



ROLE OF FORENSIC MEDICINE IN CRIME AGAINST WOMEN

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ABSTRACT:

Study Background: Forensic Medicine plays an important role in helping to prevent, early detection, providing expert medico legal and scientific reports at earliest, which will result in quick trial and instant administration of justice to victims. Indian Parliament passed the Criminal Law (Amendment) Act of 2013, in response to sexual violence against women; this step is in the right direction. The existing statutes and evidence rules related to crimes of sexual violence and the practices of forensic professionals in the country. This law can provide more objective, information, scientific account of events, aid in the reconstruction of crimes, and help strengthen cases against perpetrators. The aim of the present study determines role of forensic evidence in sexual violence cases and to recommend ways to establish uniform and comprehensive policies and procedures on the collection and preservation of forensic evidence in order to ensure that cases of sexual violence against women are heard in Indian courts. There is need to give importance to Forensic Nursing, impart medico legal knowledge to paramedical and health workers in rural and semi-urban levels as to how to handle case of crimes committed against women and report them. The article closes with a discussion of research and policy recommendations to enhance the role played by forensic science evidence in sexual assault investigations.

Conclusion of Study: In India to prevent crime against women, Forensic expert services should be taken in every case. Also these services should be improves and upgraded at regular intervals. Communication gaps between different agencies at the crime scene should be narrowed. Multiphase efforts are required to eradicate the crime against women and participation of public and politicians in this effort is of great importance. On teenagers and also in adults there is a great influence of TV, mobile, Internet, movies due to which crime against women is increasing so repeated trainings and sensitization is required right from the school age. To conclude prevention is better than cure so prevention of crime against women is better than conviction.

INTRODUCTION:

Due to rise in crowds there is fall in cultural values and escalation in crimes. Crime against women is on the rise especially sexual crimes [1]. Through crime is prevalent in every country and society, most of them either goes undetected or unreported. As per National crime records bureau, New Delhi, a crime takes place every 17 seconds, among them one dowry death every 77 mins, one crime against women every 3 mins and

finally one rape or sexual assault every 27 minutes. As many as 39 crimes against women were reported every hour in India, up from 21 in 2007, according to Crime in India 2016 report by NCRB. With above crime scenario, forensic medicine plays an important role in helping to prevent, early detection, providing expert medico legal and scientific reports at earliest, which will result in quick trial and instant administration of justice to victims. Due to lack of legal or medico legal, scientific

awareness and knowledge among victims, investigating agencies, medical and paramedical staff, the end result is either 'justice hurried is justice buried' or 'justice delayed is justice denied' to the victims. There is need to give importance to forensic nursing, impart medico legal knowledge to para medical and health workers in rural and semi urban levels as to how to handle cases of crimes committed against women and report them. One accused acquitted means breeding of hundred criminals. Prevention and detection is better than conviction.

Promises to address gender gap are far from reality women do not seem to enjoy all the rights to freedom provided under the Constitution of India. Daily we hear and read the news about murder, molestation, racial attacks, eve teasing, acid attack and verbal assaults pertaining to women throughout the world and also in India. Even though we hear news about women empowerment we feel proud but still in this modern world crime against women are still increasing.

According to National Crime Record Bureau (NCRB) total nine crime heads has been identified for crime against women. Like Rape (Sec. 376 IPC), Kidnapping & Abduction of Women (Section 363, 364, 364A, 365, 366 to 369 IPC), Dowry Deaths (Section 304B IPC), Assault on Woman with Intent to Outrage Her Modesty (Sec. 354 IPC), Insult to the Modesty of women (Sec. 509 IPC), Cruelty by husband or his relatives (Sec. 498A IPC), Importation of Girl from Foreign Country (up to 21 years of age) (Sec. 366 B IPC), Abetment of Suicide of Women (Sec. 306 IPC) also there are Crime Heads under the Special & Local Laws (SLL) like (i) The Dowry Prohibition Act, 1961 (ii) The Indecent Representation of Women (Prohibition) Act, 1986 (iii) The Commission of Sati Prevention Act, 1987 (iv) The Protection of women from domestic Violence Act, 2005 (v) The Immoral Traffic (Prevention) Act, 1956

'Crime rate' for crimes committed against women has been calculated using only female population which is based on mid-year projected female population.

Incidence of Crimes in India (2015)

A total of 3,27,394 cases of crime against women (both under various sections of IPC and SLL) were reported in the country during the year 2015 as compared to 3,37,922 in the year 2014. These crimes have continuously increased during 2011 - 2014 with 2,28,650 cases in 2011, which further increased to 2,44,270 cases 2012 and 3,09,546 cases in 2013, to 3,37,922 cases in 2014.

Uttar Pradesh with 16.8% share of country's female population has reported nearly 10.9% of total crimes committed against women at all India level while West Bengal accounting for nearly 7.4% of the country's female population, has accounted for 10.1% of total cases of crimes.

The World Bank estimates that in the eight years from 2004, about 20 million women (the size of the combined populations of New York, London and Paris) vanished from India's workforce due to sexual violence and it is holding back the Indian economy [2].

Crime Rate

Delhi has reported the highest crime rate (184.3) compared to 56.3 at all India level during the year 2015, followed by Assam (148.2), Telangana (83.1), Odisha (81.9), Rajasthan (81.5), Haryana (75.7) and West Bengal (73.4).

The proportion of IPC crimes committed against women in total IPC crimes has increased during last 5 years from 9.4% in the year 2011 to 10.7% during the year 2015.

A total of 20,92,799 persons (18,86,029 males and 2,06,770 females) were either put under custody or on bail for trial, out of which 49,889 persons were convicted by courts. A total of 1,80,428 persons were acquitted from all charges by courts and 4,068 persons were discharged by court for want of evidences or otherwise during 2015. Out of 24,486 persons in whose cases trials completed by courts, 7,185 persons were convicted, 16,849 persons were acquitted and 452 persons were discharged by courts in rape cases during 2015[3].

According to the report of NCRB for the year 2016, cases under "Crime Against Women" increased by 2.9% in 2016 over 2015. Majority of cases were under the head "Cruelty by Husband or His Relatives" (32.6%) followed by 'Assault

on Women with Intent to Outrage her Modesty' (25.0%), 'Kidnapping & Abduction of Women' (19.0%) and 'Rape' (11.5%).

To summarize many as 39 crimes against women were reported every hour in India, up from 21 in 2007, according to Crime in India 2016 report by NCRB [4].

These are the reports based on the complaints by women but exact figures may be high as majority of the case either go undetected or unconvicted due to lack of dedication, devotion, cooperation and co-ordination of different departments involved in Crime Against Women investigation[1]. Extra effort of forensic experts can only solve these cases.

Investigation of Crime against Women: Forensic Approach

The important task of the forensic scientist is conducting and supervising analyses and interpreting the results. Analysis pertaining to DNA, viscera, blood, arson, drugs, narcotics, documents, firearms, audio-video tapes and trace evidence which also includes the sociological and psychological aspects apart from the technicalities and the fundamental scientific grounds[5]. Also forensic expert answer additional case-related questions participate in case reconstructions and case conferences initiated by the police or the prosecutor and give testimony in courts. The role of forensic science is more important in guiding investigations and in providing evidence in order to combat the changing face of crime [6].

In case of female victimization cases, it is necessary to collect and preserve all the biological and non-biological samples very carefully because any negligence in sample collection makes alteration in nature of crime or would lead to destruction of the exhibits which may have been very useful in investigation. Women victims of violence face problems during crime investigations due to general apathy from the police, personnel which includes lack of expertise, motivation, lack of interest in collecting evidence and examining witnesses. Also misplacing and destroying of evidence of rape or unnatural death results in delays in court proceedings in receiving forensic reports, in

charge filing and finally this all results in the perpetrator's acquittal [7].

Evidence collection

Poor evidence collection is a root cause of poorly managed crime scenes. Biological evidence refers to samples of biological material - tissue, hair, nails, bones, teeth, blood, semen, saliva or other bodily fluids. Biological evidence preservation ensures the integrity and reduces the premature destruction of biological evidence after collection through post-conviction proceeding. DNA testing is the best test of 21st century for crimes. But DNA evidence from numerous rape and murder cases which are collected by police, but sent to laboratories for analysis after considerable time has elapsed. So this may be a disadvantage and persons doing crime cannot be put behind the bars and are again on the streets for attempting another crime [8].

In criminal investigations in order to take the investigation further it is important to generate information or the results of analyses rapidly and accurately. New tools in the latest technologies and techniques are now available and this is a blessing for the Forensic Science Laboratories to make investigations more effective and time-efficient. Various co departments like forensic microbiology, DNA to digital forensics, forensic chemistry and forensic medicine is a boon to the forensic science [7].

Forensic Science Laboratories play a lead role by embracing advanced forensic instrumental techniques to give more efficient and effective services. The investigating personal must evaluate the evidence that has been impounded in the case and determine which items might have probative value. The investigating officer must submit a service request to the appropriate crime laboratory and forensic discipline like DNA/Biology, Latent Finger Print Examiner, Trace and Toxicology.

Crime against Women is a preventable crime

Suggestions for prevention

1. forensically trained nurses, sexual assault nurse examiners should be employed
2. To appoint forensic experts at district level hospital

3. To sensitize & train, organise seminars and workshops for lawyers, police officers, para medical staff and NGOs for how to handle cases of CAW, medico legally.
4. To start forensic nursing in nursing courses
5. Use of safe kit in case of rape or sexual assaults as designed by NGOs, (CEHAT, Mumbai).
6. Development and use of mobile applications in case of emergency.
7. To introduce one year PG diploma course in forensic medicine after MBBS course, so as to deal with cases in rural and tribal areas and also to train the medical officers working in those areas [1].

CONCLUSION

In a big country like India to prevent crime against women, Forensic expert services should be taken in every case. Also these services should be improved and upgraded at regular intervals. Communication gaps between different agencies at the crime scene should be narrowed. Multiphase efforts are required to eradicate the crime against women and participation of public and politicians in this effort is of great importance. On teenagers and also in adults there is a great influence of TV, mobile, Internet, movies due to which crime against women is increasing so repeated trainings and sensitization is required right from the school age. To conclude

prevention is better than cure so prevention of crime against women is better than conviction.

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