

**RAPE & IT'S MEDICOLEGAL ASPECTS**

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**ABSTRACT**

Forcible rape is a violent crime, as are all cases of sexual assault, In more than one-third of cases, the victims are children, and a significant number of victims are elderly women. Although few of these victims have serious physical injuries, they all suffer psychological trauma that will affect their lives of those around them. All of these victims need medical care and psychological counselling if they are to adjust and re-enter society without difficulty.

**INTRODUCTION**

Rape is the fourth most common crime against women in India. According to the National Crime Records Bureau 2013 annual report, 24,923 rape case were reported across India in 2012. According to NCRB 2015 statistics, Madhya Pradesh has the highest raw number of rape reports among Indian states, while Jodhpur in Rajasthan has the highest per capita rate of reports in cities followed Delhi the capital city.

**Definition**

Rape (Latin rapere to seize or take by force) is an unlawful sexual intercourse by a man with a woman, his wife less than 15 years, any woman less than 16 years, with or without her consent, or any woman of or above 16 year against her will, without her consent or when the consent is obtained by an illegal method.

**According to 375 IPC** - A person is said to commit "Rape" if he.

- A. Penetrates his penis, into the vagina, mouth, urethra or anus of another person or makes the person to do so with him or any other person; OR
- B. Inserts any object or a part of body, not being the penis into the vagina, the urethra or anus of another person or makes the person.to do so with him or any other person; OR
- C. Manipulates any part of the body of another person so as to cause penetration into the vagina, urethra, anus, or any part of body of such person or makes the person to do so with him or any other person; OR
- D. Applies his mouth to the vagina, anus, urethra, of another person or makes such person to do so with him or any other person.

Classification of sexual offence			
Natural sexual offence	Unnatural sexual offence	Sexual perversions	Other sex-linked offence
Rape	Rape	Rape	Indecent assault
Incest	Sodomy	Sadism	Sexual harassment
Adultery	Lesbianism	Masochism	Stalking
	Bestiality	Fetishism	
	Buccal	Transvestic fetishism	
		Exhibitionism	
		Masturbation	
		Voyeurism	
		Frotteurism	

**Types of rape**

Date Rape, Spousal Rape, Gang Rape, College Campus Rape, Statutory Rape/ Minor Rape, Jail rape, War Rape.

**Causes of rape**

Slutty Clothes, Alcohol, Television, Rapist, Minorities, Weather

**Examination of A victim of rape-****Precautions while examining the victim of rape**

1. Requisition
2. Consent
3. Female nurse
4. Identity
5. Age
6. History
7. Clothes
8. Mental condition
9. Removal of clothes
10. Marks of struggle
11. Genitals
12. Foreign body
13. Swabs & Smears

**Procedure for examining victim of rape**

1. Preliminary data
2. History
  - a. Of present act

- b. Past & family history
- c. Personal history
3. Examination of clothes
4. Examination of body
5. Examination of Genitals
  - a. Local signs of violation
  - b. Evidence of spermatozoa
  - c. Evidence of STD
  - d. Injuries

**Examination of accused in rape****Examination includes**

1. Preliminary data
2. History
3. Examination of clothes-  
Any tears, Any stains (mud, grass, blood, semen, lipstick or face powder) Any foreign body.
4. Examination of body
5. Examination of genitals

**Injuries to genitals**

<b>In child</b>	<b>Adult virgin</b>	<b>Non virgin</b>
<b>Vulva-</b> May be abraded, contused or lacerated	May be abrasions or contusions.	Abraded or contused only in forceful complete penetration.
<b>Hymen-</b> -In case of complete penetration, hymen is torn at several places, tender, margins are raw & bleed on touch. In incomplete penetration may not tear, may be just red & congested.	In case of complete penetration, hymen is torn, tender, margins are raw & bleed on touch. -In incomplete penetration may not tear, may be just red & congested.	No injury.
<b>Vagina-</b> -Tender -Distended -Bleeding -May be abrasions on cervix. -Laceration of posterior vaginal wall. -In case of forceful penetration rupture of posterior commissure & posterior fourchette.	-Tender -Distended & roomy -Bleeding -May be abrasions on cervix. -Laceration of posterior vaginal wall, only in forceful complete penetration.	Usually no injuries. -Contusion in forceful penetration.
<b>Perineum</b> -Lacerated Laceration may extend upto anus in case of complete forceful penetration.	-Usually no injuries. -Lacerated, only in forceful penetration.	-Usually no injuries. -Contused in forceful penetration.

**Medicolegal aspects of rape****A. Accidents/Complications/Sequelae of rape**

1. Mental derangements
2. Phobias
3. Pregnancy
4. Shock
5. Feeling of guilt
6. Suicidal & homicidal tendencies

**Following****7. Anxiety 8- Death****B. False charge of rape**

1. The parents of a small girl may apply corrosives to her genitals. Injure the genitalia. Thrust a thumb or foreign body into hymen. Injure the genitals and kill her. To take revenge, out of jealousy, to blackmail or extort money from their enemy.

2. A young girls may give consent for sexual intercourse, and later when she is caught by some relatives-to save her position, or to blackmail him & force him to marry her, may put a false charge of rape.
3. The adult ladies may apply white of an egg (to resemble semen) and / or blood from animals-on clothes or genitals, and may put a false charge of rape, to blackmail or extort money.
4. A female patient may put a false charge of rape against the doctor, therefore a female nurse/attendant should always be present during examination of genitals, administration of general anaesthesia & during any surgery on a female.

**C. Can a woman be violated against her will**

Normally it is impossible for a man to forcibly rape an averagely built girl.

It is possible if she is a child, very weak, unconscious, is threatened, intoxicated, attacked by a gang, or becomes exhausted while resisting.

**D. Can a woman be violated during her natural sleep**

In a virgin complete penetration is impossible, though partial penetration at times is possible.

Though, unlikely, complete penetration is possible in a non-virgin, especially if she is habituated to sexual intercourse by her husband, during sleep.

**E. Can a woman be violated when unconscious-**

Even complete sexual intercourse is possible in a girl rendered unconscious due to drinks, drugs, epilepsy, hysteria, or any other disease or injury. However a virgin on gaining consciousness will feel the pain, tenderness, & dampness.

Sometimes the girl may be give consent for sexual intercourse while under influence of drinks/drugs – such a consent and the act is rape; though if she had herself consumed drinks before giving consent- it is not rape.

**Sec 376 IPC- Punishment for rape**

**Sec 376A IPC-** Punishment for causing Death or Resulting in Persistent Vegetative State of the Victim during rape-Imprisonment not less than 20 years, but which may extend to life.

**Sec 376B IPC-** Rape by husband upon his wife during separation- Imprisonment not less than 2 year but may extend to 7 years and fine.

**Sec 376C IPC-** Sexual intercourse by a person in authority-Imprisonment not less than 5 year but may extend to 10 years and fine.

**Sec 376D IPC-** Gang rape- Imprisonment not less than 20 years, but may extend to life and with fine.

**Sec 376E IPC-** Repeat offender- Imprisonment for life.

**Sec. 327(2) Cr.P.C.-** (Criminal Procedure Code)

Enquiry or trial under section 376 IPC, will be done in camera.

**Sec.228- A IPC-**Revealing the identity of a victim of rape, an offence (up to 2 year imprisonment and fine)

**Sec 354 IPC-** Indecent assault/Molestation - Whoever assaults or uses criminal force to any women, to outrage her modesty, shall be punished with imprisonment not less than one year but may extend to 5 years, and fine.

**SEC 354 A IPC-**Sexual Harassment - A demand or request for sexual favours Imprisonment up to 3 years or fine or both.

**Sec 354B IPC-** Compelling to be naked-Imprisonment not less than 3 years but may extend to 7 years and fine.

**Sec 354C IPC-** Voyeurism- Any man who watches or captures the image of a woman engaging in a private act- imprisonment not less than 3 years and fine.

**Sec 354D IPC-** Stalking -Any man who follows a woman and contacts or attempts to contact repeatedly imprisonment may extend to 5 years and fine.

**Sec.493 IPC** - Is cohabitation caused by a man deceitfully inducing the belief of future lawful marriage – imprisonment up to 10 years

**DISCUSSION**

Many people are of the view that education / awareness is the best & most long term way of eradicating this problem. Make reporting easier & less painful for the victim, policemen or woman. Counselling & protection to the victims & her family. We have to do more to protect women & children we have the power & the responsibility, to speak up & create a society where no woman ever has to feel unsafe silenced due to sexual assault. This is a topic that is pervasive in our world & something that needs to keep being discussed, no matter the time of year. Nationwide protests erupted after the shocking gang rape of an eight year old girl & the brutal assault rape, laws were strengthened.

**CONCLUSION**

Rape is a heinous act which hurts a lot of people Sexual violence poses an obstacle to peace and security. Especially, in some developed countries, rape would be more serious. Therefore, doing research to reduce rape is necessary. Here need is improvement of law, improve the status of women in society, to learn self- defence skills and reduce the abusing of alcohol/Drug addiction that is an efficient way to solve rape. In my opinion, a safe social environment can be conducive to the development of society. Rape is an important factor affecting social security. If we want a wonderful, safe living environment, we should contribute to reduce rape. And we came to know that we are living in a male dominant society which is not yet all safe for the females. It is the collective responsibility of everyone to ensure that a woman can live in a safe and secure environment. A lot needs to done in this regard to ensure the safety and security of women. So, the attitude of the society needs to be changed towards women.

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