



**ALL INDIA INSTITUTE OF MEDICAL SCIENCES,  
RAJKOT**

# FORENSIS

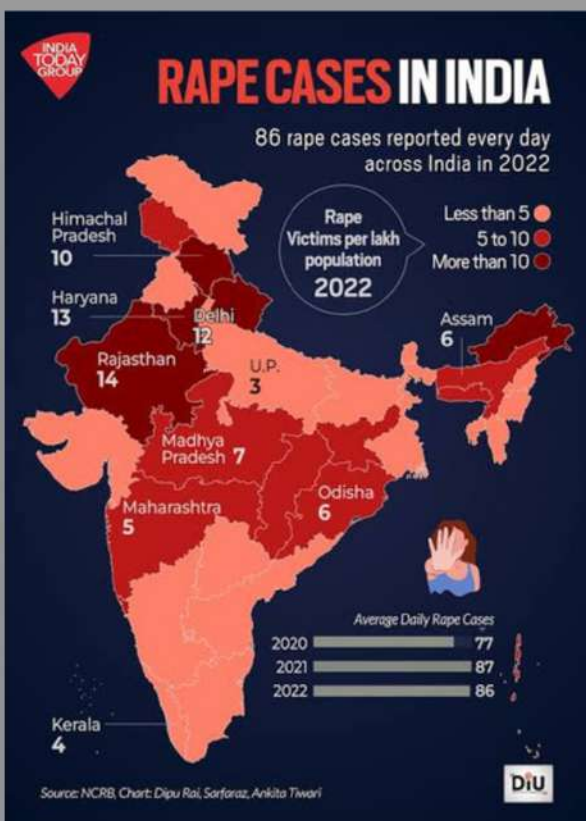
**Official e-Magazine of  
DEPARTMENT OF FORENSIC MEDICINE AND TOXICOLOGY,  
AIIMS, Rajkot**

*Vol. 6(Sept. 2024)*

**Breaking the Silence,  
Understanding and Preventing the Sexual Offences**



**31516**  
Cases of sexual offence  
were reported  
in India annually<sup>1</sup>



<https://www.indiatoday.in/diu/story/kolkata-doctor-rape-murder-india-protest-nirbhaya-case-west-bengal-sexual-violence-2581750-2024-08-13>

<https://www.indiatoday.in/diu/story/womens-safety-crisis-rise-in-sexual-harassment-assault-complaints-india-2410074-2023-07-21>

# Landmark cases of Sexual Offence in India

## **Nirbhaya case 2012**

In Dec 2012, A 23yr old physiotherapy female trainee was sexually assaulted by 6 men on bus in the outskirts of Delhi. She was brutally beaten up and raped, the predators inserted rod into the body, and thrown naked on highway. The female succumbed to her injuries in a hospital.



## **Kathua case 2018**

8 year old girl was, abducted, sexually assaulted and murdered by 6 men and a juvenile, in Jan 2018. She had been disappeared for week before her body was discovered by villagers a kilometer away from the village.



SAVE MY DIGNITY  
I AM YOUR DAUGHTER

## **Kolkata case 2024**

A 31 year old Resident Doctor was alleged to be sexually assaulted & murdered. The incident reportedly took place in the Medical Hospital premises.

STOP  
VIOLENCE  
AGAINST  
WOMEN



# STATISTICS

### About Victims

Learn more about victim statistics

44% of victims are under age 18  
80% are under age 30

### Sexual Assault Statistics

Learn more about sexual assault statistics

Every 2 minutes, another American is sexually assaulted.  
Each year, there are about **237,868** victims of sexual assault.

### Reporting

Learn more about reporting statistics

60% of sexual assaults are not reported to police.  
97% of rapists will never spend a day in jail.

### About Offenders

Learn more about offenders

Approximately 2/3 of assaults are committed by someone known to the victim  
38% of rapists are a friend or acquaintance

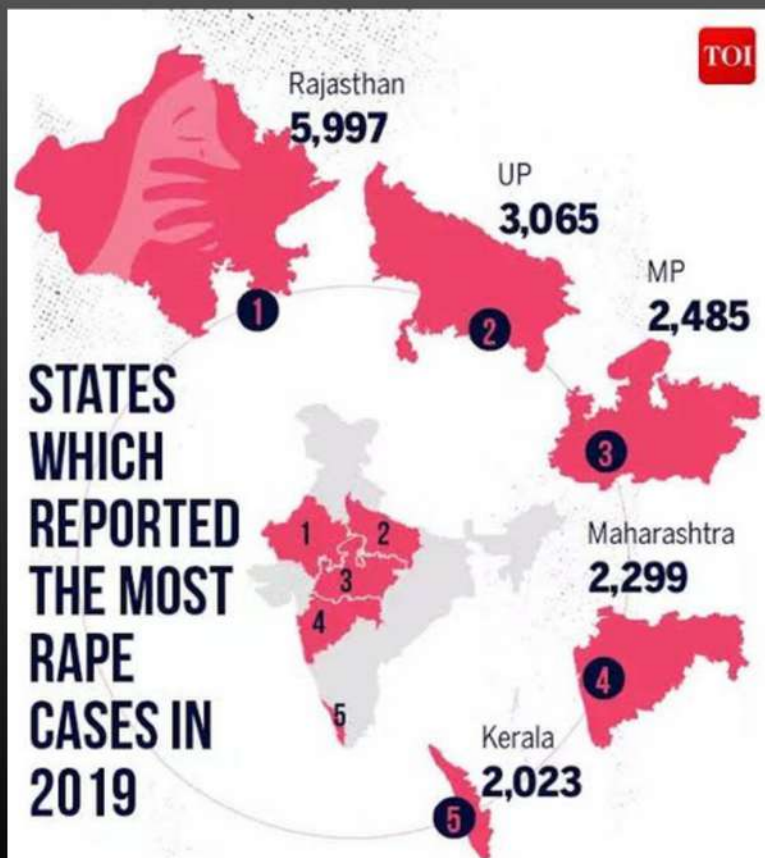
The global sexual offence rate is difficult to quantify due to under reporting, but approximately 35% of women have faced sexual harassment, with fewer than 40% seeking help and less than 10% reporting due to law enforcement. The highest reported cases per 100,00 people are found in Botswana with 92.98 instances.

### BREAKDOWN OF LOCATIONS WHERE SEXUAL ASSAULT OCCURS

- 55% at or near the victim's home
- 15% in an open public place.
- 12% at or near a relative's home
- 10% in an enclosed but public area, such as a parking lot or garage
- 8% on school property

**RAINN** National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org  
Please visit [rainn.org/statistics/scope-problem](https://rainn.org/statistics/scope-problem) for full citation.<sup>7</sup>

<https://rainn.org/statistics/scope-problem>



<https://timesofindia.indiatimes.com/india/india-sees-88-rape-cases-a-day-but-conviction-rate-below-30/articleshow/78526440.cms>

**MORE HORROR AFTER NIRBHAYA**

INDIA TODAY GROUP

ABOUT **2.42** LAKH RAPE CASES IN SEVEN YEARS (2013-19) AFTER THE NIRBHAYA GANGRAPE CASE

THAT'S **95** RAPES A DAY

ALMOST **4** WOMEN ARE RAPED EVERY HOUR

Source: Crime report in India 2019, NCRB

DIU

<https://www.indiatoday.in/diu/story/no-country-for-women-india-reported-88-rape-cases-every-day-in-2019-1727078-2020-09-30>

# What is Sexual Offence?

- **Sexual offence:** Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances or acts to traffic, or otherwise directed against a person's sexuality, using coercion, by any person regardless of their relationship to the victim in any setting, including but not limited to home or work.
- **Sexual harassment:** Is defined as physical contact and advances involving unwelcome and explicit sexual overtures, or demanding sexual favors, showing pornography against her will or making sexually colored remarks.
- **Indecent assault:** any offence committed on female with intention or knowledge to outrage her modesty. Outrage means gross violation of decency, morality feeling.

## Some definition<sup>5</sup>

- **Statutory Rape** - It is sexual intercourse with a girl below 18 years of age even with her consent. It's neither violent nor physically coerced.
- **Gang Rape** - When a group of people participate in the Rape of single victim.
- **Date Rape** - It is sexual intercourse with a women, who is given a drink containing sedative without her knowledge.
- **Marital Rape** - Forceful sexual intercourse with wife who is living separately under a decree of separation, or any custom or usage without her consent.

# Medicolegal Aspects

## Criminal Law Amendment Act 2013

(Further amended in 2018, after nirbhaya case)

Has extend the term 'rape' to include acts in addition to vaginal penetration, including penetration of penis or any object, or any part of body to any extend, into vagina, mouth, urethra or anus of another person or making an other person to do so.

*Previously punishment of rape is defined under IPC 376.*

*Now the Indian penal code (IPC) are replaced by a new criminal code as Bharatiya Nyaya Sanhita (BNS) on July 2024*

In BNS Chapter V

- Section 63 : Defines rape
- Section 64 : Punishment for Rape

## Bharatiya Nyaya Sanhita

Section	Offence	Punishment
64	Define punishment for rape	Rigorous imprisonment not less than 10 years, which may extend to imprisonment for life & a fine
65	Rape on a women under 16 years	Rigorous imprisonment for a minimum of 20 years which may extend imprisonment for life with fine, or death sentence.
66	Causing death or resulting in a persistent vegetative state of victim	Rigorous imprisonment for a minimum of 20 years which may extend to life imprisonment with fine, or death sentence.
67	Sexual intercourse by the husband during separation	Imprisonment for a minimum of 2 years, which may extend to 7 years and a fine.
68	Sexual intercourse by a person in authority	Rigorous imprisonment for a minimum of 5 years which may extend to 10 years and a fine.
69	Sexual intercourse by employing deceitful means	Rigorous imprisonment for 10 years and fine
70	Gang rape	Rigorous imprisonment for 20 years, which may extend for life imprisonment with fine
71	Repeat offenders	Imprisonment for life and a fine



# Humanitarian aspects of Medicolegal Examination of Survivor<sup>6</sup>

*A survivor/ victim of sexual violence may report to a doctor/hospital in any of the following three ways:*

- Through a **police requisition** after the survivor/ victim has lodged a police complaint;
- When the survivor finds the hospital as a trusted place and visits the **doctor/hospital** either for therapeutic care and /or evidence collection; or
- When the survivor / victim directly goes to the **Court** and lodges a Court complaint and visits the doctor/hospital through a Court order.

Irrespective of which ever way the survivor / victim reaches a hospital, the opportunity should be used for providing comprehensive health care. This would include:

- Obtaining informed consent,
- History taking
- Medical examination
- Collection and documentation of evidence and maintaining chain of evidence
- Providing therapeutic care including immediate treatment of physical injuries, provision of emergency contraception, pregnancy advice, STI care, etc.
- Providing psycho-social support including counseling, rehabilitation and follow up care.

Both **Ethically and Legally**, a doctor cannot examine without seeking an **Informed consent**. Informed consent should be taken in a language that the survivor/ victim understands.

The entire procedure of examination, collection of evidence from body and genitals and treatment modalities available should be explained to the survivor / victim. Proper documentation of written informed consent should be taken after explaining the above procedures. Where ever barriers exist in terms of age, mental maturity, language, physical and mental disabilities, consent should be sought from legally authorized individuals such as parent/guardian or help of an interpreter, special educator, support person (whoever is applicable).

If the survivor has any queries, the doctor should make an attempt to answer them all. The survivor should also be asked if she would like a specific person to be present with her during examination and evidence collection, if she desires, the person should be allowed to be with her. Doctor's first priority should be to provide first aid and treat bleeding injuries and address anxiety of the survivor/victim.

# Complications or dangers of sexual offence<sup>5</sup>

1. Death may occur due to:
  - Hemorrhage and shock
  - Suffocation
  - Strangulation
  - Intoxication
  - Suicide
2. Psychological Trauma
3. It may disrupt the physical, social sexual life
4. Mental derangement, convulsions
5. Rape Trauma Syndrome



## How it should be?

**Definition of consensual relationships :-**

**Relationships that are characterised by mutual respect, understanding, and consent are referred to as consensual relationships. Consensual partnerships are those in which both parties voluntarily and consciously enter into a relationship without any kind of compulsions or manipulation. The tenets of autonomy, communication, and respecting each person's rights and limits form the basis of these interactions.**

## PRECAUTIONS TO BE TAKEN

- Trust your instinct
- Set Boundaries during interaction
- Maintaining a safe distance
- Stay aware of your surrounding
- Keep emergency contact numbers
- Learn self defense technique
- Walk confidently and avoid eye contact
- Carry personal alarms and safety device
- Be careful with stranger
- Keep phone accessible and charged
- Use public transport
- Stay in well populated area
- Awareness programs
- Self defence program like Mission Prahar.



### *Helpline numbers:*

1. *Childline India 1098*
2. *Himmat(Delhi Police) 1091*
3. *Women Helpline 0124-2335100*
4. *National Commission for women  
011-23237166*





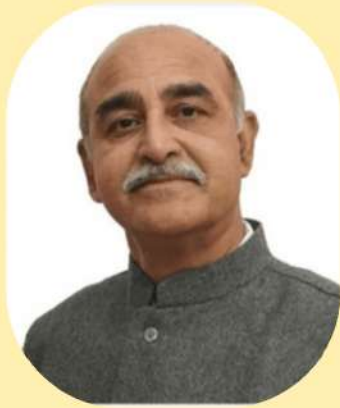
# Five important thing to teach about safety and consent

1. Always ask for permission before touching and pay attention to the answer.
2. Value the importance and truth in the words **STOP** and **NO**, whether they are saying it or hearing it.
3. Recognize the emotion tied to facial expression and body language - someone can mean **No** without ever saying it.
4. Never force a child to hug touch or kiss anybody.
5. Learn how to help others who seems to be in trouble to.

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# A Message from the Executive Director:



I convey best wishes to the department of Forensic Medicine and Toxicology for releasing this e-magazine on pertinent topic of sexual offence in current time. It will surely be informative and useful to the readers in spreading awareness. My best wishes to the entire team...

**Prof. Dr. (Col.) C. D. S. Katoch**

## Message from editors:

**Department of Forensic Medicine and Toxicology,  
AIIMS Rajkot**



This is an effort to bring forward the information regarding medicolegal aspects and awareness about sexual offences. The topic is chosen in view of current situation in mind & to spread education about this pertinent area. We hope you will find this informative newsletter very useful. If you have any suggestion, please feel free to contact us.

**Prof. (Dr.) Sanjay Gupta**

Professor & Head (FMT)  
Dean academics, AIIMS Rajkot



**Dr. Utsav Parekh**

Assistant Professor,  
AIIMS Rajkot

- Dr. Prashant Ratadiya Senior Resident
- Dr. Rushali Kothari Junior Resident (Acad.)
- Dr. Pritam Shah Junior Resident
- Dr. Bhargav Rajvi Junior Resident

*Thank  
You*