PREFACE

"In their little worlds in which children have their existence, there is nothing so finely perceived and so finely felt, as injustice...."

-Charles Dickens, "Great Expectations"

Being the ultimate violation of child rights, rape of a girl child, no doubt, is a crime which invites maximum abhorrence, execration and repugnance. A raped child would never be able to completely wipe out the trauma, shock and agony. The prevailing social milieu, especially in the rural settings, exacerbates the situation by stigmatizing her. Despite such horrendous dimensions of this heinous crime, the existing criminal justice system does not come up to her expectations in providing succor and relief. There is a lot of criticism of further victimization by the very response systems which are meant to redress her grievances. Since police is the custodian of law and order, the victim inevitably looks forward to readymade justice from the police. What does the victim get in return? What is her experience? What is her perception about the agencies and individuals involved in the reparation of the damage, injury and injustice caused to her? Such questions beg answers in the available literature. This vacuum is the genesis for this study. It is a study of child rights and an effort to fathom the existing response systems in a socio-cultural context. An endeavor has been made to capture the various dimensions of the issues concerned from a sociological perspective, within the larger paradigm of human rights.

While studying the realities and situations, the available literature has been reviewed, field data collected, case studies prepared and thereafter detailed analysis carried out. The existing attitudinal orientation has been captured in an analytical way. The fact remains that very often rape is viewed not as act of violence against women, but as an offence of man’s uncontrollable but demanding concern for youthful offenders. Very often attention is focused on the physical dimension of rape, while the social and psychological aspects of the issue are neglected. The process of justice is marred by delay
in the judicial process, the embarrassing questioning of the victim, the indifferent and distorted medical reports, inadequate investigations, faulty recording of evidence and sensationalization attributed to the case" (Desai and Thakkar, 2001, p.135) This study especially makes inroads to fathom these issues from the victim's lens. In this context, the professional aspects of investigation, prosecution and rehabilitation have been separately identified. The study has also brought out the importance of prevention and the strategies in this direction. Along with the deductions, conclusions and projections which emerged in the study, an effort has been made to bring out its bearing of empirical research. The philosophy that emerges in the study has been distilled and assimilated in the various chapters to follow.

This is a study spanning almost three years. The review of literature was extensive covering various international and national resources. The schedules were prepared based on the inputs from the literature, survey and appreciation. Pre-testing was done and thereafter schedules were fine-tuned. The interview of victims was thereafter carried out. Focus Group Discussions were held with the victims, police officers, academicians, judicial officers, NGOs and UN experts. The inputs received from this exercise have been of immense benefit in enriching the study.

The study has been presented in 10 chapters. The first chapter clarifies the concepts, gives an historical perspective of the problem and presents a situational analysis of the existing scenario, involving the available and published latest facts and figures on the rape of girl children. The second chapter is, in brief, a compendium of the rights of women and children in the given context. Since most of the rights of the girl children accrue to women, the scope of discussion has been extended to incorporate the rights of the women too. This chapter would serve as a ready reckoner for all the stakeholders working in the cause of women and children. The third chapter presents the data collected from the field and the analysis thereon. The findings from the analysis of data are quite revealing as it exposes several myths and fallacies. Chapter four is a compilation of ten case studies prepared during the study. Each case study represents an issue and concludes into a theme. The next chapter presents an analytical study and theoretical understanding of the various attitudinal orientations of the stakeholders involved. Chapter six brings out the
professional aspects in the investigation of such crimes. It is followed by a chapter which addresses professional issues in the prosecution of such crimes. Chapter eight brings out the precepts, principles and practices in the rehabilitation of such victims. The next chapter makes an effort to develop the philosophy and strategy of preventing such crimes. The concluding chapter presents the summary and findings of the research. This study, spanning almost three years, painstakingly carried out at various places in India covering three states representing the three regions, has been path-breaking in several respects. The multidisciplinary approach used to understand the sociological dimensions of crime from a human rights paradigm, is its uniqueness. Secondly, in-depth research into a ‘police subject’ from the victim’s lens and a victimological perspective is rare. Moreover, the study is based not only on secondary data but also on primary data collected by interviewing the victims themselves, a very daunting task indeed. The difficulties and challenges involved in interviewing child victims of rape are too many and, therefore, this study has made inroads into an unchartered, untouched territory. The research is action-oriented, action-sponsored and, in fact, enterprising as it has used these themes and findings to bring out appropriate models of professional investigation, prosecution, rehabilitation and prevention. Even a module for training the law enforcement officials has been developed and presented. The findings and conclusions can, undoubtedly, be of immense use to policy makers, administrators and other stakeholders working in the field of justice delivery and human rights.

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