CHAPTER - 4: CASE STUDIES

Introductory note

In many sociological research qualitative data is essential to complement quantitative data, as they together present the picture in its entirety. In this study efforts have been made to bring in a proper marriage of both quantitative and qualitative data. Case studies provide flesh and blood to the study from several points of view. It adds to the quality by focusing on the theme, provides insights and, above all, depth. During the study each person interviewed had to communicate something remarkable and noteworthy, and, therefore, each one could have been a subject of case study. After a diligent process of selection, 10 case studies have been identified, each one centering around a theme. The story of the persons concerned is much long and therefore, efforts have been made to abbreviate the same, without losing out on quality and content. The names of the persons concerned have been kept confidential for maintaining anonymity, as demanded by law and to honour the commitment given to them during the long acquaintance throughout the research.

It was not an easy task for the child victims of the crime to come out with the truth. All efforts were made to ensure that their rights are not violated. Embarrassing questions were avoided so that they do not re-live the trauma. In order that the story comes out in full, the victims required to be handled with utmost care. This called for patience, perseverance and empathy on the part of researcher. This was provided in abundance. Besides, they were also helped out to recall the events by utilizing the modern method of cognitive interviewing technique. The case studies, numbering ten, developed after a laborious process, are presented in the following pages. They do provide a goldmine of information and a true picture of the existing reality. The theme that emerges in each case study has been highlighted.
CASE STUDY – 1

Hailing from Bangladesh, Ms F, aged 16 years, was a victim of rape at Mumbai. She is just literate, and her parents are in Bangladesh. They are economically very poor. In Mumbai, she was raped by an acquaintance who is aged approximately 50 years and belonging to the same community as hers. She had suffered physical injury, very high mental trauma as well as loss of dignity and reputation. It was sheer providence that she managed to storm out of the place and joins her friends who stayed nearby. These friends took her to the Police. During interview she stated that she was not uncomfortable in reaching the police, despite the fact that the police officer whom she met with was a male and he continued to deal with the rape case throughout. According to her, he was responsive in action. Ms F told her story as follows:

“...The police man was in his forties. He was sensible and sensitive, being very concerned about my plight. He did convey his concern by his expression and words of compassion. He used to wonder why men are like this. Why do they rape women? Can't they understand other’s feelings? Will they do it to their own sisters and mothers? The policeman appeared to be genuine. I think police had followed the procedures well. However I have a grievance that I was never informed about my rights. I did not get a copy of the FIR. Nevertheless the police officers ensured that my body examination was done by a woman police officer and that the same woman was present when the doctor examined me. The police officer promptly conducted investigation, and told me that he had filed a charge sheet in time. He also kept me informed that he was regularly following the case. I have no grievance with the police or the prosecutor or the court authorities because the case ended in conviction of the accused. The case is now (at the time of interview) posted by the court for awarding punishment to the accused. I learnt that the advocate defending the accused had sought some time on certain grounds”.

Miss. F looked back to the earlier events and traced her antecedents. Here is the intrigue. She originally hails from Bangladesh and was trafficked into India by an acquaintance, who kept her illegally confined in a room in Mumbai. Recalling the earlier experience she said:

“When I reached the sprawling city (I learnt later that it is Mumbai) I was shell shocked. I had never seen such a big city. The acquaintance promised me a job in a company and took me to a room in a high storey building. In this room I noticed that there were three more girls. I was inquisitive as to why we were there. They said that they had also reached the place in similar circumstances. Soon we realized that the trafficker was planning to trade us off to some brothel or some similar
place. I learnt that the bargain was on for this purpose. We were locked from outside and therefore could not move out. Of course, we were peeping out through a window. This did invite some public attention. It appears that the police got wind of the hide-out where we were kept. All of a sudden, there was a raid by police. I noticed some ladies along with the police. Later I learnt that they were social workers and not police women. I told the truth to police as to how I had reached there. When I told that I was from Bangladesh, the policeman asked for my passport and visa. I did not even know that such things existed. At this point he got excited and said that it is an illegal act to be in India without visa and passport. I did not know as to where I can get these documents. I told the police that I did not come to India on my own will or volition and that I have been lured and brought without my consent. I did not have even the knowledge that I was being taken to a foreign country. But the policeman would not budge. He declared that I am an illegal foreigner and that he is helpless. He registered a case under Foreigner's Act and filled charge sheet. I was convicted and was ordered to be repatriated. The Border police "pushed me back" into the territory of Bangladesh and asked me to "get lost". They chased me. I ran for life. By the time I had traveled a short distance, along with a few others who were also similarly "pushed back", another person came to me and offered to save me, look after me and protect me. He was middle aged. I was in such a situation that I fell into his trap. Now I realize that he cheated me, brought me back to Mumbai and thereafter raped me."

"Before declaring me to be an illegal citizen, the Police should have taken care to understand my plight. Had they listened to me, they would have realized that I have done nothing illegal. Police could have sent message to my parents and verified my credentials. They could have trusted me when I said that I am innocent. They could have entrusted me to some social activist instead of pushing me across the border. Of course I found lots of men who were also pushed back. They may be criminals or illegal immigrants. How can innocent people like me be treated at par with illegal persons?"

This case study underscores the fact that a child victim of trafficking was treated as an offender on the alleged charge of illegal entry into the Indian territory without proper travel documents. The fact that she was lured and trafficked into India was not brought on evidence and, therefore, she was branded as an illegal migrant and offender and was punished accordingly. The best interest of the child was not kept in mind when the decision makers took decision on her behalf and about her future. The case study highlights the fact that non-redressal of grievances not only victimises the victim but also exacerbates the exploitation on her.
CASE STUDY – 2

As a child of 16 years, hailing from a middle class family, Ms. R did not have a safe childhood. One of the family acquaintances started misbehaving with her and had, in fact, sexually abused her a few times. When she started realizing that the boy who befriended her was in fact abusing her, she got alerted. However, she was infatuated with the person, presuming that he is genuinely loving her. This man lulled her and took her out to another town for a few days, stayed in a rented room and had sex with her several times, promising her that he will marry her. However, she developed some suspicion and managed to reach back her home. By the time her parents had notified the police that she is "missing". On her return, police came to interview her to know as to what happened. She got worried and told the police that she had gone out of town on her own. Said Ms. R, "When police came in, I was frightened. I thought that they are going to cause harm to us. Since my mother had notified them that I went missing, I was under strong apprehension that they would arrest my lover. I did not want any harm to be done to him as I loved him. Therefore I told police that I went away on my own".

Police thought her to be a truant and produced her before the Child Welfare Committee. The CWC is constituted under the Juvenile Justice Act and is empowered to look after the welfare of children in need of care and protection. Ms. R continued her version.

"The CWC members talked to me at length. They counseled me and made me come out with the truth. They were very empathetic and considerate. Therefore, I told them all facts truthfully. It came out that I am a victim of multiple rapes by the very person who feigned friendship and acquaintance. My parents also supported this version and therefore, police was moved to get a rape case instituted. However, police refused to register a case saying that as per my earlier version, based on my own admission before them, I was guilty of running away from home. Despite the best efforts by the parents and the direction by CWC, no case was registered. All these events created lot of stress on me. I broke down. I became a recluse. I did not want to meet anybody or talk to anybody. The man whom I loved never appeared. I sent several messages to him but he informed that he did not want to see me any more and that he had managed the police. He had informed that it was all wrong with me and that I am a characterless person, a whore! I thought that the world has come to end for me. My mother was inconsolable. She realized my anxiety and brought in some trained counselors working with an NGO. They became my good friends. They won my heart. They counseled me and helped me to come out of the trauma".
When the NGOs put pressure, police registered a case of rape, but no investigation was carried out for a long time. Parents moved several places seeking justice. Finally, when the NGOs took it up with the supervisory officers and brought in publicity, the police started to investigate the case. However, the accused had not been arrested even six months after the registration of case, as stated by the victim herself.

During the interview Ms. R explained as to how she was lured by the flamboyant lifestyle and attractive mannerisms of the accused, who had capitalized on her innocence and raped her several times not only at her own residence, but thereafter, by eloping with her to a different town and staying at an unknown place. Continued Ms. R.

“We now learnt that the police is not taking action against the accused. They are in collusion. The accused is economically well-off and, therefore, is influential. The police blame my mother for lack of care and attention of the child. They blame me for running away from home without consent of the parents. In the blame-syndrome, the offender is the one who manages to get a smooth sail. He was not arrested. All suggestions and requests for severe action against him fell in deaf ears. Therefore this unholy alliance has prevented me from getting justice”.

The influence of the offender on the law enforcement officials and their nexus was certainly a serious impediment in the delivery of justice to girl child victim of crime. The rights of the victim get impaired if the law enforcers themselves violate the law. In fact such situations exacerbate the exploitation of the girl child.

CASE STUDY - 3

Five year old Ms. RJHS had seen the worst of sufferings in life. When she was only 1½ years old, she was raped at midnight, near Bandra Railway Station by an unknown person. She suffered severe physical injury and mental trauma. There was profuse bleeding. At the time of interview, she was able to explain the various events as her mother helped out to recall certain events. Though the victim’s narration was not coherent, yet it was revealing and conveying.

“I left with my mother at the railway station. I do not know who my father is. My mother earns by begging. Every day she takes drugs and sometimes gives me also drugs. This gives me sedation and thereafter I am not aware as to what happens.”
I have learnt from my mother that I was raped when I was 1½ years old. I only recall the excruciating pain I had when somebody came over me and was raping me. I was more worried seeing the blood come out of my private parts when the man misbehaved with me. I learnt about the details of the events from my mother. On that night, as usual, I was sleeping with my mother, on the pavement. Early morning my mother noticed that I was missing and therefore she informed the police. By the time, some public had notified the police about a child lying in the dustbin. Police took my mother to the dustbin and found it was me who was there. The police took me and my mother to the Municipal Hospital because of profuse bleeding; they referred me to the general hospital. I was treated by the doctors. The police officers were all males. They used to come regularly and ask me about the event and also looked after our welfare. My mother did not have money to buy medicines and the police officers even paid the bills from their pocket. The investigating officer was very kind and considerate to me and my mother.

Miss RHS was still keeping a photocopy of the medical report. A perusal of the report reads as follows: "Child condition: Laceration of vagina, labia majora and rectum and splinter area. There was a tear around 3-6 Cms from posterior wall of vagina to the rectum."

Ms. RHS continued, "the injuries were so deep that doctors had to perform operation. Though they allowed me to go after a week, I was called back for another operation after a month. You can understand my plight from the fact that only after two operations, I was able to pass stools normally. From the lady doctor, who attended to me, I learnt that I have no uterus, as it has been ruptured during the injury caused by the accused. I did not know what uterus is for. But I had biggest shock of my life when the lady doctor told me that I will never be able to bear children.

I am afraid of people and strangers. I do not like anyone coming near me. It took me more than three years to come out of my allergy to men. Though I have come out of this fear, still I would like to keep away from men. I was given lot of support by the police officer who sent me to a welfare home. My mother also was accommodated there. I understand that my mother became a mental patient after knowing that my condition was quiet serious. She was admitted to the Thane Mental Hospital. After treatment for a few months when she became normal, she joined me in the in the Welfare Home where I was staying. The ward-boy in the Home became my friend. He discovered that my mother and he hail from the same village in Samastipur in Bihar. He went to the village and brought my grandmother. My grandmother gave me tremendous courage, confidence and support. I know that my mother was a mental wreck and, therefore, she was all the time sad and worried. Only my grandmother's intervention could change the existing mood. She gave me support and strength. Now, I want to go with my grandmother back to the village and want to study in a school. The police officer informed that he will help me out in sending me back to my village after the court cases are over.

I think the police did a good job in looking after me, giving me care and attention, understanding my plight and being sensitive to my problems and needs. The police officers had shown great sensitivity in attending to my mother in getting her treated in
the mental hospital and looking after her welfare. Despite the accused being unknown, the police have investigated the case very well. They have taken action against the criminal, despite the fact that I am a poor girl born to a poor mother who had no source of income whatsoever. I often hear that the police persons do not care of the poor, but look after only the rich and powerful. My experience is different. My mother had no means of livelihood and, therefore, had to go begging to meet livelihood. Despite our position being so precarious, the police official took good care. They are friends indeed.”

The story of Ms. RHS is revealing. She considers policeman as a friend indeed. The experience of Ms. RHS brings home the point that sensitivity of police officials is a very important matter in dealing with child victims of crime. It also proves another point that it is not essential to have only woman police officials to deal with women victims. Men can also be equally acceptable. What is required is the sensitivity and sensibility rather than the sex to which the official belongs to.

CASE STUDY – 4

Resident of Raigarh district of Maharashtra, Ms. SH is now 17 years old. The incident of rape is now more than one year old. It was not easy to communicate with Ms. SH as she was still under trauma. However, with lot of efforts, ice-breaking was accomplished and she spoke. The story, in her own version, goes like this:

“I came to visit my relatives, who were working in Mumbai. My parents are from lower middle class. Father is working as a part-time driver with a private vehicle and finds it extremely difficult to make both ends meet. We are seven persons at home including two grand-mothers. I have studied up to 8th Standard and thereafter the parents were desperately wanted me to do some job and earn for the family, as I was the eldest among the siblings. I was in search of a job that I visited the Mumbai aunt. My visit was on the advice of my father. A known person brought me from my village to my aunt’s house in the city. The aunt got me a job where I worked for 24 hours. Thereafter I wanted to return to my village to inform my parents about the job. I was traveling in a private tempo which can accommodate 7-8 persons. Some boys, wearing flashy dresses were co-passengers in the vehicle. They started teasing me. I was feeling uncomfortable and did not know what to do. It was becoming extremely embarrassing as they were showing gestures indicating sexual acts. This went on for some time.

A family traveling in the same vehicle came to my rescue. The lady suggested that I alight with them and stay in their house for the night and take another vehicle the next day. By this
time I would have covered almost half of the journey and would have been left to the mercy of those hooligans after the family slights. Therefore I accepted the offer by the lady. I thought this is a God-given opportunity to escape from these men whom I thought were conspiring to rape me. I was sure that the family, which included husband, wife and a child, to be safer not to go with. Shortly thereafter they stopped the vehicle and alighted. I accompanied them. In their house there was a teenaged boy who was probably their elder son. The next day morning this boy told me that he would drop me at my aunt’s house in Mumbai so that I can carry on with my new found job. I accompanied him. He brought me to a suburb at Ghatkopar and asked me to take bus No.399 from there saying that the last stop of the bus would be my Aunt’s place. I followed his direction. At the last stop I met a rickshaw puller and asked him the direction to my aunt’s house, giving whatever information I had. He knew that I was a stranger. Perhaps my queries betrayed me. He promised me to take me to the correct place. He took me in rickshaw to a house and locked me from outside. Thereupon two persons came and raped me one after another. They threatened me with death if I shout or make noise. I did not know what to do. Though I screamed in the beginning, when they started beating me I had to keep quiet. During night these two persons raped me again and slept there. They were drunk. They did all sorts of perverse acts with me.

The next day morning the rickshaw fellow came to the room and said that he has located my aunt’s house and would reach me there. No sooner we got out of the room I started weeping loudly. Lot of public gathered, caught hold of the person, assaulted him and took both of us to the police station. The police was very cooperative, helpful, understanding and supportive. They arrested the rickshaw fellow and, thereafter, managed to arrest both the rapists. The case is still on trial and I am being called to the court often to give evidence”.

The police records show that the victim has been produced before the Child Welfare Committee (CWC) as per the provisions of the Juvenile Justice Act 2000. The probation officer talked with the parents and they came and took custody of the girl child. The verification report of the probation officer is revealing. This explains the situation which led to the rape of an innocent girl. In this case rape is a consequence of the vulnerability of the victim. Vulnerability, in turn, is a product of several factors. In this case the factors are:

(a) The social cultural milieu in which the victim was. Herein she was from a very poor family and from the backward section of the society (she happened to be a member of the Scheduled Class).

(b) The economic strata which the victim hails from. Herein poverty of the family made the girl move out to the city and look for employment even as a child.

c) The migrant status: The migrants to a new place, especially those looking for vocation and means of livelihood are vulnerable to the vagaries of the new ambience to which the immigrant has no clue.
(d) The existing mind-set in the society which made the boys traveling in the taxi misbehave with the girl compelling her to abandon her journey and take shelter even with an unknown family. The girl child found herself vulnerable in the male bastion.

(e) Lack of awareness of rights and the confidence to fight for the rights is vulnerability. This case study, therefore, flags the dimensions of vulnerability of the girl child in our society.

CASE STUDY – 5

Nasik is the home district of Ms NC, now 15 years old. Her father works as a labourer. They had seven children. Only boys were sent to school. Girls were told that the parents had no money to give fees and buy dress and, therefore, cannot afford to send them to school. Ms NC found it quite uncomfortable and wanted to come out of the house and earn for the family. She was confident of herself. This was the time when a small-time labour contractor from a nearby village approached her father and told him that he is taking children for employment in Pune. Ms. NC came to know about this and was willing to go. But the parents were not willing to send her away from home. They did not want her go out anywhere. Ms. NC was desperate to find her feet and therefore, without informing the parents went along with that labour contractor. He took her along with few other children, both boys and girls to Pune and put them on job in a slaughterhouse. The job was to clean the dirty parts of the carcasses like alimentary canal, etc. It was very unhygienic and nauseating. The place was dirty and stinking. Ms. NC could not withstand the stench even for a day and, therefore, she wanted to get back home the second day itself. She managed to escape from the slaughterhouse, despite the eagle eyes of the managers, and took a bus to reach her home town. She did not know that the bus was taken in a different direction. She reached Pune city where she was lost. The traffic police found her fostering on the street and took her to the police station. The police station officials asked her for the details. When they realised that she was a girl child, they sent her to the Child Welfare Committee (CWC) constituted under the Juvenile Justice Act 2000. The proceedings were described by Ms. NC as follows.-
"I was produced before the CWC. Two persons were sitting there. Both were ladies. So many children were produced before them. There was so much noise and confusion in the air. They asked me some questions. I told them the truth. They thought me to be a truant and wanted to counsel me to bring out the 'truth' and also conduct 'home verification'. They decided that I should be sent to a Welfare Home. I was insisting that I should be sent back to my own house, which they refused. They were not prepared to provide escort and send me home. I was sent to a Welfare Home where I met with several children who were suffering from various problems and diseases. I was quite disturbed seeing them. It was a tough life for me. Some of them were already in bad company. Some were very powerful and commanding. To my surprise I found that some of them were having HIV, some were drug addicts. Despite my best efforts I could not withhold myself for long. In a week's time they overpowered me and I was introduced to drugs and smoke. Two months elapsed when one of the CWC members herself came to interview me. I later learnt that this interview was part of a study on human rights and not a part of the official work of CWC. This time the CWC member spent one full day with me and talked to me at length. I confided in her about my exposure to smoke and drugs and how I fell into such bad company despite my best efforts. I told her that had I been sent to my own home instead of sending me to this Home, I would have been a different person. The CWC member understood my plight and realized her mistake. Next day she came back to me and told that she is allowing me to go home. She said that when she was sitting in the CWC she had no time to talk to me at length and, therefore, thought that I was a truant and a bad character and did not believe me and therefore sent me to Welfare Home, despite my request to send me to my own home. When she came to the Welfare Home to meet me she had too much of time for herself and could understand me well. Thereupon she found that I am innocent and that my deep desire to go back home and join my family was the best option. She allowed me to move out of the Home. Immediately put me along with a woman police official with a direction to the latter to reach me back home. This police official brought me home where I am safe and sound. Fortunately I had not become addicted to smoke and drugs and, therefore, I do not have any desire for the same at all."

The story of Ms. NC shows that when the police sent her before the CWC they suspected her to be a truant who has has run away from home. They blamed her and put her in a negative perspective. She was produced before CWC along with several other children. The CWC had to dispose of innumerable cases in a short time and, therefore, could not spare adequate time for each child. In a hurry they did not understand the child and could not fathom the best interest of the child. They decided to send the child to the rescue Home, whereas the child would have been safe in her own house. The CWC officials realized this when they would interview the child at length and got to know where her best interest was. Thereupon a proper decision, which was in the best interest of the victim child, was taken. This case study underlines the fact that the law enforcement officials who decide the course of action regarding the children, who are in need of care and protection, should first understand the child. This calls for child sensitivity and child psychology. Secondly
... decision on behalf of the child should keep in view the best interest of the child. Thirdly, the child should have a say in deciding the course of action that would be in her best interest.

CASE STUDY-6

Picnics are meant to enjoy. But that was not so for Ms. FA who hails from an interior village in Sasaram in Bihar. She was studying in the high school and had come to Patna along with few class mates, all girls, for a picnic visit. They had money just enough to look after their journey and meet with minimum contingencies like buying food, eatables etc. None of them had any fascination for shopping. Ms. FA was from a middle class family and therefore, she could afford to keep with her some money for shopping. On a Sunday all of them took a morning train, reached Patna and decided to visit known places like Zoo, Golghar etc. During lunch time, near about Golghar, Ms. FA was busy with some shopping and got stranded. The story thereafter, as told by Ms. FA, is as follows.

I was bargaining with one of the shop keepers for certain cosmetic items. He told me that he has lot of variety in his store room and took me to a nearby place. It was a dingy godown at the end of a dark alley. Once inside the room, the shopkeeper locked the door from inside and raped me. I was struggling and pushing him away. He applied too much force on me that I was badly wounded, especially on private parts. It was a room full of so many store items. All my shouts and screams for help apparently got lost in between these cartons and boxes. After rape the man moved out and was trying to lock the door from outside. However, I pushed and wriggled and managed to get out before he could lock me in. I shouted for help, public assembled and started beating up the shop keeper. Police came in and took both of us to the Police Station. They did arrest him and sent him to jail. I have no grievance on that count. But the behavior of the police was not to my taste. I would like to highlight the following:

First of all the Police Station had only males and no women at all. How do you expect women to confide in men about the sexual problems and discuss matters relating to sexual abuse? These are private issues and I would feel comfortable with a women police official and not male. I may discuss such matters with my mother but never with my father. These are such private matters. Moreover there were so many policemen in the Police Station. Some were properly dressed and some were in their lungis and even bare chest and half clad. How do you expect women to be in such a place where half naked men are moving out. Thirdly the police officer was wanting me to speak about the entire event. How could I explain to him the rape scene with all details? He was asking me about the injuries I have. I understand that he had to prepare a note of the injuries suffered by me and then sent me to
the Doctor. Even though he did not want me to show him the injuries on my body, it was not easy for me to speak to him about the type of injuries especially on my private parts. One of the police men took me to the Doctor and the latter also happened to be a male. I was reluctant and positively disagreed when he asked me to show the wounds, but the doctor insisted. The police man who escorted me was also standing and watching Doctor's examination. It was highly embarrassing and disturbing as there was no female. I learnt that there is no female staff at all. The Doctor did treat me for the injuries. Though I welcomed the treatment, it was equally unwelcome as the Doctor had to touch those portions of my body where I did not want him to touch.

The indignity does not end here. I found my photograph in the paper on the following day. I don't know when they took my photograph. Apparently it was taken on my way from the Police Station to the hospital. Why should the paper publish my photograph and defames me. This adds insult to injury.

After the Doctor's examination several police officers came to interview me one after another. Each one would ask almost same questions starting with my name, parentage, age and go on to further details. Why should so many of them come in turns? Why can't these police officers, probably of different ranks senior to each other, work as a team and interview me once and finish with all that they want to ask. It is difficult to relive the trauma over and again.

The story of Ms. F.A being home the point that the dignity of individual should be of utmost importance in law enforcement. The victim has a dignity of her own. Embarrassing acts, gestures and words violate her rights. Violations take place both by acts of omission and commission. The questions raised by Ms. F.A point towards insensitivity, lack of awareness and non-concern for the dignity of the victim and, therefore, speaks about violation of her rights.

**CASE STUDY-7**

The middle-aged father who was placed in a senior position in government service, was alleged to have raped his own daughter. The allegations against him was also that he was cannibalizing in sexual assault of his own daughter for almost 3 years, by several acts including sodomy, inserting his fingers into her private parts and fondling different parts of her body with his fingers. When the matter was reported to the police, the child was 11 years old. The sexual assault on the child was mostly confined to their home, but sometimes extended to other places. The man, along with four other office...
| colleagues, two males and two females, would visit a nearby hotel room, display pornographic films and indulge in group orgies, taking inspiration from the films being screened. Even during these orgies, this person would sodomize the girl child, whom he used to take along to the hotel room.

As part of the research, the FIR and case records, including the petitions filed with the court, were studied. The complainant and other witnesses were interviewed in detail. The victim was to be interviewed next. The child looked weak and emaciated and her growth appeared to be much less for her age. The investigator formed a small team of three selected sensitive police officials including himself and two woman officials and, thereafter, devised the methodology for interviewing the victim girl.

The strategy designed was that when one person talked to the child, another would silently observe. However, at any point of time not more than one person would be involved in talking to the child, so that the child did not get confused. It was also decided that the task of interviewing should be completed within the minimum time, so that the child need not be made to revisit the crime for too long. This is important to prevent revictimisation. The police officers undertook a study of child psychology, victim psychology, neuro-linguistic programming, as well as the techniques of 'cognitive interviewing'. The three officers discussed the matter at length and prepared a detailed plan, which included the methodology of interviewing the child, the care and precautions to be taken, the procedures and formalities to be attended to, the do's and don'ts, the selection of the place of interview, the ambience thereon, and all aspects of child behaviour, adult behaviour towards children, etc. It was also decided that interviewing the child would be done wherever she was comfortable and that communication would be in the child’s language. Too much of focus and attention would be embarrassing for the child and, therefore, even the three members of the interview team decided to adopt the required strategies in this direction, especially to avoid a patronizing attitude.

When the investigating officer (IO) approached the child through her mother, she screamed and ran away. Being under severe trauma, she did not want to see any stranger, male or female. There was no way the IO could manage an audience with the child.

A strategy was thought of. It was noticed that the child was quite friendly and comfortable with a young lady working with an NGO, who had taken up the case in the High Court. This
young lady was already in regular contact with the victim child. They had become good
friends. She was probably the only one, other than the mother, on whom the victim had
certainty, with no reservations whatsoever. Moreover, the counseling provided by this
young lady had made a tremendous impact on the child.

The question arose whether it was possible to avoid interviewing the child and recording her
statement. For the police, the statement of the victim was essential for several reasons.
Firstly, the FIR had been lodged by the mother whose version, legally speaking, was
hearsay, as she was not an eyewitness to the offence. It was a legal requirement to record the
statement of the victim. Secondly, in such cases, it is the victim who alone can give a full
and first-hand account of the incident. She is the prime witness, popularly known as
prosecutrix. It is incumbent on the investigator to talk to the person who has all the
information, so that all facts can be dug out, brought on record, cross-checked, evidence
segregated and thereupon, an objective and logical conclusion arrived at. The first mission
for the IS is to verify the genuineness of the complaint. Once it is confirmed that the
allegations are true, the investigator focuses on the second mission, i.e., collecting and
collating evidence. Both these missions can be achieved only if the investigation is
scientifically carried out. Cognitive interviewing of victim and witnesses is an essential
pre-requisite and ingredient of this scientific process.

In the present case, the question before the investigators was the very issue of
communicating with the child who was traumatized, withdrawn and nervous. She was a
psychological wreck and, naturally, had no trust in anybody. Talking to, or even meeting, a
stranger was a nightmare for her.

It was in this context that the investigators tried to interview the child through the NGO. The
young lady working as the child counselor agreed to help. The strategies were discussed and
decided upon. The child's residence could not be the appropriate venue for interviewing her,
as it would only remind her of the trauma that she had undergone. An open environment
would also not be suitable. Therefore, an appropriate office room, which was sombre, was
selected and made more child-friendly with some posters, balloons etc.

The way the ice was broken in conversation was an achievement in itself. A brief narration
of the day-to-day events will elaborate the point.
Day - 1: The IO (Investigating Officer) sat in his chair doing (or pretending to do) some work. The child counsellor, accompanied by the victim, entered the room. They moved around for a while and walked out of the room. The IO, as instructed by the counsellor, did not even look up at the child. The child did observe the IO sitting there minding his work.

Day - 2: The room was made more child-friendly with wall posters and collages. The IO sat in his chair and attended to his job. He had kept a chocolate on his office table. The counsellor walked in with the child. The child saw the chocolate and looked up at the counsellor. Though there was no talk, the unspoken question was as to whether she could take it. The IO did not interfere and, therefore, the child was quite comfortable. The counsellor gestured to the child to pick up the chocolate. The victim, like any other child, picked up the chocolate and smiled at the counsellor. They walked out of the room. The IO, as instructed by the counsellor, did not even look at the child. The communication between the child and counsellor was through a few gestures. The communication between the child and the IO was without even gestures.

Day - 3: The IO kept the chocolate in his shirt pocket so that it was half visible. When the victim came in along with the counsellor, she noticed the chocolate. It was obvious that she wanted the chocolate but was too shy to ask for it. The counsellor told her that she could ask the 'uncle' for her toffee. The child muttered, "Uncle, my toffee." The IO promptly gave her the toffee. He only glanced at her through the corner of his eye and, thereafter, pretended to continue with his official work, thereby showing no undue interest in the child. The child and counsellor moved out. The child enjoyed the chocolate. The communication between the child and the IO was in perfect communion, even without the IO uttering a single word or making any gestures, except a little smile.

Day - 4: The IO had kept a bundle of assorted chocolates in the table drawer. The victim walked in with the counsellor. As advised by the counsellor, the child demanded toffee from the IO. The IO, in a pleasing and welcoming tone, told her that she could look around for the chocolates. The child did look around. Then, the IO opened the drawer of the table, as if it was a surprise to him too that the drawer was full of chocolates. The child was delighted to find the same. She hurriedly took all of them, with the IO assisting her to do the same. In this process, he asked her as to what he should call her and she told him her name.
The IO asked her what she would like to call him. She said that she would call him the 'Toffin Uncle'. The ice had been broken.

Day - 5: Thereafter, the 'toffin uncle' was able to communicate with the child victim very well. They became good friends. In due course, there was no need for the child councillor's intervention. This interaction facilitated detailed interviewing of the child victim by this investigating officer. And she spoke everything which was, of course, the way a child would speak in the natural course.

One of the important aspects in the investigative process of child sex abuse that needs expert handling is the interview of the victim. Such a child is inevitably traumatized, having been injured physically, psychologically and emotionally. It is well-known that rape or any form of sexual abuse, destroys the soul of the victim. Therefore, such a victim stands apart from all other victims. The trauma gets compounded if the victim has been abused by her close relatives, especially the father himself. The child is often hysterical and desperate for relief and redressal. Moreover, she is usually withdrawn. In such a situation, the role of the police assumes larger dimensions and challenges. The investigator (he or she) has to combine in oneself the role of a police person, a psychologist, a counselor, a child minder, a friend, and a guide. This is a delicate, but highly professional job and, therefore, requires training, experience and professional maturity. It is generally presumed and accepted that a woman police official would do better in such a situation. However, an insensitive female is no better than an insensitive male. Therefore, male or female, the issue is as to how sensitive and professional the police official is. The investigator has to display several sterling qualities like empathy, calmness, composure, patience, perseverance as well as the capacity to listen, observe, understand, assimilate and appreciate others' feelings, language, body-language etc. The investigator should be prepared even to accept tantrums and rejection by the victim.

This case study presents a 'good practice model of investigation'. The victim who was initially scared of meeting anybody became a good friend of the Police officer. She said-

"Now my best friend is the police (Toffin) uncle, who understood me so well. He is a friend, philosopher and guide to me. My mother was emotionally disturbed and could never come out of the same. Therefore she was in such a frame of mind that I could never get solace. But the Police uncle was different and, at the same time, involved too. He is my mentor."
He has given me strength and empowerment. I did go to the court appeared before the magistrate and deposed without any fear. In the court, the accused persons, including my father, were standing on the opposite side, trying to blame me as part of their own defence. These diatribes did not deter me at all, thanks to the preparation, confidence, and rights awareness that I imbibed from this police uncle.

This case study presents a good practice model of child sensitivity and gender sensitivity by police officials. Empathetic understanding, conduct and behaviour of the police official, centered around the philosophy of the rights of girl child, were the key factors that made the police man acceptable to the girl child who was completely disturbed, showing signs of rejection. Understanding the child from her perspective followed by actions which are in her best interest is the *samman bônwar* of child rights.

CASE STUDY-8

Harm the victim in any crime remains unquantified. When it is a crime affecting the victim’s reputation, the harm is much more and, therefore, more difficult to quantify. When it is a crime of rape affecting the integrity and dignity of the individual, the damage accrued to the victim is colossal and the harm remains never quantified nor quantifiable. In this context several victims were interviewed to understand the dimensions of harm they had to undergo. Some of them had to spend lot of money in bribing the persons concerned to initiate or expedite the process of redressal of grievances. Such aberrations apart, a victim does meet with a lot of expenditure in more ways than one could even imagine. It is in this context that the case study of Ms. HB was undertaken. She is little less than 18 years bailing from a middle class family in the suburbs of Patna. Because of poverty at home, she could not complete her graduation and, instead, took a job as a receptionist in a private firm. As per the contract she would be paid Rs. 3500/- per month for working for 6 days a week. The contract also says that she can be called to duty at any time during holidays for which she would be paid 300 rupees per day. If the work goes beyond the office hours she would be paid 100 rupees for every 2 hours of overtime. The work was interesting as she has to interact with the visitors and the customers who visit the office. However, her job was to make them comfortable, fix up their appointment with the
Ms. HB became a popular person due to her charming nature. Despite the fact that she was still a child, as per the law, being less than 18 years of age, she was very capable and smart. One Sunday, as advised by the boss, she came to office for work. After reaching the office, she was waiting for the boss to come. A friend of the boss, whom she had noticed earlier as a visitor to her boss, dropped in. He is a flamboyant person as is known to enjoy lot of chat in the social circles due to his wealth and lifestyle. He pretended that he is having some work with Ms. HB, took her to a room, locked her up and raped her. She did shout and scream but nobody was there to rescue her. He locked the door from outside and left. Fortunately for Ms. HB the office guard came upstairs to check all doors before he closes his shop for the day. He heard the cries of Ms. HB, opened the door and helped her out to compose herself. He understood what had happened. He tried to call the boss, but he was not available. He advised Ms. HB to go to police station and accompanied her. Police did register FIR and take action. In this context Ms. HB narrated the details of expenditure she had to meet with on various counts. She produced a note book in which she had meticulously recorded the expenditure incurred by her. She says she has noted all expenditure above Rs. 100. The excerpts from the note book are given below:

**1st Day:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto fare for myself and chowkidar from office to Police Station</td>
<td>Rs. 50.00</td>
</tr>
<tr>
<td>Auto fare for myself, chowkidar and police constable</td>
<td>Rs. 50.00</td>
</tr>
<tr>
<td>Accompanying me to the hospital from the PS</td>
<td>Rs. 50.00</td>
</tr>
<tr>
<td>Return journey from hospital to police station</td>
<td>Rs. 250.00</td>
</tr>
<tr>
<td>Cost of medicines</td>
<td>Rs. 200.00</td>
</tr>
<tr>
<td>Payment to the Doctor</td>
<td>Rs. 50.00</td>
</tr>
<tr>
<td>Payment to the compounder</td>
<td>Rs. 50.00</td>
</tr>
<tr>
<td>Tea and snacks for the chowkidar and police person at the hospital</td>
<td>Rs. 25.00</td>
</tr>
<tr>
<td>Tea and snacks for the chowkidar in the evening at the police station premises</td>
<td>Rs. 15.00</td>
</tr>
<tr>
<td>Telephone charges to send message to father</td>
<td>Rs. 50.00</td>
</tr>
<tr>
<td>Bus fare for father and uncle to come from the village to the PS</td>
<td>Rs. 100.00</td>
</tr>
</tbody>
</table>
Expenditure for their stay and accommodation for the night  Rs. 150.00
Return from the PS to the place of residence by auto  Rs. 50.00

2nd Day:
- Auto charges to visit the PS along with father and uncle as directed by the police  Rs. 75.00
- Expenditure in connection with tea, snacks, tiffin and lunch for spending the whole day in the police station premises for three people  Rs. 200.00
- Cost of return by auto to residence (single bedded room)  Rs. 50.00
- Charges for accommodation for father and uncle for one more night in a hired place nearby  Rs. 150.00

3rd Day:
- Travel cost to visit to the police station as required by the police for interview with senior officers  Rs. 50.00
- Travel cost to visit to the hospital to consult doctor, as her health deteriorated  Rs. 50.00
- Fees to doctor and nurse  Rs. 150.00
- Purchase of medicines  Rs. 100.00
- Auto fare for father and uncle to come to hospital  Rs. 75.00
- Admission fees in the hospital (as doctor advised so)  Rs. 300.00

4th, 5th, 6th & 7th Days: Remained in the hospital.
- Hospital stay expenditure (150x4)  Rs. 600.00
- Total cost of medicines  Rs. 1500.00
- Total cost of various medical examinations  Rs. 2500.00
- Payments towards guest fees for accommodating father and uncle for these days  Rs. 1000.00
- Telephone cost during these days for contacting office staff in a bid to contact the manager or the boss  Rs. 250.00

Total  Rs. 7900.00

Ms. HB was asked to comment on any further expenditure she would have incurred. She stated as below:

"The police officials were honest and did not ask any money. They were under pressure not to take action against the accused who has lot of connections. I could see lot of important people visiting the police station. Though I was desperately trying to contact my boss, he was never available. Even cell phone was being switched off when he heard my voice. Fourth day when I was being discharged from the hospital, boss came to the hospital, called me aside and said that he was feeling very sad about the whole episode, that he would meet all the expenditure if I agreed to withdraw the case against his bosom friend. He said that his friend had committed a mistake at the height of the moment as he was drunk. He said that the case will affect his
reputation. Despite his best efforts to convince and force a decision on me, I did not agree with my boss. He left in a huff and did not pay any penny to me.

I borrowed money, paid up the hospital dues and came home and was unable to move for some time as I had lot of pain. In the meantime, three days after, the boss sent manager home and wanted me to speak to him urgently. I went to a PCO nearby and spoke to him. He asked me to give a statement to the police that I did not know who the rapist was and that I have no complaint against his friend. He promised me to recover all my losses, promote me in the office, give me better perks and status. I refused. The boss threatened me with dire consequences. I came back to my room crumpled. By the time my father and uncle had returned home. I had to give them Rs.250/- for their return journey. The following day my boss sent his manager and wanted me to sign a blank paper. I refused to sign on blank paper. He asked me to vacate the residence the very same day as the boss has decided to appoint another person in my place. I asked for the reason. The manager said, everybody in the office say that I have been raped because I am a person of loose morals. Therefore, the boss had fired me from service on moral grounds!!

I had lost my job because of the rapist. With my regular remuneration and the allowances that I used to earn by working over time, I was getting more than five thousand rupees a month, with which I was looking after my family including the education of my siblings. After the rape I had to spend so much. Even medical care and related activities cost me twice my monthly earnings. More than everything else, I have lost my job and the source of income for the entire family. Above all, the ground of ill repute on which I was hired from the office becomes a major source of embarrassment because of which my father decided that I will not go for employment anywhere. The loss of dignity, reputation, self-esteem cannot be quantified. It is beyond anybody's imagination and guess as to how much damage a victim has to face. I know about a friend who is a victim of an earlier case of rape. Her case had been charge sheeted by the police. After 2 years of the incident she has been called to the court to give evidence. She had to come to the court on several days for facing examination in chief, proving documents, facing cross-examination by defence, further examinations by defence etc. There after the court was changed and the entire process got repeated. While this was on, the accused filed several intervening petitions and made her life miserable. Since she had to be away from her work place for several days, her office also decided to abandon her. Monetarily she had suffered a great deal after the case was charge sheeted. In fact she had faced more damage and ill-repute after the charge sheet. Therefore, I am happy that my case has not gone beyond the police files!!

The case study brings home the point that the victims of rape face harm in several aspects. Some of them could be quantified as they involved monetary expenditure. Ms. H. III. had to spent almost 3 times the total salary she earned per month. She had exhausted all her resources and lost her job. She became a bankrupt. From her point
reputation. Despite his best efforts to convince and force a decision on me, I did not agree with my boss. He left in a huff and did not pay any penny to me.

I borrowed money, paid up the hospital dues and came home and was unable to move for some time as I had lot of pain. In the meantime, three days after, the boss sent a manager home and wanted me to speak to him urgently. I went to a PCO nearby and spoke to him. He asked me to give a statement to the police that I did not know who the rapist was and that I have no complaint against his friend. He promised me to recoup all my losses, promote me in the office, give me better perks and status. I refused. The boss threatened me with dire consequences. I came back to my room crushed. By the time my father and uncle had returned home. I had to give them Rs.250/- for their return journey. The following day my boss sent his manager and wanted me to sign a blank paper. I refused to sign on blank paper. He asked me to vacate the residence the very same day as the boss has decided to appoint another person in my place. I asked for the reason. The manager said, everybody in the office say that I have been raped because I am a person of loose morals. Therefore, the boss had fired me from service on moral grounds!!

I had lost my job because of the rapist. With my regular remuneration and the allowances that I used to earn by working over time, I was getting more than five thousand rupees a month, with which I was looking after my family including the education of my siblings. After the rape I had to spend so much. Even medical care and related activities cost me twice my monthly earnings. More than everything else, I have lost my job and the source of income for the entire family. Above all, the ground of ill repute on which I was fired from the office becomes a major source of embarrassment because of which my father decided that I will not go for employment anywhere. The loss of dignity, reputation, self-esteem cannot be quantified. It is beyond anybody's imagination and guess as to how much damage a victim has to face. I know about a friend who is a victim of an earlier case of rape. Her case had been charge sheeted by the police. After 2 years of the incident she has been called to the court to give evidence. She had to come to the court on several days for facing examination in chief, proving documents, facing cross-examination by defence, further examinations by defence etc. There after the court was changed and the entire process got repeated. While this was on, the accused filed several intervening petitions and made her life miserable. Since she had to be away from her work place for several days, her office also decided to abandon her. Morality she had suffered a great deal after the case was charge sheeted. In fact she had faced more damage and ill-repute after the charge sheet. Therefore, I am happy that my case has not gone beyond the police files!!

The case study brings home the point that the victims of rape face harm in several aspects. Some of them could be quantified as they involved monetary expenditure. Ms. HII had to spend almost 3 times the total salary she earned per month. She had exhausted all her resources and lost her job. She became bankrupt. From her point
speaking saying that it was his right to do so and the accused had a right to
defend himself. Nobody came to defend me, let alone counsel me.

The accused was not handcuffed as the advocate told the police
that the law does not permit handcuffing. He was given more respect and
dignity than what was extended to me. In fact I was looked down by all
concerned as if I am a person of easy virtue and a stigmatized person. All
those who came to the PS to enquire about the well-being of the accused
would come and see me as if I am a show piece. Many of them passed
lewd comments. Some used gestures and dirty words on me. I had no
voice before these powerful men. By the time it was late evening, I was
allowed to go home and was asked to return to the PS the next day early
morning.

As desired by the police, I reached PS along with my parents
during the early morning of the following day. The police decided to
produce the accused in the court. They asked me to reach the court.
Accused was taken by a jeep. There were lots of police men. They said
there was no place for me and asked me to reach the court by walk. In
the court, the advocate stated that the accused was physically harassed
by the police and sought medical examination. On the direction of the court
the accused was escorted by the police and advocate to the hospital.
Seeing the accompanying persons, he was given a royal treatment in the
hospital. He was given the required medicines. The previous day when I
was sent for medical examination, nobody bothered to accompany me. I
had to run from pillar to post. I went from one room to another room in
the hospital for registration, reference, consultation, treatment etc. etc.
and had to spend the whole night in the hospital verandah. I had to buy
medicines from my pocket and nobody even offered to help me.

Several news papers carried my photograph quoting the rape
incident with all details. Nobody bothered to photograph the rapist and
defame him. It appeared to me that I am to be blamed, as everybody was
afraid of me. Seeing the news papers photographs, my parents were also very
disturbed. They said that nobody will come to marry me as I have been
stigmatized.

I was regularly asked to attend the court for a long period. I go
there, wait for the call from the police or prosecutor's clerk. More often
nothing used to happen and I was told that the case did not come up. I
would be given another day and asked to come again. I noticed that the
accused seldom came to the court. It was learnt that his advocate appears
for him and, therefore, he had not the trouble of appearing himself. I
wish I had enjoyed that privilege.

In the court I observed that the accused was being defended as if
he is totally innocent, a very fine person of noble character and that he
had never committed a mistake even in his life. When the case was almost
proved by evidence, the defence changed tack and started deforming me
alleging that I was the one who lured and invited the 'innocent tutor' into
my house, raising questions on my conduct and morality. There was no
help forth-coming to uphold my dignity. The defense questioning and the
gestures by the various persons were indicative of positive discrimination
against me at the cost of my dignity and self esteem. Even though I stood
to my guns, every effort was made to demoralize me.

At the end of trial, when court convicted the accused, the defense
pleaded that he is a first timer and be let off with a 'warning'. Nobody
even cared to assess the harm done to me and compensate it. Nobody
asked for my satisfaction. I am the victim of his lust, his atrocities and his
criminal act. Yet I had no say in deciding what is the appropriate
punishment and retribution. I had to suffer a lot monetarily and reputation
wise. There was no effort to even accept or appreciate my loss and
damage.

At the end of the day I, as a victim, am of the firm belief that there
are more provisions and postulates for protecting the rights and interests
of the accused, but not for the victim. The interests of victims like me are
compromised at the altar of the rights of the accused criminals”.

The case study of Ms. JC is a pointer towards the rights of victims vis-a-vis the rights of
accused. It is a fact that any violation of the rights of accused is frowned upon by every
body. There are several incidences of punishments to many law enforcement officials in this
count. It becomes a serious issue of human rights violation and draws attention by all
concerned. No doubt, the accused has human rights and nobody can violate them. Any
violation needs to be put down and prevented. However, the same yardstick should apply to
the victim too. The real experience of Ms. JC has been shared by several interviewees.victims.
Their experience raises a pertinent question about their rights vis-a-vis that of the accused. It shows that the victim’s rights are not given due importance or
attention and in the entire process the accused’s gain is the victim’s loss.

CASE STUDY – 10

Padma Jail was the abode of Ms. KM for the last two years. She is now almost 16 years
old. Obviously, she was sent to jail at the age of fourteen. During interview it
transpired that she was arrested and charged for soliciting. The facts of the case were knocked
into by studying the police records. In brief, the police story is that they got information
about prostitution taking place in a hotel, conducted raid and caught a woman ‘red-handed’.
They instituted a case on charges of soliciting against Ms KM, the hotel manager, and
others. The hotel manager and owner managed to surrender in the court and get bail the
very same day, whereas Ms. KM continued to remain in jail. She was being regularly
produced in the court of law for the hearing in the case in which she was charged with
soliciting. Due to non-appearance of the advocate the case was repeatedly shown to be
adjourned. When the facts were looked into, it was found that she did not have a lawyer
appearing on her behalf. Apparently her father was trying to mobilize some money even by
selling the little property they have and to put up an advocate in the court for seeking bail
for the girl. The father did not succeed and the fact remained that the girl continued in jail for
two years. Due to the intervention of the National Human Rights Commission (NHRC), the
girl could be released, repatriated and re-integrated. Otherwise she would have been
languishing in jail. An in-depth investigation into the episode revealed that she was a victim
of rape. The true story in the words of Ms. KM is revealing:

"I hail from a village in Nepalganj town in Nepal. I am not yet 10
years of age. When I was less than 14 years, my mother died and father re-
married immediately thereafter. My step-mother was not happy with me and
was desperate to send me somewhere away. I had a strong desire to visit a
'mela' (fair). That was a childhood dream for me. I have heard so much
about melas in India. One day my step-mother introduced me to one of her
friends and the latter told me to accompany her to the 'mela'. I was thrilled.
She took me in a bus and after 5-6 hours we reached a place. Later I came to
know that this was a hotel in India, in a district bordering Nepal. It was
almost dark and there were no lights. I was made to sit in one room and the
lady told me that she will take me to the mela after some time. She left the
room and latched it from outside. I was little scared but the deep desire to see
the mela kept my spirits high.

Some time later a man came inside and promised that he will show me the
mela. He asked me to undress saying that he will give me new set of dress.
I was very happy. He asked me to change the skirt first. I obliged. He
immediately pounced on me, pulled down my underwear and came over me.
He attacked me and abused me. I tried my best to wriggle out but he
overpowered me. He used so much force on me and injured me grievously.
I was wailing in pain. There was lot of blood from my private parts. I
screamed a lot. After some time this man got up, adjusted his dress, went out
of the room and locked the room. I kept shouting and screaming. Little later
two policemen came inside and asked me what happened. I explained every
thing. They abused me calling me a prostitute. They called me names. I was
stunned. I kept weeping. They forced me to keep shut. They asked me to
wash myself, clean the blood and thereafter go with them to the police station.
They send me with an old lady police official to the doctor. The doctor was a
young man. He kept me in the hospital and treated me for three days.
Thereafter the policeman came back, took me again to the police station and thereafter sent me to jail.

After the intervention of Human Rights officials I learnt that I was sent to jail on the charge of prostitution and soliciting. I remained in jail for two years. Only because of the initiative and effort by NHRC officials and some lady activist I could come out.

While being in jail for two years I never knew that I have been jailed. I did not know why I was there. I used to ask everybody including the jail officials, the police who escorted me to the court and even the people whom I came across in the court, but nobody answered my question. Nobody told me that I have been charged for the offence of soliciting and prostitution. I never knew that I need an advocate to bail me out. I also did not know that I have to ask for an advocate to defend myself. I did not know that there is provision for free legal aid for people who are unable to defend themselves. Now I have learnt about all these provisions after the NHRC official explained to me that these are my rights. I was under the impression that my father had no option but to sell the little hut and bring in money, pay the advocate and then only I will be free to move out.

I never knew that I have been raped because I did not know what is rape. I knew only this much that the man who misbehaved with me in the hotel had caused bleeding injury on my private parts. He cheated me by saying that he will take me to the mela. He made me remove my skirt saying that he has got new set of dresses. I have been cheated not only by this man, but also the lady who brought me to this hotel from my village, as well as the hotel people. I strongly suspect my step-mother to be involved in this episode. I have never witnessed or experienced or heard about such events before. I have been completely shattered by this experience and the post-rape experience. In the jail everybody used to look down on me. Sometime they used to address me as a prostitute. The life in jail was hell, as I had no freedom at all. Now I realize that I have been victimized and criminalized for no fault of mine. I am thankful to the NHRC official and the lady activist for taking me out of the jail and giving me a new lease of life. They have taught me about my rights and to how I should fight for myself. They have made me empowered. I wish all girls are empowered so that they are not exploited and cheated like me.

The story of Ms. KM is a clear pointer to the distortions in law enforcement. Rape victim has been branded as a prostitute and jailed for two years. Perhaps she would have continued in jail for more time, had the NHRC not intervened. This is an example of ultimate violation of child rights. According to the existing law (5375 of IPC) sexual assault on a person under 16 years of age, even with consent, constitutes an offence of rape. Therefore the police should have treated Ms. KM as a victim of rape, arrested the abusers, abettors and conspirators. On the other hand what really was happened was that the very victim was
arrested and sent to jail. This case study explains how insensitivity on the part of police officers can cause insurmountable harm to the victims. The case study shows that the violation of rights of children traumatizes them so much. Perhaps it is difficult to fathom the level and extent of exploitation. No doubt the situation gets exacerbated if the law enforcement officials are insensitive and irresponsible.

Summing up of the Case Studies

The ten case studies presented in this chapter reflect several important issues relating to the topic of research. During the interview of the victims, it transpired that the problems, issues and challenges involved are ever so many, whereas the response systems have not shown such variety or diversity to adapt or accommodate all such issues. More often, the very implementation of the law is wanting or topsided due to ignorance or incompetence of the persons who are called upon to implement the law. At times corruption, nepotism, vested interest and nexus have emerged as a bane in the delivery of justice to the victims. However, a strong undercurrent of lack of sensitivity and want of appropriate attitudinal orientation is felt large in most of the instances studied. For want of space, though only ten case studies have been presented here, they do bring to focus the intricate dimensions of the problem, underline the intricacies involved and flag the specific requirements and demands of the situation. On the whole, these case studies provide appropriate materials for understanding the issues in their entirety and also provide excellent material for training the law enforcement officials.