



Original Article

Medico Legal Aspect of Rape

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Abstract

Rape is a serious sexual offence having social, psychological, physical and legal aspects of the problem. This study tried to evaluate the different aspects of profile of victims of rape cases. 76 rape victims were included in the study who attended in Forensic Medicine Department of Dhaka Medical College & Comilla Medical College for medico legal examination in the year 2006. Commonest age group of the rape victims were 16-20 years (55.26%). Getting sexual gratification was the main motive in most of the cases (73.68%), other motives were forceful marriage (6.58%), defamation (2.63%), etc. Unmarried girls (71.05%), low socio-economic background-poor (82.89%) and illiterate females (82.89%) were the main victim of rape.

Improvement of socio economic condition and literacy may be effective weapons to fight against this problem of our country.

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Introduction

Rape is not a medical diagnosis, it is a legal term. Rape is defined as unlawful sexual intercourse by a man with a woman without her consent and against her will. or with her consent and when the consent is obtained by force, fear and fraud, or sexual intercourse with any woman below the age of 15 years event with own wife. Mere penetration of the vulva by the penis without consent of the female instead of complete sexual intercourse also constituted rape.^{1,2,3,4}

Rape is the most serious sexual offence and carries capital punishment for it.⁵

Material and Methods

76 rape victims, who reported to Forensic Medicine Department of Dhaka Medical College & Comilla Medical College for medico legal examination in the year 2006, here been studied. 8 rape victims refused medico legal examination. A good number of rape victims do not report to the police because of consequent marital discord, harassment by police, relatives and to avoid humiliating cross examination in the court by the defense counsel.⁶

Detail case histories were taken. Motives of the crime and its co-relation with factors like age, injuries to genitalia & other parts of the body and socio-economic status were studied. Physical, odontological and radio logical examination were

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done. Vaginal swabs were examined for spermatozoa and other venereal diseases.

Observation

Only the victims of rape case were brought for medico legal examination. No accused were brought for examination. Some of the accused escape arrest and the others were under the police custody.

The time lapsed between the incidence and the date of examination of the victims varied from one day to 204 days. Spermatozoa could not be detected in vaginal swab of any victim as they changed their cloths, bathed and passed urine.⁴

1) Age group

Table I reveals that majority of the victims are within 16-20 years age group (55.26%). Children & premenopausal age group are also victimized.

2) Injuries to genitalia and body

Table II shows recent hymen tear in 50 victims (65.70%). Intact hymen present in 6 victims. Other injuries like redness, swelling of vulva, abrasions on thigh and nail marks on breasts, neck, and abdomen were found in 22 victims (28.95%). Signs of struggle present in 20 victims (26.32%).

Table I : Age distribution of rape victims

Age in years	No. of victims	Percentage
0-5	00	0.00%
6-10	02	2.63%
11-15	20	26.32%
16-20	41	53.94%
21-25	06	7.89%
26-30	04	5.26%
31-35	01	1.32%
36-40	01	1.32%
41-45	01	1.32%
Total	76	100%

Table II : Injuries on the genitalia and body of victims

Injuries	No. of victims	Percentage
Old hymen tear	18	23.68%
Recent hymen tear	50	65.79%
Abrasion on genitalia	22	28.95%
Signs of struggle	20	26.32%
Intact hymen	06	7.89%

3) Circumstances and motive of rape

56 victims (73.68%) were abducted and raped for sexual gratification. 5 girls were forcefully married by the accused when they were under their custody. In other 6 cases the girls went with the accused and got married willingly. 14 victims were raped in their houses. 4 victims were given stupefying drugs.

The motive behind the rape as revealed by the study were sexual gratification of the accused, defamation of the victim and to bring false charge by the female against their enemies, false marriage and employment assurance as shown in the table III.

Table III : Profile of rape cases

Motives	No. of victims	Percentage
Sexual gratification	56	73.86%
Forceful marriage	05	6.58%
Willful marriage	06	7.90%
Marriage assurance	02	2.63%
Employment assurance	02	2.63%
Defamation	02	2.63%
False charge of rape	03	3.95%
Total	76	100%

4) Occupation and marital status

Young unmarried girls working the garment factories and students were abducted and raped. House wives, divorcee, widows, women whose

husbands are out of country for long time and other young females were not spared by the rapist, as shown in the table IV and V.

Table IV : Occupation of rape victims

Occupation	No. of victims	Percentage
Student	12	15.79%
Garment worker	20	26.32%
Housewife/Divorcee/ Widow	18	23.68%
No occupation	26	34.21%
Total	76	100%

Table V : Marital status of the victims

Marital status	No. of victims	Percentage
Unmarried	54	71.05%
Married	12	15.79%
Divorcee	04	5.26%
Widow	06	7.90%
Total	76	100%

5) Education and socio economic condition

Poor, illiterate female were the victims of rape as shown in the table VI and VII. the same classes of women were the victim in south Delhi of India.

Table VI: Socio economic status of the rape victims

Socio economic status	No. of victims	Percentage
Poor	63	82.89%
Middle class	12	15.79%
Rich	01	1.32%
Total	76	100%

Table VII : Level of education of the victims

Level of education	No. of victims	Percentage
Illiterate	63	82.89%
Primary education	10	13.16%
Secondary education	02	2.63%
Higher education	01	1.32%

Discussion

Rape is one of the cognizable offences and profile of its motives varies from case to case. The main motive is sexual gratification of the accused (73.68%).

From analysis of above data, it appears that the most vulnerable age group of rape victims was 16-20 years (53.94%). Same was observed in South Delhi study on rape cases.⁶

Recent hymen tear were present mostly in unmarried young girls, though 6 married women had both recent and old tear of hymen – they were the victims of gang rape. Intact hymen was present in 6 victims. In these cases redness, swelling of genitalia, abrasion, nail marks on breasts, thighs and abdomen were connotations with rape.

Different motives of rape were detected in the case histories of the rape victims. 6 cases of willful marriage turned to a charge of rape as the girls were below 15 years of age. Other victims were abducted on their way to school or on their way back home (15.78%). Young girls working in the garments factories when return home at night after their overtime duties were abducted and raped (23.68%). Accused broke the doors of the thatched house and raped the house wives when their husbands were out (26%).

It is found that gang rape is quiet common. 30 females were victims of gang rape (39.47%). The accused persons plan and abduct the victims for rape. Most of the rape victims were from low socioeconomic strata and illiterate (82.89%).

Conclusion

Females are victims of rape in normal peaceful time or during and after war or during communal and political strives. They are sexually harassed and humiliated. Generally they do not want to disclose their ordeals due to social stigma and due to further harassment they may face from the powerful antagonists.

The conscious people of the society and the law enforcement authorities must take more interest to protect females from sexual offences.

Bangladesh is a developing country and the future prosperity of Bangladesh depends to an extent upon the well being of the low socio economic group of female workers. Unless the country looks after them the advancement of the country will suffer. Apart from the country's prosperity, rape victims are human being and they have the right to protection and justice.

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