

Stranger Rape: A Situational Analysis

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Keywords

Stranger Rape, Situational Analysis, Traditional Cultures, Virginity, Violence, Resistance.

Abstract

Most people regard stranger rape as the most serious assault as evident by the growing cases of stranger rape. Stranger rape is generally thought to involve more force, display and use of weapons, and physical harm but, also more resistance by the victim. In traditional cultures, a woman who loses her virginity, even by rape, is considered soiled; thus, the assault is always a matter of shame. The situation is a concomitant factor for the rape committed by the stranger. Using the narrative account of two females, victims of stranger rape, this paper outlines how important it is to engage with the complexity of 'situation' leading to rape.

Introduction

It is stranger rape that women picture when they hear the word "rape". Stranger rapes are what Estrich (1987) refers to as "real rapes", meaning they are given more credibility and are more likely to receive legal remedies. Most people regard stranger rape as the most serious assault (Tetreault & Barnett, 1987), including victim themselves, as evidenced by their greater reporting of stranger

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rape. Stranger rape victims (53%) are also more likely to label their experience as rape than are acquaintance rape victims or date rape victims (23%) (Muehlenhard, Powch, Phelps & Giusti, 1992; Koss, Dinero, Seibel & Cox, 1988). The Rape, Abuse & Incest National Network (RAINN, 2000) found in its research that less than one in three rapists were a stranger to the victim.

However, an estimated 20% to 50% of rapes each year are committed by strangers to the victim (Madigan & Gamble, 1991). Stranger rapes and acquaintance rapes are equally devastating to the victims (Koss, Dinero, Seibel & Cox, 1988). Stranger rape is generally thought to involve more force, display and use of weapons, and physical harm but also more resistance by the victim (Ullman & Siegel, 1993; Koss, Dinero, Seibel & Cox, 1988). There is a curvilinear relationship between the amount of violence used by the perpetrator and the degree of acquaintance between the victim and the perpetrator. Although there is a belief that the most violent rapes are stranger rapes, Ullman and Siegel (1993) found no difference between stranger and acquaintance rape survivors in terms of ethnicity, age, income, education, or psychological symptoms. However, stranger rape survivors are more likely than acquaintance rape survivors to reach out to a friend, relative, or professional helper and are more likely to report the attack to the police (Siegel, Sorenson, Golding, Burnam & Stein, 1989; Koss, Dinero, Seibel & Cox, 1988).

In a sample consisting mainly of Asian-American students, Mills and Granoff (1992) found that while 28% of the women were rape or attempted rape victims by legal definition, only one-third of these so labeled themselves. Mori, Bernat, Glenn, Selle and Zarate (1995) suggest that Asian women will thus be less likely to report the rape due to failure to recognize it, fear of negative repercussions, and self-blame. Some women resist the label of rape because the cultural meaning attached to it is intolerable (Holzman, 1994). Mori et al. (1995) reported that Asians are more likely to endorse negative attitudes towards rape victims and greater belief in rape myths. More acculturated Asians were more positive towards rape victims and less likely to believe rape myths (Mori et al., 1995).

As these studies illustrate, the impact of rape must be understood

in the context of the survivor's own cultural religious beliefs and experience as an immigrant or refugee (Holzman, 1994). Race, class, culture, age, and sexual orientation affect every aspect of recovery from the rape experience. According to Holzman (1994), "The dynamics of rape involves the ways in which power and violence are structured by a particular culture, not just the psychodynamics of the individual perpetrators or victims. Rape is both a tool and a consequence of an interlocking system of oppression based on these factors. Those who have the least power in a society are the most vulnerable to rape". In traditional cultures, a woman who loses her virginity, even by rape, is considered soiled; thus, the assault is always a matter of shame (Boemel & Rozee, 1992).

Tool of Social Dominance

According to Madigan and Gamble (1991), rape is a re-enactment of social dominance, no matter who the victim or the perpetrator is. Its motive is the subjugation of another person and demonstrates contempt and objectification of another. It is the acting out of the power roles. Feminist theories that incorporate power analyses into explanations of rape can effectively explain both male-on-female and same-sex sexual assaults. Male power, domination, and physical force are part of the structure of U.S. society (Liddle, 1989). That is because gender is but one of many power and status categories. Power roles can also be defined by economic status, physical size and strength, rank, or social status and be reinforced by personal traits such as aggressiveness, hostility, lack of empathy, and emotional unavailability.

Sec. 375 of IPC says, "The offence of rape is one which is committed by a man who has a sexual intercourse with a woman against her will, without her consent or even with her consent when that consent has been obtained by putting her in fear of death or hurt, whereby fraud when he is not her husband, he obtains her consent making her believe that he is another man to whom she is, or believes herself to be lawfully married, or when she is intoxicated or when she is under sixteen, irrespective of her consent (Indian Penal Code, 1872). "Penetration is sufficient to constitute the sexual intercourse

necessary to the offence of rape". Full penetration is not an essential ingredient of rape. It would amount to penetration if some part of male organ goes within the labium of the pudendum of the woman, no matter how little.

A man convicted of an offence of rape is punishable under Sec. 376 IPC with imprisonment of either description for a term which shall not be less than seven years, but which may be for life or for a term which may extend to ten years and shall also be liable to fine.

A Situational Analysis

As a focal point and perspective, the sociology has taken over the place of psychiatry in the study of rape (Brownmiller, 1975; Geis, 1977). The three major approaches by sociologists are: - Cultural Approaches, Institutional Approaches and The Situational Approaches. The situational approach really has not been codified as an "approach" or "perspective" but has been a matter of collecting situational aspects of rapes with no connecting concept of the situation. In Amir's study (1971), there is a vague conception of the social situation, but the importance of the situation is stressed from a social control point of view. Amir points out that it is not enough just to gather information about personality factors, for even the most criminal personality only commits crimes in certain situations.

The elements of the situation, examined by Amir (1971) include the role models for normative and social support of a crime, or the more general social situation. He also points out that the social situation must be one in which the criminal can neutralize social control and observability while maximizing opportunity. Other studies employing "situational" elements in rape do not do so from any single theoretical perspective but after the fashion of a multiple factor theory or simply as a statistical listing of situational aspects in rape cases. Hursch (1977) uses the concept of the situation to denote different ecological aspects of rape and points out that some places provide better opportunities for rape than others.

V. K. Bajaj, U. N. Joshi and K. P. Krishna (1983), conducted a study on "Some Personal and Situational Aspects of Rape Victimization"

and the study was focused on laboratory analysis of rape cases. It looked into some personal and situational factors underlying rape victimization. To find out the linkage of personal and situational attributes with rape, the study was focused on 245 alleged rape cases referred to Forensic Science Laboratory, Sagar, Madhya Pradesh. Data revealed that most of the rape victims were around 17 years of age and unmarried; they had been raped in the outfield during summer and rainy seasons.

Ram Ahuja (1987) in his book "Crime against Women" highlighted a study conducted in Jaipur on 42 rape victims. The study showed that the rapists were by and large situational or at the most partial planners, drawn into sexuality by chance. Mostly they were married persons who sexually assaulted females known to them. The main cause of rape which came out in the study was not a long enforced celibacy thrust upon the offender by his parents resulting in a need to handle sexual satisfaction; nor was the cause his perverted personality or set of values. Their contention was that the cause of sexual attack was to be sought in the following 5 factors: - 1. The structure of the situation in which rape was committed; 2. The situational "facilities" which enabled the rape to be committed; 3. The precipitating factor(s) that lead to the event, 4. Strains experienced by the attacker, which was his values and his individual problems, and 5. Victim's behavior with the assailant much before the rape was committed. A holistic approach to the combination of these factors alone could give us the correct cause of rape.

Magnitude of the Problem

Rape cases are increasing in the country every year. As per statistics collected by Delhi Police, the total number of rape cases reported was 381 in 2001, 403 in 2002, 490 in 2003, 551 in 2004, 658 in 2005, 623 in 2006, 598 in 2007, 466 in 2008, 469 in 2009 and 507 in 2010 (Crime in India, 2010). It means during the last 10 years (2001-2010) reported rape cases have risen in Delhi City. There is 33% of an increase in rape incidents in Delhi City in the last 10 years. 1687 rape cases were reported during the period 2006 Jan to 2008 Dec, out of which 1639 rape cases involved offenders known to victims whereas 48 rape cases involved offenders unknown

to victims. 97.15% of the rape cases involved known offenders, whereas, 2.85% of the rape cases involved strangers (2006-2008) (Crime in India, 2006, 2007, 2008).

Aim of the Study

The utility of analyzing single case studies in order to test sophisticated theoretical postulations about interlinked and idiosyncratic phenomena has been demonstrated across a range of social scientific fields (Yin, 2009). The case study analysis that follows is discussed in this spirit. It focuses on interviews with victims of stranger rape cases that comprise just a small part of PhD work on "Human Rights Violation of Rape Victims: A Sociological study in Delhi City" under a Government of India Fellowship Scheme for Doctoral Work in Criminology and Police Science from Bureau of Police Research and Development (vide order No. 32/29/2007-RD). The duration of PhD was from November, 2006 to March, 2011. The Study had adopted an exploratory research design. Since, the universe of the study was quite big; stratified random sampling method had been adopted. Rape victims of total 1687 rape cases reported during the period 2006 Jan to 2008 Dec, out of which 130 unmarried rape victims (8 percent) were chosen from the age group of (3-25). The data was collected from the 11 Police Districts: North West, North East, North, Central, New Delhi, South, West, South West, South East, East, and Outer. North West and North East had registered the largest number of rape cases during the period 2006 Jan to 2009 Dec, so maximum rape victims were interviewed from these areas.

It was found that 93.8% of rape victims knew the accused from before, whereas, 6.2% rape victims did not know the accused from before. The pen portrait of Gudiya and Seema (names changed) that follows is derived from the interviews conducted with them using the Free Association Narrative Interview Method (Hollway and Jefferson, 2002).

Case Study I

This is a case of Gudiya (name changed), a nine year old girl, who was raped in 2007 winter. It's easier to execute rape with a girl as old as Gudiya, because they don't understand the meaning of that

act and they don't reciprocate. This girl at the time of incident was studying in class III and belonged to medium class family with a monthly income of Rs. 20,000- Rs. 25,000/month. Her both parents were working. Her father was working in Government Department as a clerk and her mother worked in a shop as a saleswoman. There was an elder sister who was eleven years elder to Gudiya and was married off to a man at the age of seventeen. That means Gudiya had company of her sister till age six, but, after that, whenever she came from school or on weekends, she spent most of her time with her friends in her neighbourhood. She lived in a semi-urban locality.

Gudiya was highly loved by her parents and father seemed to pamper her more. She received small gifts from her parents very often and loved to play with dolls. Gudiya had a very happy childhood. According to Gudiya, 'I love my friends and the time spent with them. At times, I feel lonely when my friends go to take a nap in the afternoon, and I don't get any sleep in my house. I sometimes sleep in my friend's house in the afternoon. Aunties in the Neighbourhood are very nice, especially Pinky's mother (one of her colony friend); she sometimes cooks food for me. But, when my mother comes home around six o'clock, I come back to my house'.

On the very day of her rape, Gudiya was asked by her father to go and buy milk from the market. It was around 8 P.M., when Gudiya left the house. By this time, both the parents were in the house. And it wasn't unusual for Gudiya to go out, because she went at times to buy household things. The market was in the nearby locality. Her parents were old residents of Sultanpuri and were well known to the neighbourhood and also to some shopkeepers in the market.

She bought milk, paid money and started to walk back home alone. In between the house and the market, there was one small patch of land in the road, which was not fully bright, but was lighted by only one street light. One man approached her, while walking that road. He stopped the bicycle before Gudiya and told her to stop. Gudiya got startled and stopped. This man had called her by name, so she thought he must be someone known to her father. The man

told her that he knows her father and has some important papers, which is supposed to be returned to her father. He can hand over those papers to her, provided she comes along. Gudiya nodded. He then, helped Gudiya climb the bicycle and took her to a park, which wasn't very far away from the market.

He got down from the bicycle and took her by hand and left the bicycle outside the park gate. Gudiya said that she got little scared going in to the park which was all dark, except a faint light coming from very far away. She clung to him more and asked him 'Uncle, how far is the place', to which the man replied, that they have reached the place. The park was full of trees, he stopped under one tree. He sat down in the park and made her sit in his lap. She did not mind it, as her father also used to cuddle her many times in the lap. The man then, started to talk to her about her likes regarding food, dolls, her parents etc. He started kissing her on her face, lips, and neck and thereby, put his hand inside her frock. She pointed out to her chest and said that he pressed hard on her nipples, to which she cried out with pain. According to Gudiya, 'Uncle shouted at me and told me to keep quiet. I got scared, because Uncle got very angry. But, tears kept rolling down my face, but, I stopped letting out any noise'.

He unbuttoned her sweater, opened her frock and underpants. While, all these times, he had been fondling her private parts, touching her thighs, kissing her face, etc. He slid down his pants and told Gudiya to lie down on the grass. Gudiya refused to do it, so, he pressed himself on her and made her lie down on the grass. She started crying out very badly, when the coldness of the grass touched her body. She said 'Uncle was very bad, he made me lie down nude on the grass and when I started crying, he slapped across my face and told me to remain quiet. He hit me with something very hard twice in between my thighs.' She pointed out to her vaginal area, and said it was very painful for her. She was about to let out a scream, when the man closed her mouth. He kept on moving over her until she could feel something warm and sticky on her private parts and around inner thighs.

He loosened his grip over Gudiya and wiped his hands on the grass.

Gudiya got up from the grass and started wearing her clothes. The man adjusted his clothes and started to walk back alone. When Gudiya saw him going, she ran to him and caught his hand. She asked him to leave her to the place, where he had picked her up from. The man left her to that place and rode back in the bicycle.

Gudiya reached her house at around 9 P.M. She had difficulty walking back home alone, as it was very painful physically and she was emotionally drained while crying out very badly. When she knocked at her house door, she was about to faint. Her parents were shocked to see her in that condition. Their feelings were mixed with anger, rage, frustration, etc. Her family had become numb for a while, but, later, they decided to go to the Police-station, and from there, rushed her to the hospital. Gudiya's case has not reached the court, because the assailant has not yet been caught. She was thrown out of the school as the word regarding her rape had spread in the neighbourhood. She suffers from insomnia and severe headache. She doesn't take any interest in the study or playing any games. Her childhood friends have stopped talking to her and most of the times; she is found sitting alone and looking blank, or simply lying in the cot.

Case Study II

Seema (name changed), was a fourteen year old girl, educated upto class VII. Seema belonged to a joint family consisting of total ten members. Seema was second among her siblings. She had two brothers and three sisters. Her grandparents were staying with her family. Her house was all crowded because there were only three rooms. There was always lot of work at home. There was seldom any time when family gathered to talk or enjoy merry time. But, Seema always took out time for studies and was very good in studies and also at games in school. Seema was a promising student and had a bright career.

This unfortunate incident took place with her in 2008 summer, when she was returning from her tuition classes. It was around thirty minutes past five in the evening, when a van slid close to her; one man opened the door and pulled her inside. She said

that she usually returned from her tuition classes along with one or two girls, but on that unfortunate day, she was all alone. She was pulled inside the van in a full bright day from a busy road of Narela. Strangely enough, nobody came to her rescue. It might be possible that before anybody could come for her help, she was pulled off the road. Before she could realize what was happening to her, she was already inside the van. It was as if it happened in the flick of moments. She was pushed under the seat and a tape was pasted on her lips. The man who was trying to control her movements was very strong by body and she was too meek to fight back. He tied her hands. All this while, he kept on smiling beastly at her and using very abusive and derogatory words. She recalled that he was a middle aged man and his teeth were all stained with tobacco. His hands were so hard that it meant that he did much of manual labour using his hands.

She was struggling as much as she could. There was lot of space at the back of the van, as the man had now folded the backseat. He was now sitting on her chest and trying to get complete grip of her. She was slapped many times, and physically and verbally abused. The only thought that kept coming to her mind was how to get away from this situation. She couldn't help but watch him ruin her life. She was crying of pain and her tears kept rolling down, but this man did not have any mercy on her. The more she fought, the more she got kicked. She was hurt all over her body and her body had started to ache. She was already suffering from the bouts of pain and had become physically drained. She remembers both the persons' faces very well. She was only raped by the middle aged man and not the one, who was driving. She obviously had no idea where she was being driven to, and the whole time, the van was running on the road.

The man had almost torn her upper clothes. He had opened his pants and was sitting on her chest, so that his private parts could touch her breast. He even committed cunnilingus with her. After that, he raped her. He had scratched her thighs and breast. Although, she was a full grown up girl, her body was very tender and soft. She had started to feel tired after keeping up fight all this while. By the

time he was done, she was already in a fainted mode. She doesn't remember anything after that. She found herself in the hospital at around 10 P.M. Her parents had reported about her missing at around 6.30 P.M. in the evening to the Narela Police station. When she was discovered from some park in the Punjabi Bagh, and brought to the hospital in the unconscious state, her parents were informed. They immediately rushed to the said location.

The parents, siblings, grandparents, all are in shock and despair. The victim hardly talks, and has completely drawn herself from the friends and books. She was once upon a very promising student, but, now she cannot concentrate for long. She suffers from symptoms of PTSD (Post Traumatic Stress Disorder). Since, then, her whole family has been trying to keep her happy and to help her recover from this trauma, but all in vain. There is not even a single positive sign of recovery. The accused has been caught and the court proceedings are on.

Discussion

Everything was going good with Gudiya till the time the rape incident had not taken place with her. The rape incident brought about complete devastation to her life. It was not only her, but, her whole family's peace was raped. This unfortunate incident has caused them life-long pain and more so, with Gudiya, the after-effects of rape are long lasting. The life for them has drastically changed. They don't even know who has caused this pain to them.

Gudiya had a very happy childhood. It's just that, she spent little time with her parents. Both the parents were working and usually used to get home late in the evening. That little interaction only consisted of the queries regarding her studies, or any programme taking place in the school, or about her friends, etc. Most of the times, she interacted with her father, and the mother was usually occupied with the cooking in the kitchen. So, Gudiya never got any lesson regarding with whom to interact or not to, lessons regarding how to be careful in certain situations, etc. It's obviously not possible to prepare any child to face such situations, but from the age of Gudiya, formal lessons can be taught like not to believe any

stranger, not accept anything offered by an unknown person, never go with any stranger no matter what he says etc. When Gudiya was asked by an unknown man to come along to collect some papers, she went with him, knowing fully well that she hadn't met this man ever before.

She didn't fight back at the time of rape, can be well understood. The child of this age cannot understand the meaning of rape. After having his way with her, the culprit simply started to walk away and it was Gudiya, who caught his hand from back and told him to leave her to the place from where he had picked her up. The girl was in such a fearful condition that she approached her rapist to leave her to the previous place, knowing well that he was the one, who had caused her physical pain. When she was being picked up by the stranger, nobody noticed and while, dropping her off to the same place, no body known to her either from the market or neighbourhood saw them. She reached her house all alone in pain. Her parents were so occupied with their work in the house that nobody noticed how much time had passed, after Gudiya had left for the market at around 8 P.M. and had not returned even after forty five minutes past eight. The parents thought that she must have been playing with her friends in the colony. It was all these little things that could have been taken care of at appropriate time would have had saved the girl from falling prey to rape. The place was not very far off where she was raped. If someone had gone in search of her, the story would have been different.

The second case is a gruesome case. Seema, while walking home alone after tuition class was trapped and raped in a moving van. After rape, she had no idea when and where she was thrown, who picked her up and rushed her to the hospital. A girl of fourteen years was brutally raped by a middle aged man, almost equal to her father in age. Narela is such a crowded place, yet the girl was picked up from such a place without anyone noticing it, or nobody cared about anything taking place on the road and did not even care to inform the police.

The case highlights two things: People with criminal propensity have become fearless and the society, neighbourhood, and the police are

inefficient to combat such crimes. There must be someone who must have noticed, but did not come to help, may be fear for life or taking too big a risk by putting oneself in trouble was not possible for the person. All this while, when the van was moving, there was not a single check post or police patrolling who could have stopped the van for checking and would have had prevented the rape crime. When the culprit was throwing the girl in the park, nobody saw it. And someone who saw the body, it was already approximately 9.30 P.M. It cannot be depicted when the girl must have been thrown in the park just before that time when it was discovered or was lying much before that. If she was still in the van till this time, then, the accused must have been looking for a place to dispose off the body of the girl. When they found a suitable place, they got rid of it.

Female chastity in India is also a necessary condition for the marriage of a girl, and an unmarried girl who is known to have been raped, in most instances loses her chance for marriage (Jacobson & Wadley, 1977; Papanek, 1973; Yalman, 1963). Whatever the reasons, no body of any age is safe from rape. In India, as in other countries, rape on children is also quite common as there is a superstitious belief that gonorrhoea and syphilis can be cured by having sexual intercourse with a virgin (Modi, 1982). In both the cases, the girls were virgin, and the offenders involved were much older to them in age. Sanders (1984) stated that rape rarely occurred between 9 A.M. and 4 P.M. and the number of rapes invariably doubled after 4 P.M., when the girls generally returned home alone at that time after attending the school. Both the girls were raped after 4 P.M.

Stranger rape is generally thought to involve more force, display, and use of weapons, and physical harm but also more resistance by the victim (Ullman & Siegel, 1993; Koss, Dinero, Seibel & Cox, 1988). In both the cases, it was found to be absolutely true. Further resisting the rapist or fighting him to a great extent depends on whether the victim is a child or an adult (Peters et al., 1975), whether she is related closely to the offender (Amir, 1971) and whether the offender used any weapons (Burgess & Holmstrom, 1975; Gilmartin, et al., 1983). If the victim is a child, or if she is related to the rapist as a friend or as a relative, or if the victim is

being attacked by the rapist with a weapon, etc. one may expect them to show less resistance than one who is an adult, and who is being assaulted by a stranger and who is facing a rapist having no weapons to force her to submit (Peters et al., 1975). The findings in the present study support the above contention by showing that no resistance was shown by younger age victim, whereas the teenage victim had put up resistance towards the stranger.

Amir (1971) points out that even the most criminal personality only commits crimes in certain situations. The social situation must be one in which the criminal can neutralize social control and observability while maximizing opportunity. The two case studies points out the fact that both the females at that point of time were found to be vulnerable and were present in such area where the accused were convinced that they can commit rape easily without getting in to trouble. Gudiya was walking all alone at around 8 P.M. on a dim lit patch of road and Seema was walking all alone on the road made them an easy prey and their vulnerability caught the attention of the assailants and thereby attacked. The way the crime was committed by both the offenders shows that they are fearless of any legal sanction and are there to challenge the system. It is the acting out of power roles.

In both the cases, the parks were not well-lighted and were not well-maintained. It had so many bushes and trees grown in the boundary area that actually made the place more viable and gave good opportunity to the rapists to execute their crimes. In the cases, non-alertness and non-awareness among the family and the neighbourhood went a long way to cause this crime. More surveillance and vigilance by police can help prevent such heinous crimes. Some kind of physical training and sex education can play a positive role in avoiding getting in to trouble. Parents should devote more time in imparting knowledge necessary for growing up girls as well as have more compassion and love towards girl child. Alert neighbourhood, well-lit street and park which are not dense with trees, and police patrolling in the areas which are deserted, could have prevented the unknown persons from taking advantage of minor girls.

Conclusion

The situation plays an important role in stranger rape cases, as the vulnerable girls (especially those who are younger in age) are trapped by the unknown offenders in a place where no one can reach them or the offender knows that nobody will reach out to rescue them. Stranger rape cases are known to involve violence perpetrated by the accused and more resistance put up by the victim. The victims give out a mix response of shock and surprise, when confronted with a stranger. Stranger Rape is the most horrendous of the sexual offences, even more disastrous than the date rapes or acquaintance rapes. Its gravity is not in the injury to the body alone but in the injury to self-esteem and self-respect. The physical battling and assault, which accompany stranger rape are not only what constitutes rape but it is the injuries added to the insult. While all rapes result into total emotional devastation, child rapes particularly inflict gross physical damage on the victim. Victims of the stranger rape cases have survived a horrifying, humiliating, degrading, brutalizing, demeaning and dehumanizing experience. When the offence of rape occurs, the victim's sense of self as well as her body is abused without consent. She loses her most basic human right: Control of her physical and emotional self. The victim's psychological response to rape primarily reflects her reaction to violation of self. Therefore, they deserve to be treated with dignity and compassion. ■

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