

Victimology of alleged rape cases: A three year institution based cross-sectional study

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ABSTRACT

Aim of study: The demographics and characteristics of sexual assault are changing. Hence, the aim of the study is to:

- To describe victim, assault characteristics for women alleging rape according to the type of penal sections registered by the police.
- To record the time between the last sexual assault and the examination, and to find out the reasons of delayed reporting of rape cases.
- To provide descriptive data on the medico-legal findings.
- And, to do a comparative review of the existing literatures.

Material and method: This study is based on 244 numbers of examined rape victims reported to the Department of Forensic Medicine & Toxicology during the period from January 2010 up to December 2013. Victims were referred from investigating police authorities for evidentiary examination. Study included all cases registered under Section 376 Indian penal code (punishment for rape) by the police, with or without sections of other offences e.g. gang rape, rape followed by murder, abduction and rape, sexual intercourse made deceptively or by an impostor; and rest all types of medico-legal cases were excluded. The prospective data regarding victim's socio-demographic variables, detailed history of the alleged act, her relationship with the alleged accused person, date, time, place of occurrence of the crime, frequency of occurrence, reasons for delayed reporting, information regarding bathing, changing of clothing after the act, and use of any barrier methods by assailants were collected from the rape victims, accompanying family attendants, from the police, physical examination findings, laboratory investigation findings, and from any other available documents.

Results: Most commonly alleged charge was 'abduction and rape' (46%), and least reported ones were gang rape, rape and murder (1%), and only 'rape' alleged in 8% cases. About 89% of the alleging women were 11-30 years old, with a median of 23.7 years, and mean 25 years; 57% were unmarried, 40% were educated up to the junior college level, and 55% were above the poverty line. A majority of cases (75%) were from rural and semi-urban areas. In 97% cases, the alleging woman knew the alleged accused person. Most commonly, boyfriends, friends, or the acquaintances were the culprits (70%). The fatal forms of sexual assault like gang rape, rape and murder usually done by the unknown assailants. The crime in 82% cases had occurred in Indoors. Out of which 60% cases had allegedly occurred at either victim's home, or the alleged accused person's home or office. Majority (47%) of cases reported during winter season, and the least (16%) in rainy season. A majority (60%) of the cases reported after 7 days of the alleged incident. The latency of reporting of cases varied from 24 hours to 2.5 months with a median of 27 days. Physical force for sexual intercourse was used in 46% of cases, but physical injuries found in 2-3% of cases only (extra-genital injuries in 2% and genital injuries in 3% of cases). The risk factor for the detection of genital injury is the presence of extra-genital injury [Odds Ratio (OR) 1.2, 95% Confidence Interval (CI)]; and, the risk factors for the presence of genital injuries in the absence of extra-genital injuries are, age below 12 years (OR 3.3, 95% CI) and beyond 38 years (OR 1.2, 95% CI). In 2%, cases seminal stain and foreign pubic hairs retrieved from the body of the victim. The victim women had witnessed use of condom by the alleged offender in 18% of cases.

Conclusion: Though all age groups are prone for rape, unmarried women in their first three decades are more vulnerable. A known victim-offender relationship usually associated with the less physical or genital injuries, and less fatality. While evaluating rape cases possibility of false allegations of rape should not be ignored. Presence of physical or genital injuries is neither predictive nor essential for conviction. Medical examiners need to be circumspect while recording non-medical variables for a successful prosecution.

Keywords: Abduction; Gang rape; India; Profile; Rape; Section 376 IPC; Sexual assault; Victims

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INTRODUCTION

Rape is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration initiated against one or more individuals without the consent of those individuals. The act may be carried out by physical force, coercion, abuse of authority or against a person who is incapable of

valid consent, such as one who is unconscious, incapacitated, or below the legal age of consent.^{[1][2][3]} The term rape is sometimes used interchangeably with the term sexual assault.^[4]

The definition of rape as per Section 375 of Indian Penal Code (IPC) effective till 2 February 2013: A person is said to commit "rape" who, except case hereinafter excepted, has sexual intercourse with another person circumstances falling under any of the six following descriptions:^[5]

Firstly. — Against her will.

Secondly. — Without her consent.

Thirdly. — With her consent, when her consent has been obtained by putting her or any person in whom she is interested in the under in fear of death or of hurt.

Fourthly. — With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. — With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly. — With or without her consent, when she is under sixteen years of age.

Explanation. — Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception. — Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Evidences suggest the demographics and characteristics of sexual assault are changing day by day. The prevalence of sexual assault have been significantly increased over the last decade. According to the National Crime Records Bureau of India (NCRBI) 2013 annual report, 24,923 rape cases were reported across India in 2012; and, New Delhi (the Capital city of India) has the highest number of rape-reports among Indian cities.^[6] However, compared to other developed and developing countries, incidence rates of rape per 100,000 people are quite low in India. The NCRBI suggests a rape rate of 2 per 100,000 people.^[6] This compares to 40.2 per 100,000 in South Africa, 28.6 in the United States of America(USA), 14.7 per 100,000 in Latin America, and 8.1 rapes per 100,000 people in Western Europe.^[7] The pandemicity of rape is due to the very nature of this issue itself, e.g. rape can be easily alleged, difficult to prove and more difficult to disprove. The law enforcement agencies usually face difficulty to prove such allegations. Hence, it needs

to understand the veracity of 'rape-charges' and the 'alleging party' as well.

In India, the 'rape laws' existing until March of 2013 were unable to cover every corner of this complex issue, leaving behind many legal loopholes; and, had a bigger probability of letting an offender free, or convicting an innocent there of. For instance, on 16th of December 2012, a fatal case of gang rape involving a 23 year old physio therapy female student in a moving city bus had fallen out in the middle of the capital city of India, New Delhi. The incident had passed at approximately 9-10 pm when she was reverting back to her home. Initially, the bus staffs had started her eve teasing, on her protest, they had gang raped and killed her by inserting pole of an iron rod to her crotch. However, the then criminal procedures, and evidence acts related to rape enabled the escape of two of the alleged offenders on the grounds of their age, with minimal punishment. It provoked a massive public outcry demanding for the amendment of the than rape laws.^{[8][9][10]} Nevertheless, several other rape cases in India received widespread media attention and triggered protests since 2012.^{[11][12]} This urged the Government of India to reform its penal code for crimes of rape and sexual assault.^[13] With an effect from 3 February 2013, the definition of rape in india have been expanded to include same sex crimes and raised the age of consent to age 18 years. Rape is now included as a crime of sexual assault.^[13]

Appropriate tools should be developed for evaluation of rape cases. The present study is aimed to determine the predisposing factors of rape, considering the complete profile of the women bringing the allegations of rape, and circumspccting the whole scenario of crime occurrence.

MATERIAL & METHOD

It is a three year institution based cross-sectional study on 244 numbers of alleged rape cases reported to our Department of Forensic Medicine & Toxicology during the period from January 2010 up to December 2013. Cases were referred from investigating police authorities for evidentiary examination. All examinations were performed by the physicians having training in Forensic Medicine. Inclusion criteria: all cases registered under Section 376 Indian penal code (punishment for rape) by the police, with or without sections of other offences e.g. gang rape, rape followed by murder, abduction and rape, sexual intercourse made deceivingly or by an impostor. Exclusion criteria: rest all types of medico-legal cases e.g. cases registered with the charges of adultery, male rape, unnatural sexual contacts, and any paraphilic complaints. The prospective data regarding victim's socio-demographic variables, detailed history of the alleged act, her relationship with the alleged accused person, date, time, place of

occurrence of the crime, frequency of occurrence, reasons for delayed reporting, information regarding bathing, changing of clothing after the act, and use of any barrier methods by assailants were collected from all examined rape victims and recorded in a pre-tested proforma. The data also collected from the family members accompanied the alleging women, from the police, and from any other available documents. The physical examination and laboratory investigation findings were collected corroborated with the history given by the alleging women. The information engendered was categorically analysed and discussed. The statistical calculations were made using PASW Statistics™ 18. Informed consent was taken from the alleging women or from the legal guardian in cases of minors. The study was done in adherence to the Indian Council of Medical Research (ICMR) ethical guidelines for human participants,^[14] and clearance was taken from the Institute Ethical Committee (IEC) before starting this study.

RESULTS

The allegations of rape, gang rape, and 'rape and murder' were observed in 8%, 1% and in 1% of cases respectively (Fig.1). However, this study showed 'abduction and rape' is the most common (46%) allegation registered by the police; allegedly the accused person entices away the woman and marries her against her family or parent's interest. Consequently, her annoyed parents or family members files a case of police with the charges of 'abduction and rape' in case of minor woman; and, in cases where the woman is a major, the parents motivates or persuade her to lodge an abduction case. In 29% of cases, the alleged accused person was keeping sexual relationship with the alleging woman for a promise of marriage or for some other reason. Later on, the charge of rape was made due to breach of such promise. The accused persons had sexually exploited the alleging women in 15% of cases, i.e. performed sexual intercourse by luring the minor girls with attractive gifts like chocolates, toys, video-game gadgets. In three cases, the women were raped by their friends using date rape drugs in soft-drinks. The drugs used were a crude mixture of Cannabis and Opium available in local gray markets (in the name of 'Kameswara' balls). In another case, a 19 year old woman was allegedly sexually exploited with a promise of offering a chance to act in a Music-Album (a part of Film-industry).

The age range of the cases reported was from 4 years to 47 years, with a median of 23.7 years, and mean 25 years. About 89% of the cases are in the age range of (11-30) years, and more than half (57%) are unmarried women. Nevertheless, 95% cases registered under 'abduction and rape' are falling in the age range of (14-21) years old. A majority of cases (75%) were from rural or semi-urban areas.

However, the figures are not significantly different from that of the urban population (Table.1). We have defined 'place of residence' as per the population size. The education level of majority (40%) is higher secondary education (junior college), followed by high school certificate (Table.1). Nearly 55% cases were above the poverty line (Table.1). The economic status of the cases was determined by the presence or absence of Below Poverty Line (BPL) Certificates issued by the Statutory/Government authorities.

In 97% of cases, the alleged accused person is known to the alleging woman (Fig.2). There are some categories of relationship observed between the two parties as mentioned in Table 2, which shows that more than 70% are 'boyfriends' and 'friends' of the alleging woman. The allegation of rape by unknown person is detected in 3% of cases only. Nevertheless, the most serious forms of rape, e.g. gang rape, rape and murder had allegedly done by the unknown assailants. Out of 244 cases 201 (82%) had occurred in Indoors (Table.2). Out of 201 cases, 121 (60%) cases had allegedly occurred at either victim's home, or the alleged accused person's home or office. We have defined 'indoor' as, if the incidence happened within the four walls of a room, and the rest all included in 'outdoors'. We have received about 47% cases during the winter season, and only 16% cases in rainy season (Table.2).

The time interval between the alleged act and the medico-legal examination is varied from 24 hours to 2.5 months with a median of 27 days. A majority (60%) of the cases registered after a week of the alleged incident (Table.2). Only seven numbers of cases were produced for examination within 24 hours of the alleged act; and, only these seven cases had not taken a bath, nor cleaned themselves by the time of examination.

About 113 numbers (46%) of cases alleged that, the accused person physically forced or coerced them for sexual intercourse. However, the findings suggestive of physical violence were found in 2%-3% of cases only (Table.2). We have recorded extra-genital injuries in 2% of cases, and these cases had genital injuries as well. Nearly 3% of cases have genital injuries in the form of contusion or laceration of the vulva and perineum (Table.2). Nearly 2% of the cases showed some incriminating substances suggestive of the sexual act. The finger nails clipping from four cases revealed skin epithelium (demonstrated Y chromosome with *Quinacrine* staining) matching to that of the alleged accused persons. The risk factor for the detection of genital injury is the presence of extra-genital injury [Odds Ratio (OR) 1.2, 95% Confidence Interval (CI)]; and, the risk factors for the presence of genital injuries in the absence of extra-genital injuries are, age below 12 years (OR 3.3, 95% CI) and beyond 38 years (OR 1.2, 95% CI).

In 18% of cases, the alleging women had witnessed the use of condom by the alleged offender during the act. Nevertheless, all these cases were booked under the sections of ‘abduction and rape’;

and the alleged accused persons and the women were in a relationship for some period of time. History of any other methods of contraceptive use by the offenders was not reported.

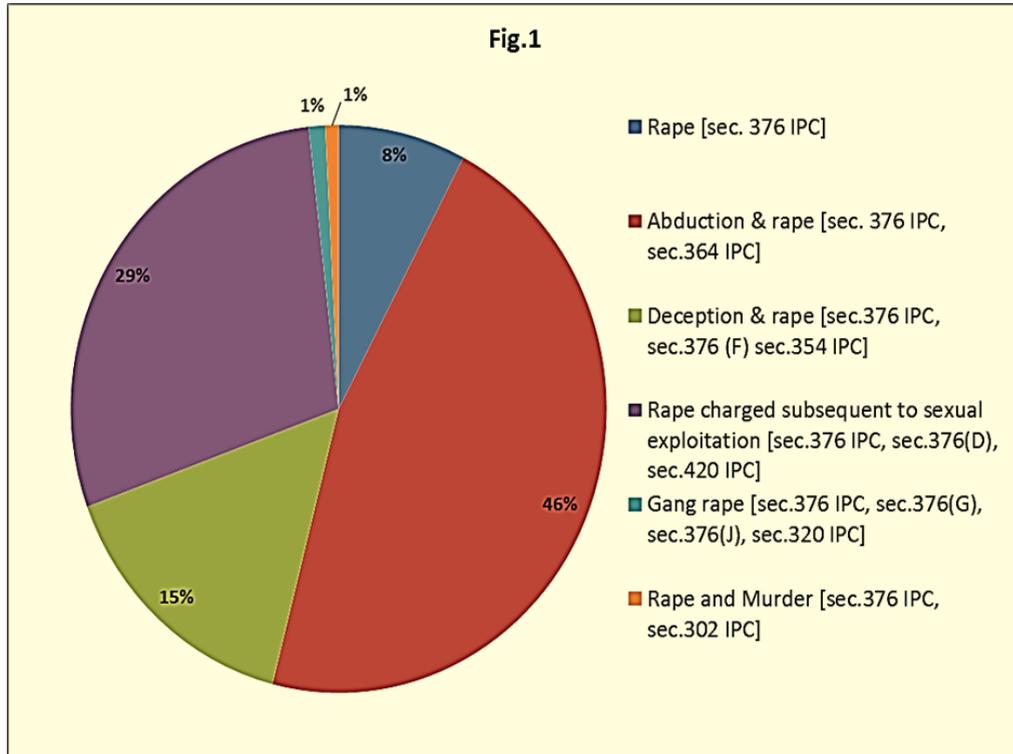


Figure 1: Distribution pattern of allegations of rape along with other related offenses as registered by the police (N= 244).

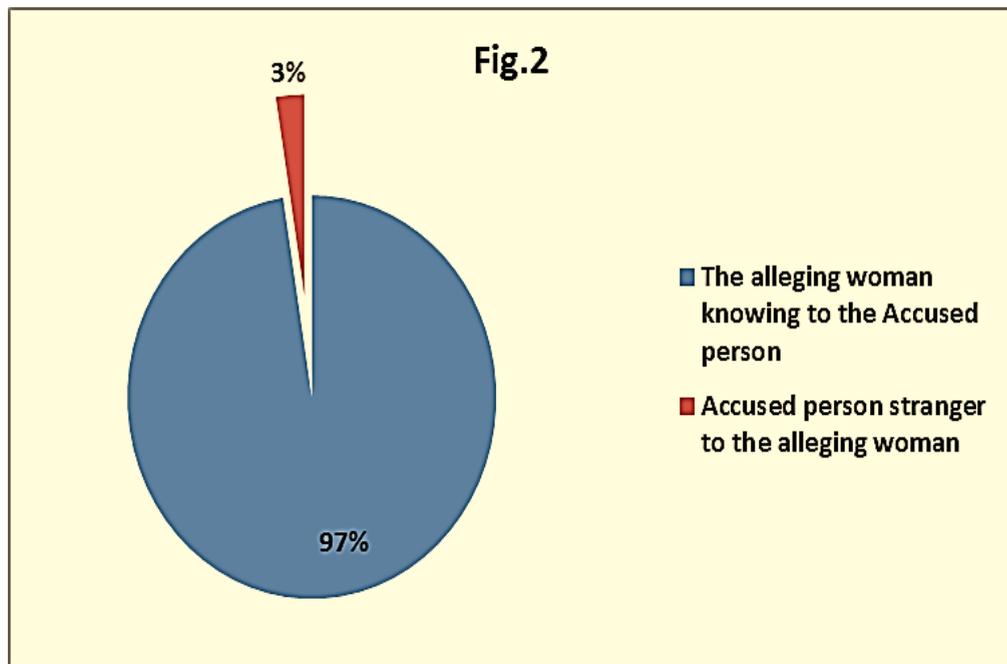


Figure 2: Showing the relationship of the alleging women and the accused persons of ‘rape’ as registered by the police (N=244).

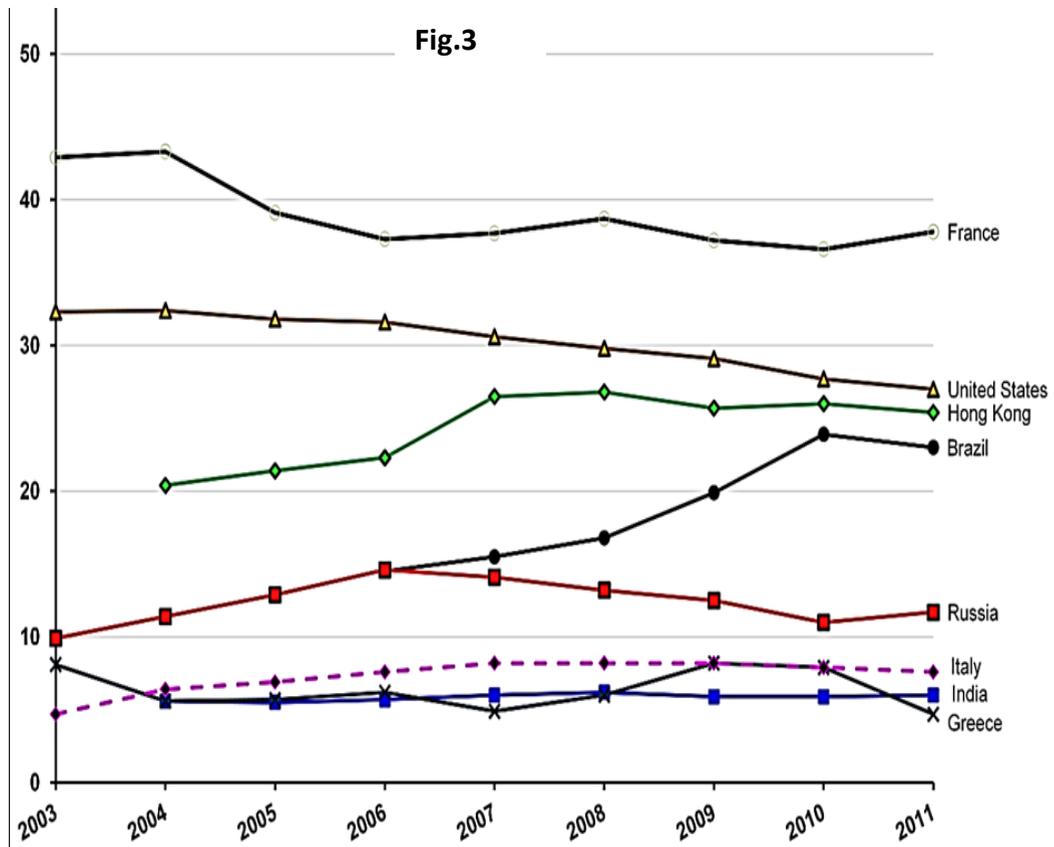


Figure 3: showing the trends of ‘Rape and sexual assault’ among some selected countries - Brazil, Russia, Hong Kong (China), India, United States, France, Greece, Italy. Rate is per 100,000 people over 2003 to 2011. The trend chart includes rape, attempted rape, and sexual assault on women and children. (Source: Wikipedia, the free encyclopedia)

Table 1: Victim’s profile – the socio-demographic features of the study population.(N = 244)

	Socio-demographic Variables	Frequency	Percentage
Age group of the alleging women	0-10 years	4	01.63
	11-20 years	112	45.90
	21-30 years	105	43.03
	31-40 years	20	08.19
	>40 years	3	01.22
	>50 years	0	0
Place of Residence	Rural	95	38.93
	Semi-urban	89	36.47
	Urban	60	24.59
Educational status	Illiterate	51	20.90
	School going	78	31.96
	Higher Secondary	97	39.75
	Graduation and above	18	7.37
Socio-economic status	Above Poverty Line	134	54.91
	Below Poverty Line	110	45.08
Marital status	Single	139	56.96
	Married	73	29.91
	Separated	23	9.42
	Widowed	9	3.68

Table 2: Crime profile of alleged rape - showing the victim-offender's relationship, the place and seasons of occurrence of the crime, the latency of reporting of cases, and the physical findings. (N=244)

Variables	Category	Frequency	Percentage
Relationship between the alleging women and the accused persons†	Boyfriend	80	32.7
	Friends or classmate	73	29.9
	Employer/Colleague	5	2.04
	Relative (first degree)	34	13.93
	Acquaintance (second degree & others)	46	18.85
	Stranger	6	1.63
Place of occurrence of the crime	Indoors	201	82.37
	Outdoors	43	17.62
Seasons of occurrence of the crime	Summer	90	36.88
	Rainy	39	15.98
	Winter	115	47.13
Time interval between the alleged sexual assault and medico-legal examination*	6-24hours	7	2.86
	1-7days	52	21.31
	8 days -1month	147	60.25
	> 1month	38	15.57
Physical Findings	Extra-genital injuries#	4	1.63
	Genital injuries ^s	6	2.45
	Incriminating materials recovered [@]	5	2.04

DISCUSSION

Contrary to the findings of many literatures on sexual assault, this study recorded very scanty numbers of cases (about 1-8%) of serious forms of sexual assault, e.g. gang rape, rape and murder, etc. This can be explained by two factors. The first being, the inherent prevalence of the 'rape' in this locality is relatively less compared to the rest part of the world (Fig.3).^{[15][16]} Secondly, most rape cases go unreported because the rape victims fear retaliation or humiliation - in India, and the rest of the world.^[17] The estimates for unreported rapes in India varies widely with a range from 54% up to 90%.^{[18][19]} In the United States, official estimates claim between 65% to 73% of rape cases go unreported every year. A University of Surrey study estimates 70% to 90% of rapes go unreported in the United Kingdom;^[20] while a UN study of 57 countries estimates just 11% of sexual assault cases worldwide are ever reported.^[21] However, the overall figure of rape cases seems to be heightened due to technical inability to exclude spurious allegations of rape. There is high probability of mix-up of fake allegations of with the rape genuine rape cases. In April 2013, Additional Sessions Judge Virender Bhat noted that the legal principle of reliance on the sole testimony of the victim had become "an easy weapon" to implicate anyone in a case of rape.^[22] Justice Kailash Ghambhir of the Delhi High Court stated that penal provisions for rape are often being misused by women as a "weapon for vengeance and vendetta" to harass and blackmail their male friends by filing false cases to extort money and to force them get married, or it has become a fashion to create media-sensation by framing charges of rape and molestation against

public figure.^[23] However, there is one potential clue in the fake allegation rape is that, both parties, i.e. the accused and the alleging women usually knowing each other, and possibly in a relationship for a certain period of time.

In this study, commonly observed allegations are: abduction and rape, rape charges brought consequent to sexual exploitation, rape on deception; the former being the forerunner of all types of allegations. In all such cases the alleging women and the accused persons knew each other, and in a relationship for a certain period time. The alleged accused persons were reportedly the 'boyfriends' or 'friends' of the alleging women. In India, the age of consenting for sexual intercourse by a woman is 18 years; which means any sexual activity irrespective of presence of consent with a woman below the age of 18 will constitute 'statutory rape' [the Indian counter part of the term - *rape of a child* (ROAC), *corruption of a minor* (COAM), *unlawful sex with a minor* (USWAM), *carnal knowledge of a minor* (CKOAM) used in many countries all over the world.^[24] There is a statutory provision made in Section. 114 (A) of the India Evidence Act (IEA), which states that if the alleging woman says that she did no consent to the sexual intercourse, the Court shall presume that she did not consent. Consequently, it opens a scope to make a consented sexual intercourse to 'rape' by law.^[25]

Almost all cases of 'abduction and rape' have similar history, i.e. the accused person entices away a girl from the custody of her resenting parents, for love affairs and marriage there of. The irked parents who oppose this 'affair and marriage' for some reasons, label it as 'abduction and rape'. In case

of under eighteen girls it ultimately becomes statutory rape, and police book it as 'abduction and rape'. In case where the eloped woman is a major, the parents tactfully separate the couple; and later on, pressurize her to file a police complaint of 'abduction and rape' against her boyfriend. The peoples from a higher rung Indian society believe that, the family reputation would be shattered if their daughter loves or marries to a boy of an inferior caste, creed, or social category. This is the major reason for the higher number of cases filed as 'abduction & rape' in this locality.

The next commonly encountered offenses are 'rape alleged subsequent to the sexual exploitation' and 'rape done by deception'. The basic difference observed between the two is, in the former case the sexual intercourse, with the alleging woman had been done with her connivance in exchange for a 'promise' which may be for marriage, or for a job, or for any financial gain, etc. In India, the unmarried women once enter into the twenties and later, have a typical sense of insecurity due to delay in marriage. Hence, it facilitates potential bachelors to establish a sexual relationship with such marriage hankering women in exchange of an offer of marriage. If, for some reason he fails to execute his promise, then she files a suit of 'rape' taking plea of Sec. 114 (A) of IEA.^[25] Often, it is being done for a financial gain by some women. The authors had come across a case where a 28 year old widowed woman had brought the charges of molestation against a bank audit-officer visiting from another state in order to audit a bank in the city. Later on, police inquiry found that, the woman was persuaded by the corrupt local bank manager to do that for a promise of levying her pending bank loan and interests. It is not an uncommon occurrence, where the parents have persuaded their gullible daughter to make a false charge of rape for vendetta, or to compel an eligible bachelor for marriage, or to extort money to get rid of financial liabilities. A majority of these women had intercourse with the accused persons, which was either consensual or implied by the situation, instead of being clearly stated. Similar data on the high incidence of consensual intercourse among younger girls are reported by other authors.^{[24][26]} Therefore, the honorable Supreme Court of India opined that the courts should be careful in judging the rape cases, keeping false allegations in mind.^{[22][23]} In case of 'rape done by deception' the sexual intercourse is being done either making the victim unconscious (date-rape), or done tacitly by luring a child victim.^[27] We have recorded only 15% of cases of 'rape done by deception'. There is no other literature or data available for comparison. Nevertheless, it is expected that this figure may be greater than 15% in reality. Because, in this locality around 60% of such cases are not being reported.^[28] On review of literatures for

comparison, we hardly found any research work done according to the 'penal sections' of rape charges.

This study recorded, more than three quarters of victims of rape are unmarried women in second or third decade of their life, and only 2% of cases found beyond the age of 40 years. La Harpe R et al. a study done in 2012, found majority of rape-victims are aged between 15 and 30 years.^[27] Palmer CM et al. recorded 73% of rape-victims reported were aged under 30 years and only 4% were over 50 years.^[29] The median and the mean age of the cases, we have recorded are 23.7 and 25 years respectively; and, is in accordance with the findings of other authors.^{[30][31][32][33][34][26]} However, some studies from Bangladesh and Pakistan have detected around 34% to 64% of the victims are between 10-19 years of age; and the mean age being 17.5 years.^{[35][36]}

This higher prevalence among younger age group may be due to many factors, e.g. sexually vulnerable age, consensual sexual habits, can be easily preyed by the deceiving partners due to their openness to the liberal lifestyle, and often their heightened ambitions may lead to sexual exploitation. Similar opinions are made by many other authors too.^{[24][26][35]} Many authors opine that, a majority of the sexual assault victims being illiterate, poor, or belongs to the socio-economically weaker section.^{[37][35][36]} But, we have observed a higher number of cases who were socio-economically sound; and the majority of them were educated up to the Intermediate or High School level. Similar observation also made in a study from Bangladesh, i.e. 69.9% of victims are literate.^[36]

In a majority of cases the persons being alleged of rape are known to the victim women.^{[36][27][26][34][35][37]} In more than half (62%, in this study) of the cases, they are boyfriends, party friends, or classmates, or acquaintances. Saint MP et al. also detected that the rape assailant was an acquaintance of the victim in 62.2% of the cases.^[33] The NCRBI statistics report of 2013 says, majority of the rape cases are committed by a relative, or a neighbor; and, in 98% cases the victim knew the alleged rapist.^[38] Some studies done in the year 2006-09 showed a large majority of the offenders belong to the victim's social or family circle, about 32% are acquaintances / neighbours, and only 24% are friends or cohabiting family members (20%).^{[32][33]} However, some older studies have reported 'strangers' as offenders in relatively larger numbers of cases.^{[39][31][30]} As per the study by Grossin C et al. 'strangers' as sexual-offenders are commonly associated in the cases where the victim age is beyond the age of 15 years.^[30] Nevertheless, a known victim-offender relationship moderates sexual offence, makes the act non-violent, and are reported after passage of significant time sufficient with the loss of crucial physical evidence.^[40] In majority of cases the

incidence happened at the place where the perpetrator or the victim were staying. It may be the residence of alleging women or that of the accused person, and often the office of the accused persons. The study by *La Harpe et al.* done in 2012 is also having the same opinion.^[27] As per Grossin C et al. the victim's home is the most frequent place of sexual assault.^[30] However, a study by *Schei B et al.* revealed more than half of the assaults had happened outdoors.^[41] We could not be able to draw any definite pattern of diurnal distribution of the occurrence of the crime. Majority of the cases gave a varying range of crime hours. However, some studies postulate that the occurrence of rape cases had happened during the day time (45%), or during the weekend nights.^{[36][27]} We have tried to relate empirically the occurrence of the rape cases with respect to the seasonal variations. We have found a majority of the cases showed a peak in the winter season. This may be attributed to the changes in male hormone level with respect to the change in the photoperiod in different seasons influence upon the male sexual activity. A study by *Smolensky MH et al.* have revealed a seasonality in the occurrence of rape with peaks in late summer or early fall.^[42] There is strong evidence to suggest that man is a seasonal breeder, becoming more active during the portion of the year when the photoperiod is short.^[42]

The medico-legal examination of rape cases revealed that, there is a significant lack of findings suggestive of sexual assault; and, it may be due to the delayed reporting of the cases. *Islam MN et al.* reported, in 36.7% cases of sexual assault, the opinion was negative due to delayed attendance, false charge and time-consuming procedures.^[36] There is varying period of latency observed between the alleged assault and the medico-legal examination. As observed, most of the cases are being reported for examination after a week or more, of the alleged incident. Some other studies have also reported data consistent with this finding.^{[34][35][36][37][26]} There are many inherent reasons of delayed reporting of rape cases and their ML examination. The causes are at various levels:

- i. The delayed reporting is obvious in cases from rural dwellings. The reason being - the efforts taken by the village *Panchayat* [it is an informal panel of five (*Pancha*, Sanskrit) eminent senior citizens of the village and headed by a formally elected village headman (*Sarpanch*), meant for in-situ disposal of local or family disputes], or by the police, in order to bring out an outside court settlement of the issue. It is a usual phenomenon observed in Indian rural dwellings.
- ii. The passive attitude of the police to register a case of rape (may be due to pressure from some vested interests like: local influential or

- political persons, or from bureaucrats from the higher rung of administration).
- iii. Fake allegations of rape: it takes a time of settlement at family, village or the police station level before it is formally registered and produced for ML examination.^[36]
- iv. The delay may due to the victim's or her parent's dilemma as there is potential fear of retaliation from the offender's family, or the fear of social embarrassment and humiliation. Because, it's an unfortunate social condition in India, where the victim of rape is usually seen in an evil eye.^{[17][27]}
- v. In our study, about 69% of cases are from rural and sub-urban areas, out of which 37% of rural dwellings. Hence, there area significant number of cases being reflected as 'delayed reporting after 72 hours' for medico-legal examination. Some authors have recorded 60% of cases of rural and sub-urban area reported for ML examination beyond 72 hours of the alleged assault.^{[35][26][34]} However, some studies also detected, a significant numbers of rape cases reported before 72 hours of the occurrence.^{[32][39]} An older study (2000) by *Chaudhry et al.* detected as much as 80% of the rape-victims reported to the hospital within 24 hours of the incidence.^[39]

During the ML-examination, 46% of cases of rape victims had given the history being physically overpowered or coerced by the assailant during the act. However, only 3% (genital injuries) to 2% (extra-genital injuries) of cases had physical evidence suggestive of sexual violence.^{[33][30]} Out of total six cases with genital injuries 33% had simple injuries like contusions or abrasions over the vulva; and, 67% cases had perineal lacerations of variable degree. This is in accordance with the findings of some other authors.^{[30][31]} In our case, out of ten cases with physical injuries, two cases (minors) had genital injuries without any significant extra-genital injury. This was possible, as one victim was too young to resist (10year child), and the other was date-raped in an unconscious state. *Palmer CM et al.* 2004, recorded genital injury in the absence of non-genital injury in 3% of cases.^[29]

The reasons for the disparity between the history of physical violence given by the victims and the paucity physical findings, are may be due to:

- i. The delayed reporting of cases; thence loss of physical findings due to bathing, cleaning, or due to natural healing of wounds. In this study, 97% of cases had given a history of changing clothes, took bath, or washed their body before the medical examination. *Hassan Q et al.* also made an observation (83%) consistent to our findings.^[35]

- ii. If the assailant is known to the woman, which is a major (97%) occurrence in this study, is protective for the development of both extra-genital and genital injuries.^[29]
- iii. Consensual sexual intercourse' which filed as 'rape' for various reasons mentioned earlier.^[24]
- iv. A false allegation of rape.^[36]

However, many other studies observed relatively higher frequency of cases presenting with genital and extra-genital injuries. Some other studies detected extra-genital and genital injuries ranging from 15%-46% and 7%-22% respectively.^{[33][35][30][32]} However, Rigg N. et al. observed an overall, general body trauma in 67%, and genital trauma in 53% of rape cases.^[31] Edgardh K. et al. showed an interesting fact, i.e. about 15% of alleged rape-victims were admitted after self-inflicted injury.^[43] As the opinion made by Schei B et al. the sexual assault victims among whom non-genital injuries are observed are more likely to report to the police within 24 hours of the assault, have experienced use of force, and are assaulted outdoors.^[41]

In our case, only 2% of cases showed laboratory evidence suggestive of sexual act; we could be able to retrieve semen matted in pubic hair, or on the clothing in 60% cases. The paucity of laboratory findings is due to reluctance expressed by the majority of the alleging rape-victims for an genital examination. As per the opinion of La Harpe R et al. many victims hesitate to present for an examination, which makes it difficult to collect evidence.^[27] However, in all cases, foreign pubic hairs was retrieved by the combing of victim's pubic hair. Some authors detected spermatozoa in a range of 13% up to 98% of rape cases.^{[31][30][35]}

Usually there is no history of use condoms or any other contraceptives by the sexual offenders.^[27] In our case, only 18% of cases had given a history of usage of condom by the alleged accused person; and, all of them had been arrested against a charge of 'abduction and rape'. The usage of condom in these cases indicates, the act was premeditated and most likely with the connivance of the alleging women, which may subsequently belabeled as rape. A study by Jewkes R. et al. in 2011, recorded 37.8% cases witnessed use of condoms during the act.^[44] A majority of cases don't use condoms or other contraceptives during the act, which may be hypothesized to commission of an offence without preparation or intention, or may be attributed to lack of awareness about safe sexual practices. The importance of this 'victim profile study' is to highlight many related facts which often intrigue the medical examiner's, or the judiciary opinion if the 'rape' had actually happened or not; so that an innocent can be prevented from a legal victimization, lest the release of an actual offender.

SUMMARY & CONCLUSION

The allegations of rape are simple to do, but very difficult to prove and still harder to disprove. This is due to the burden of false allegations of rape. This study has shown that sexual assault victims have different characteristics according to the time between the sexual assault and the medico-legal examination. In India, there is significant delay in the reporting of the sexual assault cases, leading to loss of physical evidences, and diminishing the weightage of allegation thereof. There are multiple reasons for such delay, e.g. socio-cultural and some technical factors. Delayed reporting is commonly encountered in rape allegations where the alleging and the accused party are knowing each other, and are in a relationship for some period of time. However, fatal cases like gang rape, rape and murder, etc. are usually associated with the an unknown (to the victim) offender. Although, there is no age of a woman barred from being raped, unmarried women in their first three decades of life are more vulnerable for sexual assault. A known victim-offender relationship usually associated with the less physical or genital injuries, and less fatality thereof. Allegations of penetration, presence of general body trauma, or genital trauma are neither predictive nor essential for conviction. Nevertheless, the presence of genital injury should not be required to validate an allegation of sexual assault, especially in the absence of non-genital injuries. Successful prosecution depends on the quality of the assessment and evaluation done since the beginning when the cases are reported. Therefore, the medical examiners need to be circumspect when they record non-medical variables. The judiciary should broaden the scope of legal corroboration of these cases, instead of being solely dependent on medico-legal opinion. A mass sensitization and training programmes for the medico-legal professional should be done to overcome the setbacks of the delayed reporting of the rape cases. Besides, the administrative and the legal loopholes which create hurdles in early reporting and examination of rape cases should be identified and duly rectified thereof.

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