

Forensic Study of Child Sexual Abuse in Northern Range of Himachal Pradesh



Surender Kumar Pal^{1*}, Ajay Rana², Arun Sharma³ and Ajay Sehgal⁴

¹Assistant Director, Biology & Serology Division, Regional Forensic Science Laboratory, Northern Range, Dharamshala, Himachal Pradesh, India.

²Scientific Assistant, Biology & Serology Division, Regional Forensic Science Laboratory, Northern Range, Dharamshala, Himachal Pradesh, India.

³Director, Directorate of Forensic Science, Himachal Pradesh, Shimla Hills, Junga, India.

⁴Scientific Officer, Biology & Serology Division, Regional Forensic Science Laboratory, Northern Range, Dharamshala, Himachal Pradesh, India.

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*Corresponding author: Surender Kumar pal, Assistant Director, Biology & Serology Division, Regional Forensic Science Laboratory, Northern Range, Dharamshala, Himachal Pradesh, India

Abstract

Background: The Protection of Children from Sexual Offences (POCSO) Act, 2012 had made a significant contribution for trickling the cases against children and adolescents. The aim of the present study is to determine the socio-demographic profile of sexually assaulted children and their medico legal aspects.

Material and Methods: The study was conducted on 181 cases of sexual assaults registered under POCSO Act, 2012 received for examination at Regional Forensic Science Laboratory, Northern Range, Dharamshala and Himachal Pradesh, India during the year 2013-2016. The details pertaining to socio-demographic factors (sex, age, religion, and profession), season, place of incidence, relationship with accused, time interval between alleged incidence and medical examinations, condition of hymen and results of exhibits examined in forensic lab were noted in a self-designed per forma.

Results: The cases of female sexual assaults (95.58%) outnumbered the male sexual assaults (2.76%). 90.05% victims were Hindus followed by Muslims (6.62%), Buddhists/Tibetans (1.10%), and Christians (0.55%). The most commonly sexual assaults were reported in the month of winter (31.49%) followed by monsoon (29.83%), summer (24.30%) and autumn (14.36%). The common site of offence was the house of accused (38.67%) followed by house of victim (17.12%). This study revealed that most vulnerable age group was 16-18 years (48.06%). 71.27% of the alleged sexual assault victims were students. Most commonly sexual crimes were committed by the person familiar to the victim (85.63%). 97.23% victims were unmarried and 1.10% were married. Maximum numbers of victims were medico-legally examined on second day of incidence (27.62%). Hymen was found intact in 12.15% female victims and torn/ruptured with old tears in 22.09% cases. Recent tears were noticed in 43.09% female victims. Spermatozoa were detected in 30.93% cases on undergarments, pubic hair, vaginal swabs, vaginal smear slides, clothes and bed sheets.

Conclusion: Most commonly sexual assaults are committed by the familiar persons and the place of incidence was either house of the accused or victim. The most vulnerable age group was 16-18 years. Delay in medico legal examination and delay in reporting caused loss of biological evidences.

Keywords: Sexual assault; female victims; male victims; assailants; hymen; medico-legal examination

Introduction

The Protection of Children from Sexual Offences (POCSO) Act, 2012 deals with sexual offences against persons below 18 years of

age, who are deemed as children. The Act has come into force on the 14th of November, 2012, along with the rules framed. The Act for the first time, defines penetrative sexual assault, sexual assault

and sexual harassment. This Act is a comprehensive law to provide the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through appointment of special public prosecutors and designated special courts [1].

The WHO in 2002 estimated that 73 million boys and 150 million girls under the age of 18 years had experienced various forms of sexual violence [2]. For every 155th minute a child, less than 16 years is raped, for every 13th hour child under 10, and one in every 10 children sexually abused at any point of time [3].

India is home to 19% of the world's children. As per the 2001 census, about 440 million individuals in India were below 18 years of age and constitute 42% of total population [4]. Studies propose that over 7,200 children, including infants, are raped every year and it is believed that several cases go unreported. It is estimated by the Government that 40% of India's children are susceptible to threats like being homeless, trafficking, drug abuse, forced labor, and crime [5]. In India, every second child is being exposed to one or the other form of sexual abuse and every fifth child faces critical forms of it [6].

In the modern era, the internet has changed life of the people and playing a great role in sex crimes. The new technologies and cyber stalking provide new ways of harassment and intimidation of children. The NCRB data for the year 2016 has registered a sharp spike in cases of children-even as overall crimes against children have increased. According to NCRB data for 2016, incidences of rape of children have increased by over 82% as compared to 2015 [7]. Until 2012, the only sexual offences against children recognized by the law were covered by three sections of the Indian Penal Code (IPC) and were not specific to children. The only crimes registered were rape, outraging modesty of woman and unnatural acts defined as carnal intercourse against the order of nature with any man, woman or animal [8].

Child sexual assault is a serious abuse, pervasive social issue and POCSO Act is formulated to effectively address the heinous crimes of sexual abuse and sexual exploitations of children [9]. Sexual violence is ubiquitous; it occurs in every culture, in all levels of society and in every country of the world. Sexual violence has significant negative impact on the health of the population [10]. Sex crimes are complex and multidimensional. Children and adolescent oriented sexual assaults are increasing and both females and males become victims of this heinous crime in high percentages in any period of their lives [11]. Child sexual abuse or child molestation is a form of abuse in which an adult or older adolescent uses a child for sexual stimulation. It is a kind of physical or mental violation of child with a sexual intent usually by a person [12]. The adverse effects of child sexual abuse are psychological, physical, behavioral and interpersonal [13]. Growing concerns about female

infanticide, child rapes and institutional abuse of children led to the commissioning of the large scale Government sponsored research study to assess the extent and nature of child abuse in India [14].

Material and Methods

This study was conducted in Biology and Serology Division of Regional Forensic Science Laboratory, Northern Range, Dharamshala, Himachal Pradesh, India. It was based on the cases of alleged sexual assaults registered under POCSO Act, 2012 received for examination from three districts (Kangra, Chamba and Una) of Himachal Pradesh, India during the year 2013 to 2016. The data was retrieved from police forwarding letter, medico-legal certificates, history revealed by the victim during examination and results of forensic laboratory examination of the exhibits. The details pertaining to socio-demographic factors such as sex, age, religion, marital status, profession, season, place of incidence, relationship with accused, time interval between alleged incidence and medical examinations, condition of hymen and results of forensic examination of exhibits were entered on a self-designed performa. The data was then statistically analyzed and discussed.

Results

In the present study, 181 cases of child sexual assault were examined during the years 2013 to 2016. Out of 181 cases, 173(95.58%) were of female sexual assault and 05(2.76%) were of male sexual assault [Table 1]. The age of victim ranged from a few days to 18 years. The most vulnerable age group was 16-18years (48.06%) followed by 11-15 years (33.70%), 6-10 years (13.25%) and 0-5 years (4.97%). Most of the victims were Hindus 163 (90.05%) followed by Muslims 12(6.62%), Buddhists/Tibetans 2(1.10%) and Christian 1 (0.55%). 176(97.23%) victims of sexual assault were unmarried followed by married in 2(1.10%) cases. The majority of the victims 129(71.27%) were students followed by unemployed in 11(6.07%), school dropped out in 08(4.41%) and house workers/domestic workers in 08 (4.41%) cases. Most assaults were reported in winter season (31.49%) followed by monsoon season (29.83%), summer season (24.30%) and autumn season (14.36%) [Table 2].

Table 1: Socio demographic profile of sexual assault victims.

Category	Frequency	Percentage (%)
Sex		
Female	173	95.58
Male	05	2.76
Not mentioned	03	1.65
Age		
Age group (in years)	Frequency	Percentage (%)
0-5	09	4.97
6-10	24	13.25
11-15	61	33.70
16-18	87	48.06

Religion		
Hindus	163	90.05
Muslims	12	6.62
Buddhists/Tibetans	02	1.10
Christians	01	0.55
Not Mentioned	03	1.65
Marital status		
Unmarried	176	97.23
Married	02	1.10
Not Mentioned	03	1.65
Profession		
Students	129	71.27
Unemployed	11	6.07
School dropout	08	4.41
House worker/ domestic worker	08	4.41
Baby	01	0.55
Not Mentioned	24	13.25

Table 2: Sexual assaults according to season.

Season	Frequency	Percentage (%)
Winter (Dec-Mar)	57	31.49
Summer (Apr-June)	44	24.30
Monsoon (July-Sept)	54	29.83
Autumn (Oct-Nov.)	26	14.36

Table 3: Place of incidence.

Place of incidence	Frequency	Percentage (%)
Victim's home	31	17.12
Accused's home	70	38.67
Forest/Jungle	17	9.39
Roadside	11	6.07
Fields	07	3.86
Rented room	07	3.86
Coaching room	01	0.55
Different places	02	1.10
Hotel	10	5.52
School	01	0.55
Guest house	06	3.31
Panchayat house	01	0.55
Temple house	03	1.65
Hostel	01	0.55
Cowshed	03	1.65
Bus stand	05	3.31
Car	02	1.10
Unknown place	01	0.55
Not mentioned	02	1.10

The common site of assault was the house of accused in 70(38.67%) cases followed by the house of victim in 31(17.12%), jungles/fields in 17(9.39%) and roadside in 11(6.07%) cases [Table 3]. In 162(89.50%) cases of female sexual assaults, the act was committed by familiar persons, while 19(10.49%) cases assailants were unfamiliar to the victims. In 53(29.23%) cases, the alleged accused were friends followed by neighbors in 48(26.51%), relatives in 25(13.81%) and strangers in 19(10.49%) cases. In 12(6.62%) cases, female victims were sexually assaulted by family members (father, uncle and grandfather) [Table 4]. 50(27.62%) cases were medico-legally examined on second day of incidence followed by 45(24.86%) in third day to a week, 33 (18.23%) after a week to month, 27(14.91%) on the same day and 20(11.04%) after one month [Table-5].

Table 4: Sexual assault victims according to relationship to accused.

Relation to accused	Frequency	Percentage (%)
Friends	23	12.70
Neighbor	48	26.51
Strangers	19	10.49
Relatives	25	13.81
Close friends	30	16.57
Students	04	2.20
Teachers	04	2.20
Acquaintance	03	1.65
Father	07	3.86
Uncle	03	1.65
Grandfather	02	1.10
Boy friends	10	5.52
Shopkeeper	01	0.55
Servant	01	0.55
Tenant	01	0.55

Table 5: Time interval between the alleged incidence and the medical examination.

Time Interval	Frequency	Percentage (%)
Same day	27	14.91
Second day	50	27.62
Third day	20	11.04
Fourth day	17	9.39
Up to 7days	08	4.41
Up to 14 days	06	3.31
Up to one month	27	14.91
After one month	20	11.04
Data not available	06	3.31

Hymen was found ruptured/torn with recent tears in 78(43.09%), ruptured/torn with old tears in 40 (22.09%), intact in 22(12.15%) and absent in 10(5.24%) victims of sexual assaults

[Table-6]. Spermatozoa was detected in 56(30.93%) cases of sexual assault on undergarments, pubic hair, vaginal swabs, vaginal smear slides, clothes and bed sheets indicating recent vaginal intercourse [Table-7].

Table 6: Condition/status of Hymen.

Hymen	Frequency	Percentage (%)
Hymen Intact	22	12.15
Hymen ruptured/torn old tear	40	22.09
Hymen ruptured/torn recent tear	78	43.09
Hymen absent	10	5.24
Data not available	31	17.12

Table 7: Detection of spermatozoa according to FSL reports.

Victims exhibits positive for spermatozoa	Frequency	Percentage (%)
Positive	56	30.93
Negative	125	69.06

Discussion

Sexual abuse is common in all races, cultures and socio-economic groups across the globe. Various studies conducted throughout the world showed that sexual assaults cases are increasing in both children and adolescents [15,16]. Girls are more vulnerable to sexual abuse, although boys too reported a high percentage of victimization and are subjected to greater social stigma [17]. In our study, majority of victims were females 173(95.58%), while males were sexually assaulted in 5(2.76%) cases only. These results are in agreement with the study of Sarkar et al. [18], Tamuli et al. [19] and Momonchand [20]. The prevalence of low percentage of male victims may be because of underreporting, sex stereotyping, social denial, minimization of male victimization and the relative lack of research on sexual abuse of boys [11].

Our study revealed that 33(18.23%) children were younger than 10 years, while 148(81.76%) cases were in the age range of 10-18 years. In a study done by Sharma et al. in Punjab-an adjoining state of Himachal Pradesh, it was observed that the incidence of alleged rape was most amongst girls of 15-18 years [21]. Similar findings were noticed by McCrann et al. [22] in their study. In this study, the most vulnerable age was 16-18 years in 87(48.06%) cases followed by 11-15 years in 61(33.70%) cases. Our study is in agreement with study of Demireva et al [23] who reported 38.73% victims in the age group of 14-17 and Kaushik et al. [24] which revealed the incidence of alleged rape in 45.16% cases in the age group of 14-17 years. Similar findings were made in the studies by Tamuli et al [19], Haider et al [25] and Sarkar et al [18] who reported 11-20 years as the highly affected age group. This strengthens the provision of the POCSO Act, where children under 18 years of age cannot give consent for sexual intercourse despite consent. In our study, there are majority of victims who permitted for sex but there ages were less than eighteen years. This shows lack of awareness

about the legal age of sex for both genders. The cases were reported from Hindus, Muslims and Buddhists/Tibetans. In the present study most of the victims were Hindus 163(90.05%) followed by Muslims in 12(6.62%), Buddhists/Tibetans in 02(1.10%) cases and Christian in 1(0.55%) case only. The findings are in agreement with study of Yadav et al. [26] and Bhowmik and Chahila [27].

This can be explained by the fact that Hindus predominance in most of the areas under study. 176 (97.23%) victims of sexual assaults were unmarried and 2(1.10%) were married. Similar findings were made by Suri and Sanjeeda [28] who reported that 96% victims were unmarried and only 4 % were married. In the present study, most of the victims were students 129(71.27%). Kumar et al. [12] reported that 48.57% victims were students, while Tailor et al. [29] reported one quarter (23.4%) of the victims were students and Yadav et al. [26] reported that 51% of the victims were students. Maximum numbers of victims in our study were students as mostly the children go to school in this age group. In our study, the maximum numbers of cases were reported during the season of winter (31.49%) followed by monsoon (29.83%), summer (24.30%) and autumn (14.36%). Tamuli et al. [19] observed that most of the cases occurred during month of October, November and April. Sukul et al. [30] reported that majority of the cases were occurred during summer months (April to August) with peak in May (14.94%). This can be explained by geographical and seasonal variations among the various parts of the globe.

In our study, the common site of incidence was the house of accused in 70(38.67%) cases followed by the house of victim in 31(17.12%) cases and at various places in 80(44.19 %) cases. Our findings are consistent with the study of Maring et al. [31] who reported accused house as common site of offence in 40.54 % cases and Haridas et al. [10] who reported accused house as common site of offence in 45.39% cases. Our study is also consistent with the study by Roy Chowdhary et al. [32] who reported 22.5% incidences in victims' house. This may be due to the fact that in most of cases, victim voluntarily ran away with assailant due to love affair and later caught by police at accused house and various places after a complaint lodged by victims' parents at police station.

In the present study, significant relationship was noted between the victim and perpetrator as the offence occurred in a familiar setting. As far as relation of accused with the victim was concerned, sexual assault was committed by persons acquainted with victims in 162(89.50%) cases, while in 19(10.49%) cases, the assailants were strangers. Our study is in accordance with the study of Islam et al. [33] who reported that in 88.2% cases, victims knew the assailants and in 11.8% cases, assailants were strangers to the victims, Yadav et al. [26] who reported that 90.4% victims knew the assailants and Tamuli et al. [19] who reported that about 77% of the assailants were known to the victims. In our study, 48 (26.51%) assailants were neighbors and in 23(12.70%) cases accused were friends. Our study is consistent with the study made by Jain et al [34] who reported that in 15.75% of cases, accused were friends

of the victim. Our study is not in agreement with the study made by Sarkar et al. [18] who reported that in 74.9% cases assailants were friends of the victims. Neighbours was noted as assailants in the studies made by Islam et al. [33] in 13.7% cases, by Sarkar et al. [18] in 1.8% cases and by Jain et al. [34] in 46.75% cases. From these studies, it can be concluded that most of the threat to the victims is from known persons in their social circle. Thus closeness or relationship of some or other kind may convinced the victim for sexual act.

In our study, 12(6.62%) victims were sexually assaulted by family members, while 25(13.81%) victims were sexually assaulted by close relatives. Our study is almost similar to the study made by Kumar et al. [12] who reported that 8.55% victims were sexually assaulted by family members. El-Ellemi et al. [35] reported father-daughter incest in 3(7.5%) cases. In the present study, the time elapsed between sexual act and medico-legal examination ranged from same day to more than one month. The maximum number of victims 50(27.62%) were examined on second day of assault followed by 45(24.86%) in third day to a week, 33(18.23%) after a week to month, 27(14.91%) on the same day and 20(11.04%) after one month. In a study by Arif et al. [11] 24.3% victims were examined on second day of incidence and 17.5% were examined after months of assault and Kaushik et al. [24] reported that 27.05% cases were examined on the second day of assault and 8.45% were examined after months of assault which is in accordance with our study. In our study, only 14.91% victims were examined on the day of incidence which is consistent with the study made by Sarkar et al. [18] who reported that 10% victims were examined on the same day of assault. Delay in reporting of cases may be due to indecisiveness on the part of victim, victim's parents and relatives to report cases fear of offender and indignity, fear of parents/guardian social stigma, gap in communication between parents and children about the issue and in some circumstances victim eloped with accused to another place.

In our study, hymen was found ruptured/torn with recent tear in 78(43.09%), ruptured/torn with old tear in 40(22.09%), intact in 22(12.15%) and absent in 10(5.24%) victims of sexual assault. Our study is consistent with the study of Sarkar et al. [18] where hymen rupture was reported in 85% cases, majority of which were old tears. This study is in agreement with Arif et al. [11] who reported that hymen was intact in 13.3% cases. Our study is also consistent with Lackew [36] who noticed recent hymenal tears in 42.9% cases. Adams et al. [37] reported recent hymen tear in 22% cases and Sukul et al. [30] found old hymenal tears in 86.2% cases. Kar et al. [38] reported that 28.2% victims had old hymenal tears and 3.8% had recent tears of hymen. These findings showed that recent and old hymenal tears were reported in majority of cases. Hymen tears is not the criteria to fix sexual intercourse as inserting tampons, masturbating, or participating in strenuous physical activities like gymnastics or horseback can cause rupture to the hymen.

The microscopic detection of spermatozoa in the stains and swabs is usually used to confirm the presence of semen and thus scientifically corroborate an alleged sexual offence. In the present study, 56(30.93%) cases of female sexual assaults were found positive for spermatozoa and negative in 125 (69.06%) cases. The results of the present study are in agreement with study of Arif et al. [11] who reported semen in 27.77% cases and negative in 72.22% cases, AlMadni et al. [39] who detected semen in 28.3% cases and Kumar et al. [12] who reported positivity for spermatozoa in 22.85% cases. The causes of non-detection of spermatozoa in most of cases were due to delayed in reporting/disclosure, uses of condom, washings of genitals, bathing or show ring and sexual intercourse with ejaculation outside the private part. Even in Western countries only 10-15% rape incidents were reported to the police [40].

Conclusion

POCSO Act, 2012 made a significant contribution to deal with child sexual abuse cases in India. With rising the numbers of reported cases indicate that law plays an important role in educating the people and sensitizing the criminal justice system. Child sexual abuse is a heinous crime and no age group can be considered as safe, though young girls and adolescents are at risk. Most affective age group was 16-18 years as this is a tender age. House of the accused is the commonest place of offence. Biggest threat to the victims is not from the strangers but from the known persons so there is a need of develop moral values and ethics among people in the transitional phase of cultural devaluation. Delay in reporting of cases and medico legal examination causes loss of significant trace biological evidences, so there is a need of early reporting of the cases.

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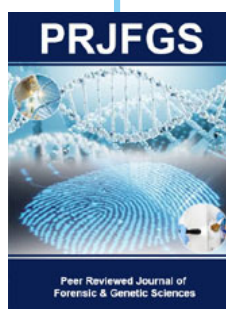
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