

## ORIGINAL PAPER

# A Study of Socio-Demographic Profile of Persons Accused Under POCSO Act 2012

*Chowdhuri Soumeek<sup>1</sup>, Mukhopadhyay Parthapratim<sup>2</sup>*

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## ABSTRACT

*To deal with child sexual abuse cases, the Government has brought in a special law, namely, "The Protection of Children from Sexual Offences (POCSO) Act" 2012. In this scenario it was thought imperative that a study be conducted to study the socio demographic profile of the persons accused of assault under this act. The age was normally distributed in the population was seen using Q-Q plot and Shapiro Wilk test. The mean age of the accused was 28.62 years. The minimum age was 13 years and maximum age was 64 years. The majority 78% was illiterate or just literate. A majority of accused were involved in multiple casual sexual relationships. There was relationship of exposure to casual multiple sexual encounters which showed two peaks one below 20 years and another over 40 years. An occasional intake of alcohol was seen in 72% cases compared to regular drinkers being 20%. Exposure to pornography was seen in overwhelming 78% cases. This exposure showed more numbers in persons below 25 years, when the exposure to pornography was cross-tabulated with history of exposure to multiple casual sexual relationships. However, chi-square test done with the same factors did not show a significant association (p value not significant). In view of the high prevalence of rape, prevention strategies need to focus on the structural and social risk factors, and prevention of perpetration of rape from ever occurring, rather than relying on prevention through responses.*

**Keywords:** POCSO 2012-sociodemographic factors-accused perpetrators

## INTRODUCTION

Rape, which is defined as physically forced or otherwise coerced penetration of the vulva or anus, violates victims' human rights and causes enduring health problems.<sup>1</sup> Victims are often wives or girlfriends, but can also be men, and in some settings rape of a non-partner woman is especially common.<sup>2</sup>

In today's world, moving at a fast pace the mind is no longer at a state of tranquility and peace. Man finds himself exposed to the temptations and vicissitudes of various evils. Following the Nirbhaya rape and murder case when the whole country stood up in unison, the issue hogged national limelight creating tumultuous reaction. A movement has been augmented to fight against these heinous crimes.

Often power and position lead to a state of mind where exploitation of the weakest and most vulnerable of our society. This often forms a sort of mental purge for those so inclined to take advantage of their positions of trust. Thus, child abuse has become a common though detestable offence. To deal with child sexual abuse cases, the Government of India has brought in a special law, namely, The Protection of Children from Sexual Offences (POCSO) Act, 2012. The Act has come into force with effect from 14<sup>th</sup> November 2012 along with the rules framed there under.

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### Address for correspondence and reprint:

<sup>1</sup>PGT of Forensic Medicine (**Corresponding Author**)

**Email:** smk.kgp@gmail.com

**Mobile:** 09007580064

<sup>2</sup>Professor and head, Department of Forensic Medicine  
BMC Burdwan, WB

The POCSO Act, 2012 is a comprehensive law to provide for 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 designated special courts.

The national crime record bureau figures of 2012 show that 12.67% of crimes against women are in West Bengal with an incidence of 2046 rape cases.

Sexual assault victims had different characteristics according to the time between the sexual assault and the examination. Public health campaigns against sexual abuse and rape as well as medical management of the sexually assaulted victims should adapt to the needs and the characteristics of these two different populations of victims. Crime against women is grossly underreported, in India.<sup>7</sup>

Population-based studies indicate that up to 37% of men in South Africa have ever raped a woman, but the global evidence base for rape perpetration is very small.<sup>2-7</sup>

Previous works on the topic conducted in various developing countries of the world have shown various socio demographic factors to have a significant influence in men who have been perpetrators of rape.<sup>4-6, 13</sup>

The only large population-based study of rape that has been published in peer-reviewed literature was undertaken in South Africa. Elsewhere, most research was done with incarcerated offenders and college students. Notwithstanding these limitations, research from North America and South Africa, summarized in a recent systematic review, suggests that key risk factors for rape perpetration include adverse childhood experiences (abuse), attachment and personality disorders, social learning and delinquency (including gang membership), prevalent sex-inequitable ideals of masculinity that emphasize the importance of heterosexual performance, e.g., many sexual partners, including transactional sex, and to prove male sexual prowess and control of women (including with physical violence), and substance misuse.<sup>2,6,8-11</sup>

In a country where history regarding sexual relationships, exposure to various factors like pornography are shrouded by taboos a population based study of aforesaid factors

are difficult to conduct and in this scenario it was thought imperative that a study be conducted to study the socio demographic profile and personal traits of the persons accused of assault under the POCSO Act, 2012.

## MATERIAL AND METHODS

The present work was conducted in the Burdwan Medical College, Burdwan, WB in the Department of Forensic and State medicine. Study was conducted on the male accused of sexual assault under POCSO act 2012, brought for examination between 1<sup>st</sup> February 2014 and 31<sup>st</sup> January, 2015. In this 12 month study period those accused, who were brought for examination, completed a pretested and predesigned questionnaire administered verbally by the doctors who examined them. Their responses were noted after obtaining their consent. The results were analyzed and reported.

## RESULTS

Total 50 cases were examined under POCSO act 2012. The data obtained was analyzed using SPSS version 19 software. Though none of the accused admitted to their crime they voluntarily gave data and information regarding their socio demographic profile except in case of sexual history, which was given on most occasions with reluctance. The age was normally distributed in the population was seen using Q-Q plot (**Figure 1**) and Shapiro Wilk test (**Table 2**). The mean age of the accused was 28.62 years. The minimum age was 13 years and maximum age was 64 years (**Table 1**). The majority (78%) was illiterate or just literate. A majority of accused were involved in multiple casual sexual relationships. Chart shows relationship of exposure to casual multiple sexual encounters which showed two peaks one below 20 years and another over 40 years. An occasional intake of alcohol was seen in 72% cases compared to regular drinkers being 20%. Exposure to pornography was seen in overwhelming 78% cases. This exposure showed more numbers in persons below 25 years.

When the exposure to pornography was cross-tabulated with history of exposure to multiple casual sexual relationships an increased association was found. However chi-square test done with the same factors did not show a significant association (**Table 7**) (p value was > .05). The result of relation between the various factors is shown in the following **Figures (2-8)** and **Tables (3-8)**.

**Table 1** Descriptive statistics

	Number	Minimum	Maximum	Mean	Std. Deviation
age	50	13.00	64.00	28.6200	13.96627

**Table 2** Tests for normality of data

Age	Kolmogorov-Smirnov			Shapiro-Wilk		
	Statistic	df	Sig.	Statistic	df	Sig.
	.222	50	.000	.844	50	.000

**Table 3** Exposure to pornography with the accused

Pornography Exposure	Frequency	Percent	Valid Percent	Cumulative Percent
Exposed to pornography	39	78.0	78.0	78.0
Not exposed	11	22.0	22.0	100.0
Total	50	100.0	100.0	

**Table 4** Educational status of accused

Educational Level	Frequency	Percent	Valid Percent	Cumulative Percent
Illiterate	18	36.0	36.0	36.0
Just Literate	21	42.0	42.0	78.0
Primary School	4	8.0	8.0	86.0
High School	4	8.0	8.0	94.0
Above High School	3	6.0	6.0	100.0
Total	50	100.0	100.0	

**Table 5** Showing relation of occupation with pornography  
Cross tabulation

Occupation	Exposed To Pornography	Not Exposed	Total
Unemployed	12	1	13
Self Employed	23	9	32
Service	3	2	5
Total	38	12	50

**Table 6** Alcohol \* history of exposure Cross-tabulation

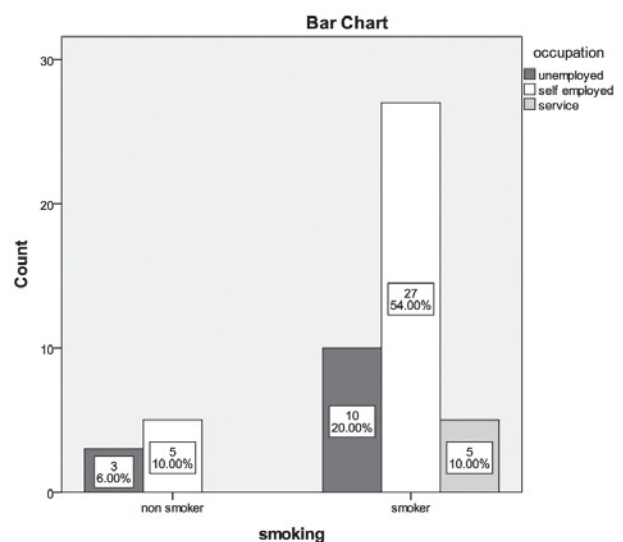
Alcohol	History of Exposure			Total
	No Exposure	Single Partner	Multiple Partners	
Non Alcoholic	2	1	1	4
Occasional Drinker	3	9	24	36
Regular Drinker	0	5	5	10
Total	5	15	30	50

**Table 7** Showing chi square test for the variables

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.414 <sup>a</sup>	1	.520		
Continuity Correction	.086	1	.769		
Likelihood Ratio	.405	1	.524		
Fisher's Exact Test				.728	.378
Linear-by-Linear Association	.405	1	.524		
N of Valid Cases	50				

**Table 8** Type of alcohol intake

Pattern of alcohol intake		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	non alcoholic	4	8.0	8.0	8.0
	occasional drinker	36	72.0	72.0	80.0
	regular drinker	10	20.0	20.0	100.0
	Total	50	100.0	100.0	



**Figure 2** Showing addiction to smoking

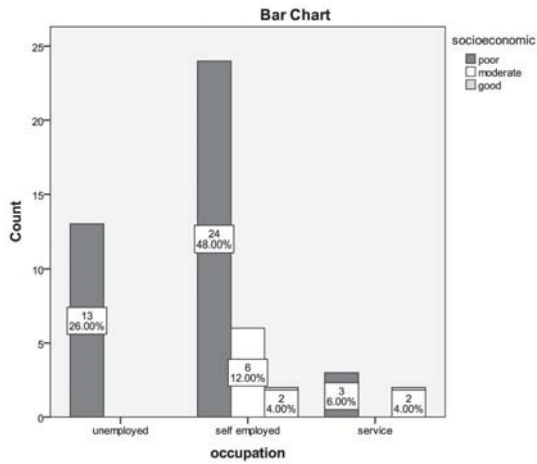


Figure 3 Showing socioeconomic status in relation to type of employment

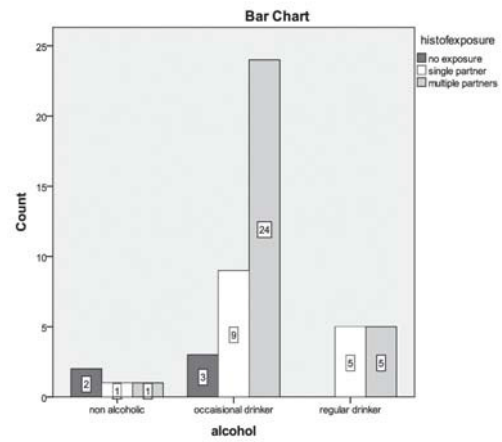


Figure 6 Relation of history of exposure to intake of alcohol

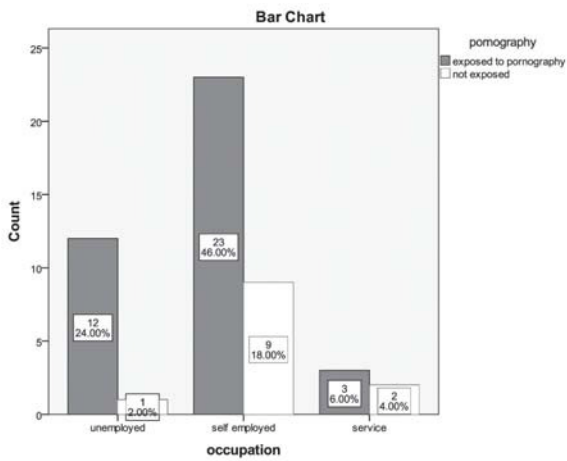


Figure 4 Showing relation of occupational status with exposure to pornography

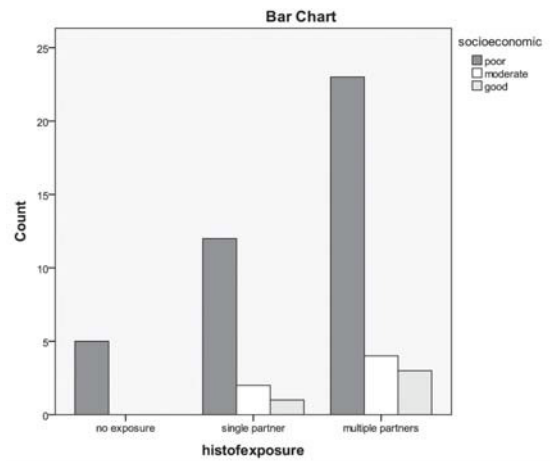


Figure 7 Relation of history of exposure to socioeconomic status

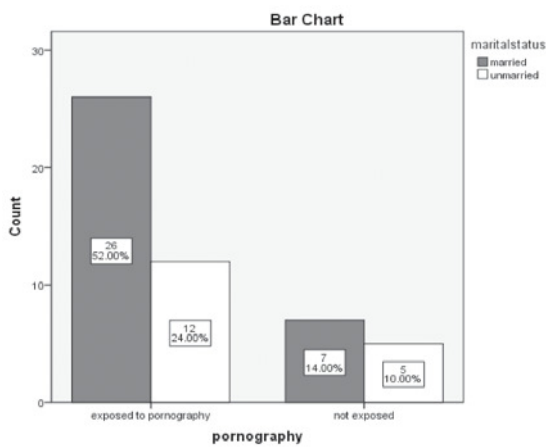


Figure 5 Showing relation of marital status with exposure to pornography

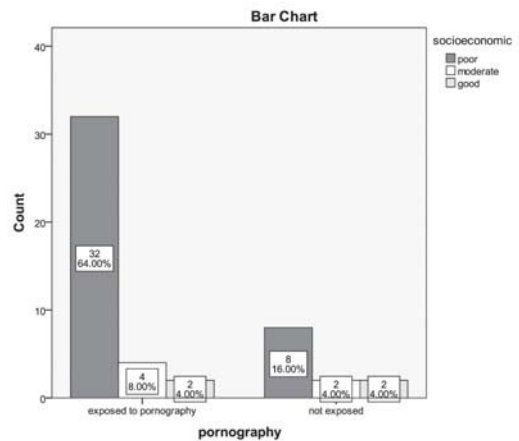


Figure 8 Relation of socioeconomic status with exposure to pornography

## DISCUSSION

In the present investigation we have presented the results of a study from a small sample of population from the accused. From the analysis of the results, it could be seen that in persons who were addicted to pornography on a regular basis were more likely to be involved in the perpetration of rape. This finding is consistent with the studies previously done on the subject. Multiple casual sexual relationships also showed an association with the aggressors though the association was not statistically significant. The persons who were occasional in partaking of alcohol probably were more affected by the disinhibitor of alcohol. The persons who were regular drinkers were more habituated to its effects. It was seen that married persons (52%) were addicted to pornography and that with alcohol abuse were more associated with perpetrators of rape. This is in consonance with studies from Cambodia, China, Indonesia, and Papua New Guinea wherein alcohol misuse was associated with single and multiple non-partner rape perpetrations and intimate partner violence.<sup>13</sup>

Substantial research has been undertaken into the role of alcohol in rape perpetration. The emerging consensus is that it is a situational factor that reduces inhibitions. Alcohol misuse is often associated with particular dominant masculinities. This factor is reiterated by the findings of the present work.

The persons who were unemployed and therefore had more time to themselves probably indulged in drinking and participating in more recreational activities. The result of the present investigation also bears similarity to previous studies done on the perpetrators of rape done in developing countries like Africa and Botswana.

A majority (74%) were from the poor socioeconomic class. This observation was in congruence to previous studies in which poverty, indicated by present food insecurity and low educational attainment, was especially associated with multiple perpetrator rape and rape of men, and with physical and sexual partner violence.<sup>13</sup>

Poverty is more often associated with deprivation, neglect and thereby a subdued aggressive behavior. Couples with low self-esteem and values, those belonging to lower socioeconomic strata are the most vulnerable for indulging in sex crime. In situations of poverty, however, sub-cultures of gang membership and drug use can develop, which provides a context in which dominance over women and other men might be emphasized to compensate for otherwise perceived disempowerment.<sup>13,15,17</sup> An association

was graphically seen between educational status, socioeconomic status and exposure to brothels. The association was however not significant when statistically tested by chi-square test.

## CONCLUSION

Power related differences manifest not only in relationships but also in belief and structure of society. Premarital and multipartner sex though seen as breach of social norms is also said to be a fundamental dimension of gendered social organization. People consider it right among men to have an aggressive and adventurous sexual approach. This is more often resorted to, perpetrated and professed to confirm hegemonic masculinity. Men are expected to be dominant in a relationship and the findings of the present investigation show how pornography especially repeated exposure leads to liberal sexual attitudes and behavior among young people. Alcohol is commonly used as a disinhibitor specially when taken occasionally and a symbol of masculinity. This contributes to careless sexual behavior and higher rates of crime. We need better strategies to engage men, and better interventions to change their attitudes and behaviors related to power and control in relationships like having respect for women, having one sexual partner, use of condoms and knowledge regarding exposure risk of HIV. Their poverty needs to be addressed through income generating activities or programs that keep them at school. The government should regulate and monitor video shows and local brew dens to prevent exposure of youth to the deleterious effects of alcohol, drugs and pornography. To empower women through various social schemes reducing their dependence on men for economic needs. To promote risk free leisure activities like sports. Proper investigation of crimes and conviction of the offenders will act as a strong deterrent.

## RECOMMENDATION

In view of the high prevalence of rape, prevention strategies need to focus on the structural and social risk factors, and prevention of perpetration of rape from ever occurring, rather than relying on prevention through responses. Take prompt legal action against errant to act as deterrent to others in future. Further research need to be designed to explore the behavioral pattern and health related determinants of those accused in sexual crime especially against children and minor girls. Promulgation of the POCSO act 2012 and its proper implementation will help the law enforcing agencies to ensure better protection



of this vulnerable age group. It is also emphasized that physicians are sensitized to the specific requirements and prescribed protocol for the examination of the accused and victim.

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## REFERENCES

1. Etienne G Krug, James A Mercy, Linda L Dahlberg, Anthony B Zwi :World report on violence and health Lancet 2002; 360: 1083–88
2. Jewkes R, Sikweyiya Y, Morrell R, Dunkle K. Gender inequitable masculinity and sexual entitlement in rape perpetration South Africa: findings of a cross-sectional study. *PloS One* 2011;6: e29590. doi: 10.1371/journal.pone.0029590. Epub 2011 Dec 28
3. Fleming PJ, McCleary-Sills J, Morton M, Levtov R, Heilman B, Barker G (2015) Risk Factors for Men's Lifetime Perpetration of Physical Violence against Intimate Partners: Results from the International Men and Gender Equality Survey (IMAGES) in Eight Countries. *PLoS ONE* 10(3): e0118639
4. Machisa M, Jewkes R, Lowe-Morna C, Rama K. The war at home. Johannesburg: GenderLinks, 2011.
5. Senn CY, Desmarais S, Verberg N, Wood E. Predicting coercive sexual behaviour across the lifespan in a random sample of Canadian men. *J SocPersRelat*2000;**17**:95–113.
6. Abbey A, Parkhill MR, BeShears R, Clinton-Sherrod AM, Zawacki T. Cross-sectional predictors of sexual assault perpetration in a community sample of single African American and Caucasian men. *AggressBehav*2006;**32**:54–67.
7. Mukhopadhyay Partha Pratim, Karmakar RN, SarkarDebasish et al. Decadal change in pattern and demography of female victims of sex offence examined at Burdwan Medical College, Burdwan, and West Bengal, India: Myth versus reality. *Indian Journal of Forensic Medicine & Toxicology* 2010;**4**(1):31-5.
8. Sikweyiya Y and Jewkes R. (2009). "Force and temptation: contrasting South African men's accounts of coercion into sex by men and women". *Culture Health & Sexuality*, 11 (5): 529-541.
9. Mukhopadhyay Partha Pratim. The Criminal Procedure Code (Amendment) Act of 2005 and its relevance in examination of victim of sexual assault: good practice in medico legal perspectives. *Intl J of Medical Toxicology & Legal Medicine* 2012;**14**(3&4):133-138.
10. Gupta Saibal, Mukhopadhyay Partha Pratim, Chhetri D, Ghosh L Medico legal study of the victims of Sexual Assault *J Indian Acad Forensic Med* 2003;**25**(1):27-31.
11. Muram D, Hostetler BR, Jones CE, Speck PM: Adolescent victims of sexual assault *J of Adolesc Health* 1995 Dec;**17**(6)372-5