

Socio-demographic determinants of victims of sexual assault in Mumbai

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Abstract

There has been a drastic increase in the reporting of sexual assault cases in India after the implementation of the Criminal law amendment act, 2013. Various studies on such critical issues have been conducted in past in India. Unfortunately, none of the existing researches focuses on bringing reforms in the prevailing rape law by reconsidering the age of statutory rape. This study was conducted from 2014 to 2016 on 220 victims of sexual assault to identify sociodemographic characteristics and to highlight the issue of statutory rape in India. 90% of victims of sexual assault were females. The mean age of victims was 16.75 years. 68.2% of victims were from the lower middle class. The majority of sexual assault cases took place in the assailant's house. The assailant was known to the victim in 88.6% of cases and was mostly boyfriend (36.4%). Victims under 12 years of age are at a comparatively higher risk of being sexually assaulted by an unknown person. The age of consent for sexual intercourse in India is 18 years while worldwide consensus points to 16 years. With the increase in usage of the internet and social networking sites, young children are having early exposure to sex and sexual content existing on the web. In such a scenario, young children caught in the act would go to jail as it would amount to technical rape as consent would be of no value. This study will create community awareness about the extent of the problem and help the policymakers to make necessary amendments to the existing rape law.

Keywords

Sexual assault; Victim; Socio-demographic; Statutory rape

Introduction

Sexual assault is a form of sexual violence, which is often used synonymously with rape. It includes touching an individual's body against the consent in a sexual way, forceful sexual intercourse, attempted rape, anal and oral sexual acts, molestation of child and breast/ genitals fondling. The victim is someone who has suffered harm and has been subjected to a non-consensual sexual act. Such someone not only needs care but also, psychological and moral support.¹ It is important to recognize that the majority of the sexual assaults are committed by persons known to victims. Historically, such offence committed by non-strangers wasn't taken seriously. Sexual assault committed by the individual familiar to the victim causes more damage than those committed by strangers. Responders must remember that the reactions of the victim to sexual assault are affected by many factors, one of which is the foregoing victim and offender relationship. They must also understand that a lot of variables may affect the relevance of certain types of evidence to a selected case, including whether an assault was committed by an unknown person, a known person who denies sexual contact with the victim, or a known

person who claims they had a consensual act.²

The sex-related offence is not uncommon in India with rape being the 4th most common crime against women.^{3,4} India ranked 94th in the ranking of reported cases per 100,000 population in 2010.⁵ Mumbai is a metropolitan city and is considered the business capital of India and caters to a large population. In the year 2011, the population of Mumbai was 12,442,373 as per the Census of India. A population of 5,206,473 resides in 1,135,514 slums of Mumbai. This is about 41.84% of Mumbai's population.⁶ The vast population of India is composed of people having diverse creeds, customs and colours. A very large part of Mumbai's population belongs to migrants from various parts of India and thus the city has a wide cultural and ethnic diversity. With such a diverse population, the socio-demographic factors analyzed in the present study will be similar to a certain extent across other regions of the country.

Materials and Methods

A single centre, cross-sectional, observational study of sexual assault cases examined in the Department of Forensic Medicine and Toxicology at a government-run tertiary health care centre between August 2014 and July 2016. Such examinations are only being done at various government-run tertiary care centres in Mumbai. Our centre is the largest amongst others catering to the population under the jurisdiction of 31 police stations. 220 cases of sexual assault were included in the study.

During this 2 year study, 808 victims of sexual offences were

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Article History

Received: 9th November, 2020; Revision received on: 3rd August 2021

Accepted: 9th August 2021

reported to this tertiary health care centre for forensic medical examination. Written informed consent was prepared in 3 commonly spoken languages in the city –English, Hindi and Marathi for the convenience of the victims. Consent in victims below 12 years of age was taken from the parents/guardians and in cases above 12 years of age, consent was taken from the victim herself/himself. Out of total reported cases, consent for a medical examination was not given in 71 cases and thus was excluded. In 517 cases consent for a medical examination was given but they refused to participate in the study due to the fear of disclosure of identity despite the assurance that the identity will not be revealed in any form. Thus, only those cases who gave consent for examination as well as to participate in the study (n=220) were included. Examination of the victims was carried out in presence of a female parent/guardian and assisted by a female doctor/female nurse. The source of data was an interview with the victims, questionnaires, hospital records and First Information Report (FIR) copy from the police. All data including consent was noted on a pretested proforma. Data analysis was done using Microsoft Excel version 2007 and Open Epi version 3.0 software package.

Results

In the present study, 28.6% of victims were less than 12 years of age, 42.3% belonged to 13-17 years age group, making a total of 70.9% victims under the age of 18 years. The mean age of victims was 16.75 years. The median age of victims was 16 years. 90% of victims of sexual assault were females. 72.7% of the male victim were children below 12 years of age. There was a statistically significant difference between the occurrence of sexual assault among males and females (p=0.000006). There is a linear decrease in the number of male victims with increasing age. R squared value for linear trend equation $y = -7.5x + 22.333$ is $R^2 = 0.93$ (Figure 1).

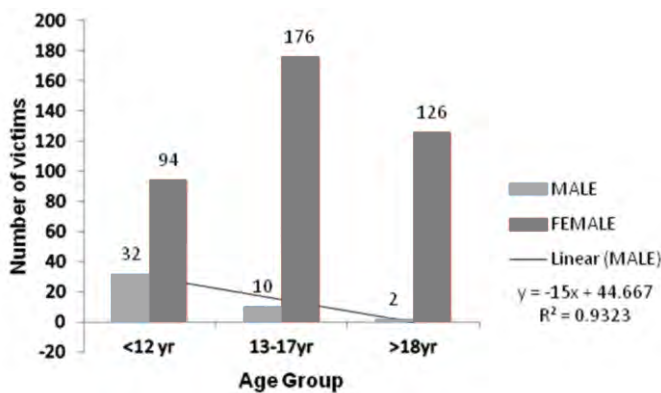


Figure 1: Sex and age-wise distribution of sexual assault cases

The blue and red bars are indicative of male and female victims of sexual assault respectively with the number of cases indicated at the top of the bar in different age groups. The linear line indicates a decrease in the number of male victims with increasing age. R squared value for linear trend equation $y = -7.5x + 22.333$ is $R^2 = 0.93$

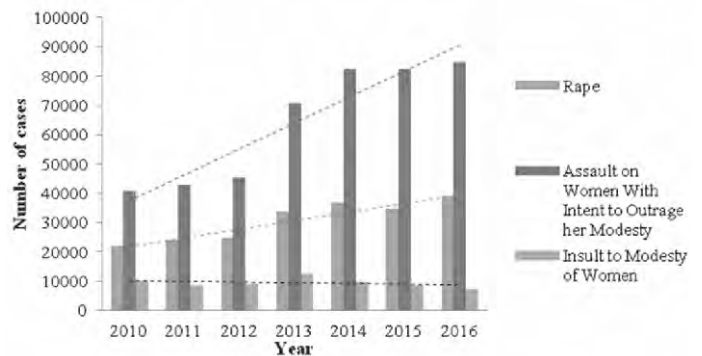


Figure 2: Incidence of different sexual offences (NCRB statistics)

The dotted red and blue lines are indicative of the linear increase in many cases of rape and assault on women with intent to outrage her modesty respectively across the years. R squared value for linear trend equation $y = 2965.3x + 18902$ for rape is $R^2 = 0.88$. R squared value for linear trend equation $y = 8864x + 28698$ for Assault on women with intent to outrage her modesty is $R^2 = 0.88$.

Table 1: Relationship of accused with the victim

Relationship	Number of victims (220)
Unknown	25 (11.4%)
Friend	23 (10.5%)
Relative	8 (3.6%)
Father	8 (3.6%)
Brother	2 (0.9%)
Boyfriend	80 (36.4%)
Husband	8 (3.6%)
Landlord	2 (0.9%)
Neighbour	36 (16.4%)
Aquaintance	17 (7.7%)
Teacher	3 (1.4%)
Fiancee	4 (1.8%)
Father in law	2 (0.9%)
Watchmen	1 (0.5%)
Mother	1 (0.5%)

Table 2: Association between victim's age and revealed status of accused

Age of victim	n	Accused		P-value
		Unknown to the victim	Known to the victim	
<12 years	63	22 (35%)	41 (65.1%)	< 0.0000001
13-17 years	93	2 (2.2%)	91 (97.8%)	
>18 years	64	1 (1.6%)	63 (98.4%)	

Table 3: Incidence of different sexual offences in India (NCRB statistics)

Year	Rape	Assault on women with intent to outrage her modesty	Insult to modesty of women	Total
2010	22172	40613	9961	72746
2011	24206	42968	8570	75744
2012	24923	45351	9173	79447
2013	33707	70739	12589	117035
2014	36735	82235	9735	128705
2015	34651	82422	8685	125758
2016	38947	84746	7305	130998

68.2% of victims were from the lower middle class followed by lower socioeconomic status (26.4%). As regarding the place of residence of the victims, 107 victims (49%) were living in suburban areas followed by 105 (48%) victims living in slums. 94.1% of the victims were brought to our centre by police followed by parents in 4.1% of cases. 2 victims came alone and directly to the hospital for medical examination. 79.5% of the victims remember the incident date. The majority of sexual assaults (42.7%) occurred in the evening and night between 4 pm to 11.59 pm. 16.8% of victims didn't remember the incident time. Almost equal numbers of sexual assault cases were reported on weekdays and weekends with a slightly higher incidence of cases (12.3%) at weekends, i.e. Saturday.

42.3% of incidents took place in the assailant's house followed by a victim's house in 22.3% of cases. A single assailant was reported in 91.4% of cases of sexual assault followed by 4.5% of cases in which 2 assailants were present. More than 2 assailants were present in 4.1% of cases. Table 1 depicts the relationship of the accused with the victims. The assailant was known to the victim in 88.6% of cases and were mostly boyfriends (36.4%) followed by neighbours in 16.4% of cases. In victims under the age of 12 years, the accused was not known to the victim in 35% of cases, followed by 2.2% cases between 13-17 years of age and 1.6% cases with age more than 18 years (Table 2). The victim's age is significantly related to the accused status being known or unknown ($p < 0.0000001$). 33.2% of victims reported within 24 hrs, 13.2% came within 24-72 hrs and the majority of them (53.6%) came for examination after 72 hrs.

Discussion

The Indian rape law before the CLAA, 2013 took into account only acts of penile-vaginal intercourse within the definition of rape. Many offenders were not prosecuted because there was no law to punish such acts.⁷ The definition was expanded in 2013 to consider rape as any act of penetration in the vagina, mouth,

urethra or anus by a penis, any body part or any object to any extent. Application of mouth to sexual organs against the will or without consent of the woman also came under the purview of rape. This new act has clarified that lack of physical resistance is immaterial and penetration to any extent will constitute an offence.⁸

Previously, sexual acts between same-sex, consensual or forced, was a criminal offence under Section 377 of IPC. It had been overturned in a very landmark judgement of the Supreme Court on 6 September 2018 which stated all consensual sexual acts between adults who have met the age of consent aren't violative of Section 377, hence decriminalizing gay sex in India.^{9,10,11} As per NCRB statistics, there was a remarkable increase in cases of sexual offences from 2012 to 2013. There was an increase in 8784 cases of rape, 25388 cases of assault on women with intent to outrage her modesty and 3416 cases of insult to modesty of women.^{12,13} This may be attributable to the amendment in the rape law of India in 2013.

NCRB statistics of incidences of different sexual offences in India from 2010 to 2016 has been depicted in Table 3. There has been a linear increase in many cases of rape and assault on women with intent to outrage her modesty across the years. R squared value for linear trend equation $y=2965.3x+18902$ for rape is $R^2 = 0.88$ (Figure 2). R squared value for linear trend equation $y=8864x+28698$ for Assault on women with intent to outrage her modesty is $R^2 = 0.88$ (Figure 2).

In our study adolescent victims accounted for the majority of cases (70.9%) which is consistent with other studies.^{14,15,16} In our study the age range was 1 to 90 years with a mean age of 16.75 years and the median age of 16 years. The more involvement of the adolescent age group can be explained by the exploitation of the younger girls by the opposite sex coupled with inquisitiveness, less maturity and less resistance on the part of the victim. With the enactment of CLAA, 2013 the age of statutory rape has been increased from 16 years to 18 years, which has further led to an increase in reporting of sexual offence cases. The increase in the number of cases may be a result of a lower threshold and greater acceptance of reporting. The legal age at which a person is considered mature enough to consent to sex is called as "age of consent". Sexual act with an individual under the age of consent is considered statutory rape, even (in some jurisdictions), if both sexual partners are younger than the age of consent. The legal age of consent for sexual intercourse varies from country to country around the world i.e. from 11 years to 21 years in Nigeria and Bahrain respectively. In some countries (Afghanistan, Iran, Kuwait, Libya, Maldives, Oman, Pakistan and the United Arab Emirates), there is no legal age of consent but all sexual relations are forbidden outside of marriage. The age of consent is just 12 years in Angola and the Philippines while it is 13 years in Japan. For Austria, Germany, Portugal, China, Brazil, Peru, Paraguay, Ecuador, Columbia and

Italy it is 14 years, and in France, The Czech Republic, Denmark, Thailand and Greece it is 15 years. Countries who have the age of consent set at 16 years include Cyprus, Finland, Georgia, Latvia, Lithuania, Luxembourg, Netherland, Norway, Sweden, Bahamas, Belgium, Cameroon, Canada, Israel, Malaysia, Nepal, New Zealand, Singapore, South Africa, Spain, Sri Lanka, Switzerland and Indonesia. In Mexico and Australia age of consent is 17 years. India along with countries like Argentina, Bhutan, Chile, Egypt, Ethiopia, Iraq, Kenya, Panama and Vietnam have the age of consent for sexual relations set at 18 years.¹⁷

Of the 220 victims of sexual assault, 90% were females. This is as per existing studies.^{18,19,20}

Our study reports 68.2% of victims are from lower-middle-class socio-economic status. Our findings are not in agreement with the existing studies, which have reported that the majority of the victims of sexual assault belonging to low socioeconomic status.^{21,22} Location of our tertiary health care centre is such that most population coming to the centre belongs to the middle socio-economic class. Socio-economic stratification in one region/country cannot be generalized. Even in the same country different regions have groups with different socio-economic strata. Also, India being a developing nation, people belonging to the lower-middle socioeconomic class in India will be the lower socioeconomic class of developed nations.

94.1% of victims were brought by police for medical examination. One reported 100% of victims were brought by the police.¹⁸ A similar study reported 95.7% of victims were brought by police and 1.9% by parents.²¹ The incident date was remembered by 79.5% of victims and the majority of sexual assaults (42.7%) occurred in the evening hours between 4 pm to 11.59 pm which corroborates with the existing study.²³ One reports 77.3% of victims were assaulted at day time and 22.7% at night, as many as 88.9% of victims raped during the day were less than 19 years. Teenagers were at 17 times higher risk of experiencing daytime sexual assault than older adults.¹⁶ A case-control study reported 68.5% of cases of sexual assault between 8 pm-3.59 am.²⁴ Another study reported incidences of sexual assault more frequent in the second part of the day.²⁵ In the present study, victims were mainly under the age of 18 years (70.9%) attending school or high school during the day hours i.e. 8 am to 4 pm (usual school timing in India). In the majority of such victims, the perpetrators were known persons and sexual assault occurred after school hours.

A slightly higher incidence of sexual assault was noted at a weekend in our study. A study about gang rape in the inner-city of Johannesburg reports 41% of rapes involving multiple perpetrators occurred over the weekend.²⁶ The majority of cases (42.3%) took place in the assailant's house which is in agreement with the existing studies.^{18,20} These findings are

contrary to one of the studies carried out in Dhaka city, Bangladesh wherein the majority of incidents (31.3%) took place in the victim's house.^[22] A single assailant was reported in most (91.4%) of cases which is consistent with existing studies carried out in Pakistan and Copenhagen.^{18,24}

Accused was known to the victim in 88.6% of cases. This finding corroborates with NCRB data according to which in more than 90 per cent of the rape cases booked across the country, the perpetrators are men known to the victim.²⁷ This is also consistent with the statistics of Rape, Abuse & Incest National Network (RAINN) which says that about 2/3rd of the assaults are committed by someone known to the victim.^[28] 36.4% of cases were committed by boyfriends which is consistent with existing studies.^{20,23,29} Unknown perpetrators were reported in 11.4% of cases which is near to data reported in other studies.^{18,21,22,25} Family members (father, mother and brother) were perpetrators in 5% of cases which is consistent with other studies.²⁴ Victims under 12 years of age are at a comparatively higher risk of being sexually assaulted by an unknown person. 53.6% of victims came for medical examination after 72 hours were elapsed from the incident. Hilden et al reveal 78.3% of cases reported within 24 hours and 25.3% reported after 72 hours.²⁴ About three quarters (77.4%) came to PGH within 72 hours of their assault.³⁰ A total of 48% of victims reported for medical examination within 3 days of the incident.³¹ The delay in reporting can be attributed to the threats by the accused, self-guilt, fear of disclosure of identity in the society which may affect her schooling or job, result in a change of residence and difficulty in her marriage as well as the marriage of her siblings.

Conclusion

Rape is one of the psychologically devastating crimes which leave a permanent scar on the body as well as the mind of the victim. The main target group for sexual assault are children, adolescents and young women. The biggest threat to them is not from a stranger but a known individual like friend, boyfriend, father, near relative and neighbour. There have been arguments that gender equality might increase sexual violence concerning male backlash,³² with men being more commonly known for committing sexual offences across various cultures.³³ The Indian society is at present witnessing a shift from being male-dominated to being gender equal; likely, the recent increment in the cases of sexual violence in India could be due to the male backlash for the growing gender equality. Sometimes, individuals do such acts to come into the limelight of media and earn some level of notoriety.³⁴

In our day to day practice, we encounter many cases with the allegation of sex-related crimes. Interestingly, many females at the time of examination narrated that they had voluntary sexual

intercourse with their boyfriends and eloped to get married as their parents were not in favour of this relationship. A subsequent lawsuit was filed against the male by the parent of the female. An important point to note here is that many of the above cases reported as rape were actually consented acts and they came under the scope of rape only because the age of a woman was less than 18 years. The minimum age of consent for sexual intercourse has not been described under international standards, however, the CRC committee considers the age of 13 years as “very low”. The age criteria should neither be too low to cause the over-criminalization of adolescents, nor it should be too high, thus, respecting the child's evolving capacity. Besides, whenever there is the involvement of underage adolescents, the difference in partner's age must also be kept in mind to evaluate the balance of power.³⁵

The MOHFW in February 2017 introduced an adolescent peer-education plan named Saathiya, along with resource material about health problems. It discusses relationships and consent. Adolescents may feel attracted towards his/her friend or any acquaintance of the opposite or same-sex. They fall in love very often and it is natural to have feelings for someone. They must remember that such relationships are based on respect, transparency, mutual consent and trust. Also, it is alright to speak about your feelings with the concerned individual that too respectfully. Boys must acknowledge that when a girl says 'no', they mean no.^{36,37}

To conclude we propose:

- (I) There's a need to revisit the age of consent in India and should be reduced to 16 years.
- (ii) Legal consequences of sexual intercourse below 18 years of age must be taught to students. Inculcating the students of schools and colleges about sex education with special mention to the punishments will create awareness at an early age.
- (iii) Proper and timely legal aid will be of great help to the victims. Many victims and their families are afraid of the legal proceedings. They also get demoralized with the delay in such procedures and thus back-off in the midway and some of them don't even attend the court hearing.
- (iv) Rape victims are in dire need of support from the Government and NGOs in the form of counselling and rehabilitative measure. Sometimes in lack of proper assistance victims don't open up about the incident due to which there is delay laying of appropriate charges. Well trained counsellors will solve this problem to a large extent. Also, opening up about the incident to someone whom the victim can trust relieves a lot of stress from their mind and boost up their morale.

Abbreviations

CLAA: Criminal Law Amendment Act
 NCRB: National Crime Records Bureau
 FIR: First Information Report
 IPC: Indian Penal Code
 RAINN: Rape, Abuse & Incest National Network
 CRC: Committee on the Rights of the Child
 NGO: Non-Governmental Organisation
 MOHFW: Ministry of Health and Family Welfare

Ethical clearance: A prior approval was obtained from the Institutional Ethics Committee

Conflict of interest: None to declare

Source of funding: None to declare

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