

Retrospective Study conducted for the period 2009 to 2014.The Sexual Assault Victim Examination case files available from Nine police Stations and Department of Forensic Medicine, SIMS. Bangalore. The Details from the Victim Examination Report were examined in relations to Circumstances, Complainant, Accused Type, Age, Educational back ground of Victim, Confession, Reason for Delay in complaint. The results were thus evaluated forensically.



TABLES:

TABLE no 01.

EDUCATIONAL QUALIFICATION

SCHOOL	HIGH SCHOOL	COLLEGE	POST GRADUATION	UNEDUCATED
20 (9.3%)	40 (18.6%)	130 (60.47%)	10 (4.65%)	15 (6.98%)

TABLE no 02.

MARITAL STATUS

MARRIED	UNMARRIED[14-20]
30 (13.95%)	185 (86.04%)

TABLE no 03.

NATURE OF ALLEGATION

KIDNAPPING AND RAPE	CHEATING /DRUGING AND RAPE	RAPE/FRIEND
120 (55.81%)	85 (39.53%)	45 (20.93%)

TABLE no 04.

TYPE OF ACCUSED

UNKNOWN/STRANGER	KNOWN-94.41%[N-203]
12 (5.6%)	a) EXTRA MARITAL AFFAIR= 10(4.65%) b) COLLEAGUE= 20 (9.3%) c) ACQUANTICE = 5 (0.23%) d) LOVER/DATE= 133 (61.86%) e) INCEST = 5(0.23%) f) NEIGHBOUR = 30 (13.95%)

TABLE no 06.

TIME INTERVAL BETWEEN ALLEGED INCIDENT AND EXAMINATION

WITHIN 72 HOURS	IN ONE WEEK	IN TWO WEEKS	MORE THAN ONE MONTH
65 (30.23%)	25 (11.63%)	10 (4.65%)	115 (53.48%)

TABLE no 07.

TYPE OF COMPLAINANT

PARENT/GAURDIAN	VICTIM	PASSERBY	POLICE	HUSBAND
140 (65.11%)	70 (32.55%)	5 (2.32%)	0 (0%)	0 (0%)

TABLE no 08.

REASON FOR DELAYED COMPLAINT



UNWILLING VICTIM/AGAINST WILL	BREACH OF LOVE/PROMISE TO MARRIAGE[FALSE]	CONSENSUAL RELATIONSHIP/PARENTS DISLIKE[FALSE]	INCEST	EXTRA MARITAL EXPOSED[FALSE]
50 (23.25%)	50 (23.25%)	100 (46.51%)	5 (2.32%)	10 (4.65%)

RESULTS:

1. A Total of 215 cases were studied retrospectively for the period 2009 to 2014.
2. Majority of the victims [n-130;60.47%] were college going Students, the least were the Postgraduate Students[n-10;4.65%] and Uneducated victims contributed to only 6.98%[n-15].
3. Unmarried Victims contributed to 86.04%[n-185] of the Victims.
4. Kidnapping and Rape were the major type of allegations in 55.81%[n-120] of cases ,followed by Cheating and Rape in 39.53%[n-85] of cases and the mere Rape allegations was limited to 20.93%[n-45] of cases.
5. The maximum number of Accused were known to the Victims and in only one case[0.23%] the Accused was a stranger. of the known accused 65.11%[n-140] were well known to the victim and they were confirmed Boyfriends and in one case the Accused was victims Father[n-5].
6. Majority of the Victims[53.48%;n-115] were subjected to Medical Examination one month after the alleged Rape and in only 85 cases[30.23%] the victims were subjected to Medical Examination within 72hours.
7. In 65.11%[n-140] of cases the complainants were Parents of the Victims and in 70 cases[n-32.55%] the Victim remained the Complainant.
8. The major reason behind delayed Complaints were due to the Consensual relationship though brought within the Knowledge of Parents, than Rape cases were filed against the accused in 46.51%[n-100]of cases. Cases of Rape was filed in 23.25%[n-50] of cases due to the Breach of Love/Promise to marry. In 23.25%[n-50] of cases and one case of Incest ,the Rape took place without the Consent and will of the victim which further Confirmed Rape.

DISCUSSIONS:

Rape is an accusation made easily but is hard to prove. Given the nature of Cultural Background ,Religion and Social values surrounding Rape in India ,very few cases get reported unlike the Developed Nations, though the high number of incidence occurring cannot be disputed.it has been observed that there is 8-5% prevalence of sexual violence in the country, the lowest in the world,^{1,2}. it is estimated to affect 27.5 million women in India. Of which only1% of victims of sexual violence report the crime to the police.² . The other major reason for non reporting of cases is lack of Legal Security to the Victim, though recent Legislation amendments ³ have encouraged the Victims to Report the cases similar is the view of Dupre et al., 1993.⁴. wherein he noted that self perceived inferior legal status of women, results in a high percentage of unreported cases. The majority of the victims are Adolescents a between the age group 14-20 in the present study contributing to 86.04%[n-185] contrary were the findings by Andy Myhill and Jonathan Allen[2002] ⁵- wherein Rape on Adolescent Girls contributed to only 25% of Cases the possible reason may be due to the statistics of the Country in General unlike the present study wherein it was limited to Metropolitan city however the from US department of Justice⁶ wherein 35.8% of the victims belonged to 12-17years of age.. In the present study 53.48%[n-115] of the Victims reported after one month of the incidence of Rape and only 30.23%[n-65] reported less than 72hours of incidence. This gross variations seen between the incidence and Reporting of Rape leads to loss of Biological Evidence[Seminal Stains, DNA,Salivary stains] though pathological evidence may or may not be present. With the new amendments made in the Rape Legislation absence of Medical Evidence may not have adverse impact on the Case. Reznic et al. (2004) ⁷ and White et al., 2006 ⁸ drew similar conclusions that absence of injuries on the Genital region will not have adverse impact on the case.

In the present study of the 215cases of Rape 160cases[%] were Falsely reported. The Major reason to report a False case was because the Relationship was disliked by the Parents or the Relationship was noticed by the Parents [46.51%;N-100]. In 23.15%[N-50] of cases Rape cases were filed to teach the Boy a lesson for his Failure to Marry or



due to breach in Love. In 4.65%[N-10] of cases Rape was alleged when the Womens Extra Marital affair was Exposed. This is the Major area of Concern in Cases of Rape similar are the views of de Young, 1986⁹ and Schiff (1975)¹⁰ The observations made in this study were contrary to those made by David Lisak et al[2010]¹¹ wherein he observed 5.9% of the Rape cases were due to False Allegations. However the results of the present study is close to those made by Kanin (1994)¹², wherein 49% [total-109] of his cases were due to False Allegations. This wide variations of False Allegations is possible due to Religious, Cultural and Regional Factors. In the present study Absence of Findings on the Clothing's, Body, Genitals, No Biological Evidence and above all Statement by the Victim indicating other Reasons for complaint and confession as to the Consensual Nature of Act are the Factors considered to confirm False Allegations. Rassin et al. (2005)¹³ had devised 43 criteria to prove the Credibility Assessment though the same were not considered in the present Study Hershkowitz (2001)¹⁴ however argued that the Scientific Tools designed to prove Credibility Assessment were limited and may Fail to confirm the Case. Hence in the absence of Scientific Evidence and Statements made by the Victim[not Complainant]and delay in filing Complaint are possible indicators of False Allegations or Fabrication. This stereotype that false rape allegations are a common occurrence, has very direct and concrete consequences. It contributes to the enormous problem of underreporting by victims of rape and sexual abuse. It is estimated that between 64% and 96% of victims do not report the crimes committed against them (Fisher et al., 2000; Perkins & Klaus, 1996)^{15,16}, and a major reason for this is victims' belief that his or her report will be met with suspicion or outright disbelief (Jordan, 2004)¹⁷. The Author do agree with the fact that the Method adopted in the present Study to Conclude False Rape Allegations may not be Complete.

In the present study the Majority of the Complainants were Parents contributing to 65.11%[N-140] of the cases and In only 32.55%[N-70] of cases The Victim Volunteered to Complain. This results are deviating from those made by Andy Myhill and Jonathan Allen[2002]⁵, they observed that 52% of the Victims reported themselves, 35% by other than Victims and 13% by Police. This variations is possible due to Regional, Cultural considerations, Policing Practices and Public Awareness unlike in India wherein The Incidence is Concealed and lately Revealed to the Parents or Victim scared to Register the complain due to Social, Economic, Regional and Religious factors as discussed earlier.

The present study apart from Identifying False Cases of Rape also Confirms the fact that in 94.41%[N-203] of Cases The Accused was known to the Victim in the form of Friend, Acquaintance, Lover, Parent, Neighbour and only in 5.6%[N-12] of cases The Accused was a Stranger similar were the observations made by Andy Myhill and Jonathan Allen[2002]⁵ and Statistics from Cannda¹⁸. However the observations made by David Lisak et al [2010]¹¹ were deviating from the others, wherein he noted that 43.82% of the Accused were either Strangers or Unknown individuals. In Unknown individuals proof of Identity needs more Elaborate Techniques and Time consuming than the Procedures adopted in Known Individuals.

CONCLUSIONS:

1. Educated Victims were more prone to Complain than an Illiterate Victim.
2. Unmarried Females formed the major Victims of Rape.
3. Kidnapping and Rape were the major type of Allegations involving Minor Victims involved in Consensual act.
4. Cheating and Rape allegations were common in Adult Victims involved in Consensual act.
5. Rape allegations were reported within 72 hours when the Accused was a minor.
6. Majority of the False Allegations were the result of failed Relationship, Exposed Extramarital Affair and Breach of Promise to Marry in a Live-in relationship. These cases were usually reported more than 72 hours after the Alleged incidence of Rape.
7. Victims were rarely a Complainant and majority of the Complaints were lodged by the Victims Parents.
8. The common reason behind Delayed Complaints were due to Breach of Promise of marriage, parental expose, extramarital expose and Love affair.
9. All cases of Rape needs Careful Scientific Examination, Evaluation of Victims and Complainant and Analysis of Circumstances.



Acknowledgment:

The authors gratefully acknowledge the contributions of the Police officers without whom this research would not have been possible.

Declaration of Conflicting Interests:

The authors declared no potential conflicts of interest with respect to the authorship and/or publication of this article.

Funding:

The authors received no financial support for the research and/or authorship of this article.

REFERENCES:

1. International Institute for Population Sciences (IIPS) and Macro International. National Family Health Survey (NFHS-3) India. http://www.rchiips.org/nfhs/nfhs3_national_report.shtml (accessed Feb 17, 2014).
2. Palermo T, Bleck J, Peterman A. Tip of the iceberg: reporting and gender-based violence in developing countries. *Am J Epidemiol* 2014; 179: 602–12.
3. Gazette of India, amendment to the Indian Penal Code 2013, Section 375 and Section 376.
4. Dupre AR, Hampton HL, Morrison H, Meeks GR (1993). Sexual assault. *Obstet. Gynecol. Surv.*, 48(9): 640-648.
5. Andy Myhill and Jonathan Allen., Rape and sexual assault of women: the extent and nature of the problem; Findings from the British Crime Survey; Home Office Research, Development and Statistics Directorate: March 2002..
6. Raising awareness about sexual abuse: Facts and Statistics, SMART9Office of sex offender sentencing, monitoring, apprehending, registering and tracking) The U.S Dept of Justice NSOPW, <http://www.nsopw.gov/en/Education/FactsStatistics?AspxAutoDetectCookieSupport=1> accessed on April 9th 2015.
7. Reznic MF, Nachman R, Hiss. J. (2004). Penile lesions -- reinforcing the case against suspects of sexual assault. *J. Clin. Forensic Med.*, 11(2): 78-81.
8. White C, McLean I (2006). Adolescent complainants of sexual assault; injury patterns in virgin and non-virgin groups. *May; J. Clin. Forensic Med.*, 13(4): 172-252. Epub.
9. de Young M (1986). A conceptual model for judging the truthfulness of a young child's allegation of sexual abuse. *Am. J. Orthopsychiatr.*, 56(4): 550-559.
10. Schiff AF (1975). An unusual case of pseudo rape. *J. Forensic Sci.*, 20(4): 637-679
11. David Lisak, Lori Gardinier, Sarah C. Nicksa, and Ashley M. Cote ; False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases Violence Against Women 16(12) 1318-2010.
12. Kanin, E. J. (1994). False rape allegations. *Archives of Sexual Behavior*, 23, 81-87.



13. Rassin E, van der Sleen J (2005). Characteristics of true versus false allegations of sexual offences. *Psychol. Rep.*, 97(2):589-697. Oct.
14. Hershkowitz I (2001). A case study of child sexual false allegation. *Child Abuse Negl.*, 25(10): 1397-1908.
15. Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women*. Washington, DC: U.S. Department of Justice.
16. Perkins, C., & Klaus, P. (1996). *Criminal victimization 1994* (Report No. NCJ-158022). Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
17. Jordan, J. (2004). Beyond belief? Police, rape and women's credibility. *Criminal Justice*, 4, 29-59.
18. Statistics Canada. Gender Differences in Police-reported Violent Crime in Canada, 2008. 2010.