

# Profile of Alleged Accused in Sexual Offence Cases Examined in Kilpauk Medical College - Chennai- A Retrospective Study

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## ABSTRACT

Despite strict laws like POCSO (Protection of Children Against Sexual Offenses), the cases of sexual violence against children are not declining in India, relatively it is snowballing year by year. Apart from metros, such heinous crimes are being carried out in small towns as well. The National Crime Records Bureau (NCRB) report for the year 2020 states that 47,221 cases of child sexual abuse were registered in the country. Most of the victims in these cases were girls. According to NCRB, the maximum happenings of sexual violence and sexual abuse happened with girls aged 16 to 18 years. Activists working in this field say that many times the cases do not reach the police or the family overpowers them for fear of defamation. The POCSO Act was enacted years ago to protect children from sexual abuse. The question is, has the law been successful in rewarding its objective? According to the 2016 to 2020 (NCRB) report, the number of reported child sexual abuse cases increased from 36,321 in 2016 to over 47,000 in 2020. This is an increase of 31 percent. According to experts, this number is also just the tip of the iceberg. In the 2020 report of NCRB, it has been said that only 36 percent of the crimes against children are registered under POCSO. The research paper examines the retrospective study of the alleged accused in sexual offence cases examined in Kilpauk Medical College.

**Keywords:** Sexual Offences, POCSO Act, Alleged Accused, Social Stigma.

## INTRODUCTION

Sexual offence is a highly prevalent menace in our society. All walks of our community is affected and unreported cases outweigh the reported ones due to widespread stigma surrounding the offence. Most of the times the perpetrator is a known personal and has the aura of trust with the victim. Sexual offences involve physical as well as mental trauma and the victim can be of any age group. There are various legislations formulated for the protection of women and children and the recent prerogative of POSCO has also

been a landmark where the gender of the victim was done away with in less than 18 years old children given the current trend of raising violence against children regardless of gender. The profile of the accused is important to be ascertained so as to better identify the pre existing factors and the deviancy and for better targeted reforms.

The United Nations Convention on the Rights of the Child (CRC) is an International agreement to protect child rights, which legally binds member states to protect child rights. The most prominent law against child

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sexual abuse and exploitation in India is the Protection of Children from Sexual Offences Act (POCSO) passed in 2012. In this, crimes have been marked and strict punishment has been fixed for them. Along with this, there is a provision of special court for speedy trial. The law also criminalises the intention of child sexual abuse and gives guidelines to the police, media and doctors regarding any such offence.<sup>1</sup>

By the way, there is a provision of strict law to curb sexual crimes under sections 375 (rape), 372 (sale of girls for prostitution), 373 (purchase of girls for prostitution) and 377 (unnatural act) of the Indian Penal Code.

## MATERIAL AND METHODS

This study is a retrospective study conducted in Department of Forensic Medicine, Government Kilpauk Medical College, Chennai in period between Jan 2021 to July 2021. The alleged accused of sexual offence cases brought to the department was included in the study. The documents such as history of the case, First Information Report, Potency certificate, forensic science report and other documents in the concerned case sheet were analyzed.

## RESULTS AND DISCUSSION

A total of 50 case sheets of alleged victims were analyzed out of which 47(94%) cases belong to Hindu religion and 2(4%) cases to Muslim and one case(2%) belong to Christian religion. In relation to marital status 37(74%) cases were unmarried and 13(26%) cases were married. In analyzing place of offence 15(30%) cases incidence took place in accused house and 5(10%) cases in victims house. In 21(42%) cases place of occurrence was not mentioned, in 5(10%) cases relative house of the accused, this is in contrast with study conducted by Punpale et al<sup>[2]</sup> in which 21.72% was in house of relative of the accused and in 4(8%) cases incident occurred in open space. In relation to manner of offence 8(16%) cases were consensual. And forcible in 35(70%) cases. Manner of offence is not mentioned in

7(14%) cases. In analyzing age of the accused 27(54%) cases was seen in 19-25 years and 11(22%) cases was seen in 26-32 years. 4(8%) cases seen in age group 41- 48 years, 3(6%) cases seen in age group 11-18 and 33-40 years. 2(4%) cases was seen in age group 49-64 years (Figure:1)

In relation to age of the victim maximum number of cases seen in 13-18 years of age group - 43(86%) cases this consistent with other studies.<sup>3,4,5</sup> In age group of 5- 12 years 5(10%) cases was seen. Above 32 years of age one case (2%) was noted. In analyzing relationship between the accused and victim 30(60%) cases was boy friend, this consistent with Vadysighe AN et al<sup>[6]</sup> blood relative in 15(30%) cases and neighbour in 5(10%) cases. None of the cases stranger was noted as accused. This is in contrast with study done by Yadukul S et al,<sup>8</sup> in which 80% of accused was strangers.

In relation to number of sexual attempts 34(68%) cases multiple acts was seen i.e more than 3 times. In 5(10%) cases 2-3 attempts was

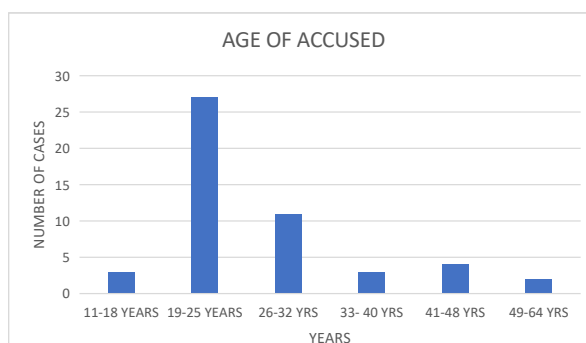


Fig. 1: Distribution of accused age

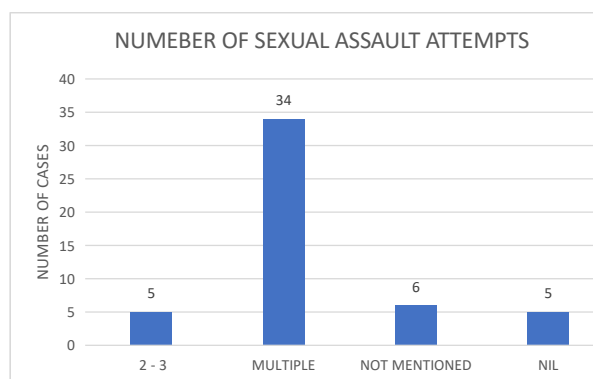
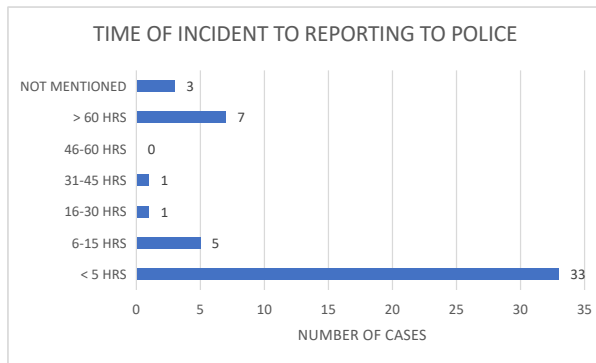


Fig. 2: Number of sexual attempts



**Fig. 3: Time duration between incident and reporting to the police**

seen and in 6(12%) cases it is not mentioned. (Figure 2)

Pressing of rubbing genital parts only is seen in 5(10%) cases only. Out of 40 cases with penetrative act, ejaculation was seen in 12(30%) cases and not mentioned in 28(70%) cases. In relation to time between the incident and report to the police 33(66%) cases was reported with in 5 days this consistent with study conducted by others<sup>7,8</sup> and 5(10%) cases reported between 6-15 days. In between 16- 45 days 2(4%) cases was reported and above 60 days 7(14%) case was reported. ( Figure 3)

### LIMITATIONS OF STATUTORY PROVISIONS AGAINST CHILD SEXUAL ABUSE

Section 375 defines rape as a criminal act. But some of the provisions and interpretation of this section are narrow. There seems to be a lack of clear provisions regarding eve-teasing, touching in wrong ways, long staring and harassment etc. While such acts cause deep trauma to the victim mentally and emotionally. Section 375 of the Indian Penal Code decriminalizes relationships in which a man has sex with a 15-year-old wife, while our law (Prohibition of Child Marriage Act, 2006) prohibits child marriage.

Children who have already been subjected to some form of abuse are at a significantly increased risk of being sexually abused. For example, children from families that are

neglected are at greater risk. Children with disabilities, especially those with speech or language problems, are three times more likely to be victims of sexual abuse.<sup>[9]</sup> This risk is also high in children who use the Internet. Social media, chat rooms and web forums are all used by sexual harassers to locate potential victims.<sup>10</sup>

Sexual abuse can cause serious physical and emotional harm to children over a long period of time. Overall, children can have health problems, such as sexually transmitted diseases, physical injuries, and unwanted pregnancies.<sup>[11]</sup> Long-term victims of sexual abuse are more likely to develop depression, anxiety, eating disorders, and post-traumatic stress disorder (PTSD). Suicidal tendencies increase in such people, they get involved in criminal activities, can become addicted to drugs and alcohol and commit suicide at a young age.<sup>12</sup>

### CONCLUSION

Religion prevalence with Hinduism can be attributed to the population distribution in the study population. More unmarried men were involved in sexual violence due to better family support system and societal standing. Majority of the offence took place at accused home probably due to privacy. 16% of cases reported were consensual. Young 19-25 years age group is more involved and the victims were mostly juvenile in 13-18 years of age pointing towards the prevalence of pedophilia in the society and so taking advantage of the more defenseless section of the society. Most of the reported cases showed complete multiple penetrations and ejaculation was also seen in 30% of cases though it was not mentioned in the rest. Majority of the reported cases were reported within 5 days.

### Way forward

Although India has a comprehensive legal framework against child sexual abuse and abuse. But in spite of so many laws and schemes, these incidents happen due to their technical lapses and irregularities in their

implementation, lack of prompt action. For this awareness and awareness is necessary. In such a situation, it is necessary that at the primary level, the family, parents and relatives should be aware of those who meet and play with children, while children should also be motivated to be aware of unusual 'behavior'. There should be mandatory psychological camps in schools, doctors, media and police should also be sensitive to these incidents. Obscene content of internet, mobile, social media should be banned without any delay. The option of parental control on the same internet sites should be strengthened.

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