

A Step towards Change: Fighting for Justice Together

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Providing solid support through their presence and rallying around a rape victim and her family by ensuring legal advice and services, the SHGs join the fight for justice in an inherently unequal social set up.

It was an unusual morning in Kundwa village in Barhi block. There was anger and astonishment on everybody's faces. A huge crowd surrounded Kaushalya's (all names changed) house. The family members were in total dismay. Ten-year-old Munni was sitting in the corner of a dark room. She was pale and could not control the tears that rolled down her face. Her mother Kaushalya was unable to speak to the little girl and could not stop crying. Her daughter had been raped.

This has become a recurrent scene in many of the villages where we work today. At this tender age when a girl should enjoy her life to the fullest, she is often scarred for rest of her life. Section 375 of Indian Penal Code defines rape (from the Latin *rapio*, meaning to carry off, to overcome) as an unlawful intercourse done by a man with a woman without her valid consent. Rape cannot be treated just as another incident because apart from physical injury and shame, the victim's soul carries with it a lifelong scar. After 1983, there have been many amendments to the rape laws, which actually define the conditions and circumstances under which the crime could be committed; these fall under Section 376 IPC, and draw severe punishment in special circumstances.

In most instances, incidents of rape are either suppressed by the relatives of the victim for fear of shameful consequences or they are not actually voiced by the victim herself. As a result, not even 25 per cent of such cases are reported to the police, leave alone bringing the rapists to justice under the law! As citizens, we are responsible for educating ourselves and others, to fight against such heinous crimes that destroy the lives of young girls, who do not get the chance to enjoy their childhood and adolescence.

This is a short story of the incident that took place a few months back in Hazaribag. I am thankful to all the members of Damodar Mahila Mandal, who brought this issue to light and showed the courage to fight against it.

It was a wedding ceremony of one of Kaushalya's relatives. All the family members went to attend it. Amongst tribals, there is a practice of consuming liquor and dancing during festive occasions; so soon everybody was dancing. It was almost 8.00 pm; little Munni was feeling sleepy and she left the place for her home. On the way, there were

some big trees and she was quite frightened by the darkness. Suddenly, two boys came from behind her and covered her mouth. They carried her away to the nearby bushes. She recognized two of them, who were from the same village but did not recognize the others. After the shameful act, they left her in the bushes with her mouth tied. She remained there unconscious the whole night.

Her family members thought that she was sleeping in the house. Early next morning when they went home, she was missing. Her brother searched for her everywhere; finally, he saw her lying unconscious in the bushes. He brought her home and when she came to her senses, she narrated the whole incident to her family. Her brother and some other boys went to search for the boys; they were able to catch only one of them. The villagers were informed. Tribals have their own traditional judicial system to settle such matters. The culprit was tied to a tree and the villagers asked the village head to do justice.

However, the SHG members said that this could not be treated as a usual case and this needed to be dealt with by police. In spite of huge resistance from the villagers, all the SHG members went to the police station to lodge an FIR. They also informed the trained paralegal workers, who help the clusters and federations in such matters, in the nearby villages, and the federation leaders of three blocks.

Within an hour, SHG members, paralegal workers and cluster leaders were present in the village. The police in-charge already had good rapport with the *mahila mandals* because the SHG members often helped him resolve small cases and also reported cases that needed police intervention. After the FIR was lodged, the police came to the village and arrested the boy. There were threats from

the villagers because they thought that the police was unnecessarily intervening in their matter. But the officer in-charge assured the SHG members that nothing would happen to them and the victim will get justice.

In any rape case, the victim should be medically examined within 24 hours before she has a bath or wash. So, Munni was taken to the *Sadar* hospital for medical check-up by a lady doctor. She was then taken to the magistrate, who recorded her statements under Section 164 of Criminal Procedure Code. Any statement recorded under this section becomes legally enforceable because it is made before a legal authority. This is also essential because the facts in the statement can stand before a court of law and cannot be distorted easily by the police or others. Also, one should see that, under no circumstances, is the victim pressurized to give her statements and whatever is recorded has to have consent in the form of a signature.

We were fortunate to have police officials who guided the SHG members and also the paralegals. After the statement was recorded, the police began to conduct further investigations. There was a brief report of the incident in the newspaper but, thankfully, the news items did not mention names. The SHG members guarded the girl and her family so that nobody questioned them and reminded them of the traumatic incident.

The relatives of the guilty were quite influential; we think they gave a huge bribe to the doctor because the medical report was strong enough. When the SHG members came to know this, they informed the clusters and the federation. In the federation board meeting, a separate committee was formed, comprising three paralegal workers, the girl's mother and six board members, for following the case. The committee went to meet the



Superintendent of Police (SP). The SP assured them that the medical report will have little weightage because the statement had been already recorded under 164 CrPC. The villagers also met the Deputy Commissioner, to bring him on board.

Within 30 days, the police in-charge released the chargesheet against the boys. The case is now in court. Back in the village, the relatives of the boys constantly threatened the victim's mother; but the SHG members were her family and supported her through all the trauma. Every 15 days, the committee visited the court; they met the magistrates and the clerks to find out the status.

Today, the case is in the Sessions court, and two boys are behind bars. The members of the SHG, the cluster and the federation as well as Munni's family are waiting for justice. This will raise hope for many such Munnis and Kaushalyas.

CONCERN

The major reasons for the success in the case, so far, are the active SHGs and the family's support and courage. What about those cases in which neither of these is available? Will such girls have to depend on the SHGs to take action?

Some expenses, for example, travel cost to court and police station, were borne by the federation. The police stations in most villages are very far off, and are neither approachable nor accessible; thus, many cases are never reported. The government does have some legal aide for such cases but these are still on paper.

The law does not provide separate and speedy trial for child rape, which is very important. How does one assure a secured and dignified life for a girl so that she is not haunted or tormented for the rest of her life?