

# LESBIAN SUICIDES IN KERALA

## FACT SHEET

A recent verdict of the Kerala High Court acquitted all of the 35 accused in the Sooryanelli serial gang rape case. The Sooryanelli incident involved a minor girl (a ninth standard student) who was held captive and sexually assaulted by a string of men for over 40 days. On January 20, 2005, a two-member Division Bench consisting of Justice K.A. Abdul Gafoor and Justice R. Basanth gave the verdict and exonerated all but one of the 36 accused. The Division Bench convicted the first accused, S.S Dharmarajan for offences punishable under Sec 372 (selling a minor for purposes of prostitution, etc) and Sec 366(a) IPC (procurement of minor girl). He has also been ordered to pay a fine of Rs 25,000 for each offence.

The court said that the prosecution had failed to substantiate the conspiracy and rape angles against the others. Regarding the allegation of rape the court felt that it could not be said that there was no consent on her part. The High Court judgment found it significant that the minor girl (from Sooryanelli) traveled more than 4000 km, and yet did not try to escape. This, they deduce, incriminates the girl as it signifies (to them) that she was *willing* to go with the accused. And from there the High Court takes a short route to arguing that consensual acts cannot be qualified as rape

On Jan. 22nd 2005, the Chief Minister Oommen Chandy stated that the Government would not make any hasty decision for an appeal against the High Court verdict in the case. He said that the Government would verify whether there were any lapses on the part of the prosecution in handling the case. He also said that the Government is not in a hurry to do anything without properly studying the verdict by the High Court. However the Government has decided to appeal to the Supreme Court after much pressure from Women's Groups.

The High Court verdict in the Sooryanelli case is unsettling because of the obvious injustice to the young woman and to her parents who have been waging an everyday battle not only for legal redress but also to salvage the dignity and humanity of their lives. It also sends out a message (a deliberate message, we believe) to women waging various legal battles against organized sex crimes in the state. Unsurprisingly, women's groups across the state report a new despondency and a sapping of energies among these women. As the first case on the sexual exploitation of women in Kerala it has tremendous significance for the other cases, which are at various stages of trial at several courts.

When her story burst into the public sphere of Kerala in 1996 it highlighted the frightening reality of the organized sex mafia in the state. This included prominent businessmen, political leaders and government officials. "Sooryanelli" is now a generic name in Kerala. It stands for the many episodes of organized sex rackets that have been unearthed over the last decade.

## History

The Suryanelli case relates to the abduction and sexual assault of a minor girl by several men in a span of 40 days in 1996. Several persons sexually exploited the 16-year-old girl from Suryanelli, a small settlement in the High Ranges of Idukki district. She was taken to different places from January 16, 1996 to February 25, 1996, and "sold" to various persons. Her abductors set her free on Feb 26<sup>th</sup> 1996.

The girl and her family took it to the Public even amidst tremendous pressure of all kinds. An FIR was registered at the Munnar Police Station and in the following days the girl identified almost 43 persons, including the then Member of Parliament and Central cabinet minister Mr.P.J.Kurien. She also identified the places where she was kept in illegal custody like Kottayam, Ernakulam, Kumali, Palakkad, Vanimel, Kambam, Theni, Kanyakumari, Thiruvananthapuram, Kuravilangad, Aluva and Muvattupuzha.

The Left Democratic Front in the subsequent assembly elections <sup>made the central</sup> ~~was~~ <sup>issue during</sup> the case. Due to <sup>election</sup> significant pressure put by various women's organizations and other groups the LDF government ordered for a CBI probe into the case in 1996. <sup>Campaigns</sup>

Three years after the issue came into the limelight, the LDF government has set up the State's first ever-Special court to deal the case specifically. On September 6 2000, the special court set up to try the case, handed down stiff punishment to 35 of the accused--32 men and three women. Nine of them, including one woman, were sentenced to 13 years' rigorous imprisonment--for rape, mass rape, abduction, illegal detention and sale of a minor girl for sexual abuse. The others got varying years of jail terms. One of the prime accused in the case, Adv Dharmarajan of Ponkunnam and Elite Devasia, are absconding and hence the court did not pronounce the sentence for them. The Special Court also found prima face evidence against Mr.P.J.Kurien who was dropped from the CBI charge sheet.

A private complaint filed by the girl in the Peermade court against former union minister and Member of Parliament P. J Kurien stands stayed. Though an FIR was filed, the Supreme Court stalled the proceedings by a stay order before the charge sheet was given.

The verdict, on appeal, was stayed by the High Court and the convicts are now out on bail. The State Government approached the Supreme Court against the stay and the apex court served notice on the convicts asking why their bail should not be cancelled. It is on this appeal that the HC has come up with such a harrowing verdict.

The girl, who is now 21, was given a job on compassionate grounds during the tenure of the last LDF ministry.

### **Defense Committee**

At a meeting in Ernakulam, on the 5th of February, a "Defense Committee" was formed, to help the woman and her parents to go for further appeal at the Supreme Court. Please see the appeal from 'defense committee' (attached along with this letter). You could support by

- a. Mobilizing funds for the long legal haul ahead.
- b. Mobilizing Legal aid and counseling
- c. Facilitation networking and handholding with other women's and human rights groups
- d. Building up a media campaign

The Defense Committee has decided to help the girl in impleading in the appeal along with the State Govt.

Support is being organized at several other places as well and we have formed a Delhi Support Group to meet this. The Delhi support group has been organized with the purpose of facilitating the function of the Defense Committee in Delhi. Helping in legal procedures, generating resources, networking with other groups at the national level and developing media attention (that will assure us that these are not tragedies of anonymous women in a far flung state, which is allowed to make the headlines only for its supposedly gender sensitive development model) are some of the tasks of the Delhi Support group.

We are painfully aware that the clinical recounting of details we have made above is therefore sorely inadequate. It does little to bring out the brutality of the organized sex mafia, or the alarming mutation of lawmakers and law-maintainers into assailants and rapists. Nor does it uncover the deep scars it leaves on the women who have been victims of these episodes of violence. It also does little to underline the climate of fear in which women live in Kerala.

### **Other Cases**

Indeed, there has been an alarming increase of *organized* sexual harassments, rapes and brutal killings of sexually abused women in Kerala. A notable number of such episodes have involved young women and minor girls. These have been severely underreported in the national media though they have shaken contemporary Kerala. Some of the more horrifying episodes include the:

- *Vithura case*(1996) A minor girl sexually abused from October 1995 to July 1996. None of the guilty punished. The first accused has not even been apprehended. Among the accused are a film star, an Asst. Commissioner (excise), an ex-DYSP.
- *Pandalam case*(1997) A college girl was physically abused. Among the accused are some of the lecturers of the college she was studying in. The special court found all the accused guilty. They have appealed in the High Court.

- *Kothamangalamcase* (1997) 198 people accused. The list includes ex-minister Mr. Kunhalikutty.
- *Calicut Ice-cream parlour case*(1997) A seemingly innocuous ice-cream parlour was a conduit to "serve up" women to officers of the IAS and IPS, to political leaders of LDF and UDF. Ex-minister Mr. Kunhalikutty's name figures prominently among those accused.
- *Thoppumpadycase* (2002) The victim is a 17yr old girl. Of the 250 people accused is a film director. A pornography film is suspected to have been made by filming her abuse. The accused have not even been taken into custody.

Even as we document these "cases" we hear of Shari who was murdered in Kiliroor and Shyni from kottiyur who was killed by her brother (honour killing). Both women had been victims of organized gang rape. This, tragically, is a running theme in many of the instances of sexual violence. So many of the women who have been dragged through it have subsequently ended up ravaged, wrecked (emotionally, physically, mentally) or dead.