

### SECTION – III

#### Understanding intervention challenges through Case Studies

Ten stories of women and girls, who have sought the services of the centre have been summarised in this section. These stories are representative of the range of problems that young girls and women face. The range of problems that are illustrated through these case studies are as follows, Domestic violence, rape, child sexual abuse, property related violence, violence by third party, sexual harassment at work place, court related problems, child marriage, forced marriage, women suffering from mental illnesses.

That there cannot be only one kind of intervention is obvious from the data analysis presented in section II. These case studies highlight the linkages that have to be made with different agencies in order to provide to redress and dignity. They also try to highlight the different interventions need to be made in a single case to help provide holistic redressal to women.

#### Soma

Nine year old Soma Dhobi (a scheduled caste), resident of Dausa, was abducted by her so called in-laws one day after holi festival on the 29<sup>th</sup> of March, 2002, when her mother Sugna, had gone in search for work. Soma was married of to thirteen year old Rajesh Dhobi when she was six by her alcoholic father, who died soon after. Soma's mother who was in favour of bringing her up in her own house refused to part with her to Rajesh's family and therefore they abducted Soma.

Sugna, who lives in extreme poverty, tried bringing back her daughter but was refused by the so-called in-laws. On the 20<sup>th</sup> of April Sugna reached the Centre on her own and wanted her daughter rescued. Through the support of the centre an FIR was lodged at Dausa Kotwali thana u/s 363 IPC. The entire attitude of the police was that this was not a case of abduction after all she was at her in-laws house. Sugna feared that Rajesh would try to indulge in a sexual relationship with Soma and therefore was urging the police to act fast but the police paid no heed. It was only after fifteen days of continuous pressure on the local police, including intervention from the police head quarters that made the police finally bring the girl from the Rajesh's home in Alwar district.

Interestingly, this was the fortnight when the State administration was all geared up for a bal vivah roko abhiyan. But the Dausa police's attitude was far from one of taking initiative in this direction and did not treat Soma's marriage as null and void. The entire attitude reflected belief in the sanctimony of marriage and an interest in saving the boy.

On the 5<sup>th</sup> of May 2002, Soma who stood only three feet tall, dressed up in bridal finery, was brought to the Centre. She looked a sight with bite marks and injuries on her face. Instead of expediting arrests the ASI also the IO of this case, brought Rajesh's mother and asked the social workers at the centre to work out the compromise. Soma broke down on seeing her mother and



younger siblings. Through tears and silences she shared the trauma of being at Rajesh's house. She told Sugna that Rajesh would beat her up every night with a belt, as she did not wish to sleep with him. She did not have the language for sexual intercourse and kept saying that every night Rajesh would do "udham" (make a ruckus). She pleaded with her mother to keep her.

The medical examination only happened the next day. Soma was terrified of the doctors and refused to leave her mother's side. It took more than two hours to get the doctor to conduct the rape examination, as Soma would not let the doctor touch her. The rape exam was followed by age verification tests, which happened on the 7th of May 2002. The medical report gave clear evidence of rape.

Soma, her mother and the siblings had only breathed a sigh of relief when the Kotwali Dausa, ASI turned up with a court summon, asking Soma to be produced before a court in Dausa for her sec.164 CrPC statement. Despite our explaining to the police that this statement was unnecessary in the case of statutory rape the police insisted that the girl be produced in court.

The Clinical Psychologist attached to the Centre, decided that trauma stricken Soma should be given some time and space to heal. Making her continuously recall her experience would leave permanent damages to her psyche, which was already in a fragile state. The day Soma was to be produced in court the social workers faxed a letter from the psychologist to the SP (Dausa) and requested him to forward this letter to the Court.

What followed subsequently showed how the system, which consisted of the police, courts, and shelter homes, was not equipped to deal sensitively with a victim of child sexual abuse. We at the centre found ourselves helpless, inadequate and without alternatives in trying to provide Soma with a safe and healing environment. Soma's mother who brought the matter to light also became an adversary in this process.

The police refused to arrest Rajesh and his mother despite continuous pressure from us. The police kept making all kinds of excuses, which included the delay in obtaining the medical report, delay in the sec.164 statement of Soma etc. The spirit of the law of statutory rape was openly subverted by the police despite our constant efforts to get action taken against the IO and the SHO of the Kotwali thana. Rajesh was arrested one month after the Soma's statement was taken by the court, in the first week of July and granted bail in forty-eight hours by the Juvenile Board in Jaipur.

When the girl was not produced in the Dausa court for her sec. 164 Cr PC statement on the 11<sup>th</sup> of May, the court issued show cause notices to the social workers of the centre. In the next hearing it was stated that on medical grounds the girl was not brought to Dausa and that SP had been informed. The court stated that it had not received the psychologist's report in this context. Evidence of the fax receipt was produced in court. The court issued show cause notices to the SP for withholding the report. Although Soma's statement happened on the 7th of May, 2002 it took five appearances in court in a period of three months to finally convince the court to withdraw the show cause notices.

Soma was initially sent to Shakti Stambh with her mother and other two siblings. Since the mother wanted to get back to work Soma was sent to Balika Sadan, a home for girls run by a private trust. Soma who found it difficult to stay without her mother initially gradually adjusted at the Balika Sadan. It was Sugna's idea that her daughter should not stay with her as Soma's so

called in-laws would try pressurising her to take back the case against Rajesh. But a month after Soma was at the Balika Sadan, on June 6, 2002 Sugna filed a case in Dausa demanding that her daughter be handed over to her. Since the court where Sugna had filed her case was not authorised to take a decision on protection and custody matters, the social workers of the centre filed a new case which asked for Soma be handed over to Balika Sadan for care and protection till her deposition in the trial court.

The court without stating any reason in its order, despite arguments provided by us that child was extremely unsafe in Dausa, passed an order handing the child over to the mother.

On the 3<sup>rd</sup> of June, representatives of women organisations met the CM and requested that Soma be given compensation of a Lakh rupees as she was a scheduled caste. To date Soma has not received anything in this regard.

The case has not been charge sheeted as yet. According to the SHO the delay is being caused due to the lack of availability of the FSL report conducted for semen.

Soma's case raises several issues:

- Rape within marriage even in cases of statutory rape (Sec. 376 (ii) IPC) is not looked upon as a crime by the investigating agency. In the Soma case the police persons investigating were trying to save the boy as they felt that he had not done anything wrong. He was after all her husband. That it could be declared a null and void marriage legally was not acceptable to them.
- The medical officers who conducted the rape exam were not sensitive to the fears and trauma of the child. For the doctor it was one more routine exam that needed to be completed. How to reduce the agony of the child during the rape exam did not exist as an issue.
- The law intends the Dausa Court, which issued notices for taking Soma's statement u/s sec 164 CrPC made her statement mandatory instead of it being voluntary as. The act of issuing show cause notices to the social workers was part of building pressure on them so that they would make the girl depose for her statement. The lack of sensitivity of the court towards victims of child sexual abuse was established through this.
- The issue of care and protection of a victim which is paramount leaves us with questions of where would the girl have been most safe and secure, with her mother or at the Balika Sadan. The Juvenile Board did not take cognizance of the arguments of the social workers that the girl was vulnerable in her home environment as the mother toils at far of work sites to earn the day's bread.
- Soma has not been provided with any State support for rehabilitation. She has not received the one lakh, which she is entitled to. Is it that the State administration also does not see the violence that Soma was subjected to as a crime?