

Child Sexual Abuse



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Case Study 1

Sana, an 11-year-old girl, lived with her maternal uncle Mahmood Abbas and maternal aunt Irshad. Her uncle and aunt fostered Sana, as her biological mother was suffering from mental illness and was incapable of taking care of Sana. Mahmood Abbas belonged to the lower economic strata and lived in a rented house. The owner of the house, Imran used to stay on the first floor of the same building, while Mahmood and his family, including Sana, used to stay on the ground floor. Mahmood Abbas and Irshad had three children of their own who used to stay with them, in addition to Sana.

Sana's aunt Irshad was suffering from a skin infection, which Imran was aware of. On 21st January 2018, he called Sana upstairs on the pretext of giving her an ointment for her aunt. As Sana went upstairs, Imran locked the door, pushed Sana on the floor and removed her pants forcibly. He began to sexually assault Sana in a bid to rape her, and attempted to forcibly penetrate her while she resisted his moves.

Sana was writhing in extreme pain, and started screaming. Imran, fearful that her noise would attract attention from his tenants and Sana's relatives downstairs, threatened to kill her if she dared tell anyone about this incident. Imran then let loose Sana and she ran downstairs crying and told everything to her aunt Irshad. Irshad consoled her and told everything to her husband Mahmood Abbas. He immediately took Sana to Bazarkhala Police Station and promptly registered a complaint against Imran. The police lodged an FIR against Imran Ansari under Sections **376[1], 323[2], 504[3], 506[4], 352[5] IPC and 5[6], 6[7] POCSO Act** on 21st January 2018. The next day, i.e. 22nd January 2018, Sana was taken for a medical examination to Rani Laxmi Bai Combined Government Hospital, Rajajipuram, Lucknow.

AALI received the information about this case through the newspaper, and decided to intervene in this case of child sexual abuse. The caseworker contacted Sana's uncle Mahmood in order to gather more information about the incident, and to provide support for the court case.

AALI case worker reached the hospital for further investigation and fact finding, and met Sana's aunt Irshad who explained the whole incident to the

[1] Punishment for rape.

[2] Punishment for voluntarily causing hurt.

[3] Intentional insult with intent to provoke breach of the peace

[4] Punishment for criminal intimidation.

[5] Punishment for assault or criminal force otherwise than on grave provocation

[6] Aggravated penetrative sexual assault.

[7] Punishment for aggravated penetrative sexual assault.

case worker. Later, the caseworker also met Sana and asked about her well-being. Sana was not in a state to talk about the incident, and thus the caseworker did not insist. Because of the trauma that Sana went through, it wasn't easy to prepare her to record her statement under **Sections 161[8] and 164[9] CRPC**. Sana used to break down each time she had to revisit the incident. With great difficulty, the case worker finally helped Sana prepare her statement which was recorded under section 161 CRPC on 23rd January 2018. Her statement under Section 164 CRPC was recorded in front of the Magistrate on 24th January 2018.

It took more than a year for a charge-sheet to be filed against Imran Ansari. On 13th August 2019, charges were framed against the accused under Sections 376, 323, 504, 506, 352 of IPC and 5/6 POCSO Act.

It was a challenge for the AALI team to prepare Sana for her examination-in-chief. A period of almost 2 years had passed when the case reached the trial stage, but Sana was still not ready to get her statement recorded as she did not want to go through the traumatic experience again. She was afraid that the Advocates would ask embarrassing questions, and she was too scared to face the accused Imran in court. The caseworker counseled her and helped her understand the importance of her statement, and how it would form the basis of the entire case.

Eventually, Sana's examination-in-chief and cross examination was completed in March 2020.

The trial went on for almost two years and on 25th February 2022 the Additional District Judge / Special Court POCSO Act (2nd) pronounced the judgment in the case. The accused, Imran Ansari was sentenced to 20 years imprisonment, along with a fine of Rs.50,000/-.

[8] Examination of witnesses by police.

[9] Recording of confessions and statements.

Case Study 2

Meenu, a 16-year-old teenage girl, lived in the Alambagh area of Lucknow with her parents and three siblings. Meenu's family belongs to the lower economic strata. Meenu was a bubbly, outgoing, and an outspoken teenager. She was friends with one Govind, who also lived in the same area, and belonged to a middle-class family.

Meenu's family was aware of the friendship between her and Govind. However, after a few days some dispute arose between them, and both Meenu and Govind stopped talking to each other. Meenu broke her phone in frustration but after a few days, bought a new phone and a sim with a new number. One day, when Meenu was out, and by herself, Govind accosted her, snatched her phone, and took it away. With neighbors' intervention, Meenu somehow got her phone back.

This upset Govind so much that on 10th June 2017, Govind kidnapped Meenu's three-year-old brother and asked her to meet him if she wanted to see her brother alive. When Meenu reached Govind's place to rescue her brother from Govind's clutches, she saw that three other boys, Shubham, Bablu, and Arun were also present there. All four of them made Meenu captive and forced themselves upon her, and gang raped Meenu one after the other, Govind being the first. All this while, Anshu, Meenu's brother was watching the heinous crime through the door, unable for a boy of his age, to comprehend the seriousness of it all. Govind also recorded a video of Meenu in that state. Meenu somehow managed to extricate herself and run away to safety, from where she dialed 100 for help. When the police arrived at the scene, the boys had already fled from the place.

The police informed Meenu's father about the whole incident, recorded her statement, and sent her for medical examination. The police got into action and started a look out for the four assailants. They managed to find them soon, and arrested all the four accused. An FIR was registered against the four accused under **Sections 376D[1], 34[2] IPC and 5[3], 6[4] POCSO Act** at the Alambagh Police Station.

When AALI learnt about the incident through a local newspaper, a caseworkers team from AALI contacted Meenu's father to know more about the case, and to provide support in the police and court procedures.

[1] Intercourse by any member of the management or staff of a hospital with any woman in that hospital

[2] Acts done by several persons in furtherance of common intention

[3] Aggravated penetrative sexual assault.

[4] Punishment for aggravated penetrative sexual assault.

The team met Meenu's father who then narrated the whole incident and asked for legal assistance.

AALI's caseworker then helped Meenu prepare for her statement to be recorded under **section 164[5] CRPC**.

Further, when the charge sheet was filed in the court, the necessary documents were also submitted in the SSP office for the purpose of compensation under Rani Lakshmi Bai Mahila evam Bal Samman Kosh.

After regular follow-up by AALI, Meenu's father was advised to seek information from the department regarding the status of compensation through a letter. The department replied to the letter stating that an amount of Rs. 7,00,000/- has been passed, which was credited to Meenu's account in the year 2018.

The court took cognizance of Meenu's case on 1st September 2017, and the trial was initiated. After Meenu's statements were recorded in the court, Meenu's father got her married hastily.

Meenu was still a minor when she was married off by her father. The trauma that her body had to undergo was still not cured, and as a result she passed away while giving birth to her child on 21st December 2019.

Later, when the pandemic hit the entire world, Meenu's case was stalled and furthermore the court asked Meenu's father to produce her Death Certificate to proceed further in the case. For a long time, Meenu's father was not able to get the Death Certificate as he did not have the receipt of the crematorium which was required for issuing death certificates.

AALI's Advocate argued before the court that the case can proceed even without the death certificate of the prosecutrix, based on the reports issued by the hospital. The court eventually agreed with the arguments presented by AALI's Advocates and the trial has begun again for recording of statements of the remaining witnesses.

Another challenge faced by AALI's advocate was that the accused after getting released on bail, were continuously avoiding appearance in the court and as a result the statement recording was getting delayed. It was argued in the court that a non-bailable warrant be issued against the accused to ensure their presence.

A Non-Bailable Warrant was issued and the same has been served and the accused got arrested. They later furnished a bail which is pending the decision of the court.

[5] Recording of confessions and statements.

Case Study 3

This is the inspiring story of Pooja Rohra, a young girl who demonstrated unparalleled courage in the face of adversity. The Rohras lived in a quiet neighbourhood in the bustling city of Lucknow. But their lives took a tragic turn when they became victims to a heinous crime, leaving them shattered. Pooja Rohra, a vivacious kid all of just 7-years at the time of the incident, lived with her parents, Ravi and Shikha, in a close-knit community in Lucknow. Her innocence and enthusiasm were the delight of the neighborhood. Pooja's parents cherished her and provided a loving, nurturing environment.

One evening in February, 2014, while Pooja was engrossed in her drawing, tragedy struck. Vijay Dwivedi, a trusted family friend of the Rohras, called her to himself when he saw Pooja alone and suddenly forcibly penetrated his finger into her private part, violating the trust the family had in him. Pooja's desperate cries brought her mother to the scene, and Vijay fled in disgrace. Pooja's mother, Shikha, immediately contacted the police and dialed 100, expecting swift action. However, their response was disappointing. It was Shikha's unwavering determination that eventually led to the registration of an FIR, charging Vijay under **IPC sections 354[1] and 504[2]**, along with the POCSO Act.

Through a family friend, Shikha came to know about AALI and approached the organisation for legal support. AALI case worker met the Rohras and provided legal counseling to the family and spoke with Pooja, where she told about the incident. AALI prepared the girl for her statement before the magistrate, under 164 CrPC. As per the law, one person whom the child trusts can accompany her, so in this case Pooja's mother accompanied her so that she could narrate the whole incident before the magistrate without any fear. The team followed up in the case till the charge sheet was filed, which took around 1.5 years.

As the case was committed in the court, the legal battle that followed was fraught with challenges. The absence of a specialized POCSO court led to delays in proceedings, and Vijay, despite the gravity of the charges, was granted bail by the court. AALI team counseled Ravi and Shikha to file for compensation as in POCSO case there is such a provision for a child's rehabilitation. During the initial discussion, Ravi and Shikha were

[1] Punishment to outrage the modesty of a woman

[2] Intentional insult with intent to provoke breach of the peace

apprehensive to demand any compensation because they thought people would think they had filed this case just for the sake of money. But after a few rounds of discussion and counseling by the AALI team, Pooja's family filed for compensation and AALI's lawyers also sought a change in charges from **7[3]/8[4] POCSO to 9[5]/10 [6]POCSO** as it was an aggravated sexual assault.

As the case unfolded, the Rohra family faced social isolation and stigma from their community. Instead of showing empathy to Pooja and offering their support to the Rohras, the neighbours chose to distance themselves, and Pooja's family was left to grapple with the emotional fallout. Despite the adversity, Pooja exhibited remarkable resilience. She continued her education and showed unwavering determination throughout the legal proceedings.

AALI filed an application for an in-camera proceeding in her case so that Pooja could confidently give her evidence before the court. Throughout the whole process, Pooja's case drew attention to the deficiencies in the legal system. The family's struggle highlighted the urgent need for dedicated POCSO courts and improved infrastructure for child survivors.

After four years of struggle and pendency, AALI was able to build the trust of the family in the legal system. Because the legal battle continued, the Rohra family's determination remained the same and Vijay was convicted in the matter and was punished with 5 Years of rigorous imprisonment.

Pooja's story is a testament to the resilience of the human spirit and the power of unwavering determination in the face of adversity. Her journey from being a victim to a survivor and her family's relentless pursuit for justice, serve as an inspiration to all.

While the legal battle was fraught with challenges and the social stigma weighed heavily on them, Pooja and her family never wavered in their quest for justice. Their unwavering commitment exposed the deficiencies in the legal system and ignited a call for change. Pooja's courage and strength not only helped her heal but also became a beacon of hope for countless others who have suffered in silence. Her story reminds us that, with resilience and determination, even the darkest days can be overcome, and justice can prevail. Pooja's triumph over tragedy is a powerful reminder that the pursuit of justice is not just a legal process; it is a testament to the indomitable human spirit and the unwavering belief that, in the end, truth and courage will prevail.

[3] Sexual Assault

[4] Punishment for Sexual Assault

[5] Aggravated sexual assault

[6] Punishment for aggravated sexual assault

Case Study 4

Rupa, an 8-year-old school-going kid, lived with her parents in Lucknow. Both her parents, belonging to the lower middle economic strata, worked to make a living. There was a Temple near Rupa's house where Chhedu Joshi was the priest.

Chhedu used to visit their house every Saturday when Rupa's parents donated some stuff to fulfill their religious obligations. On 31st August 2013 when he visited Rupa's house, he spotted her playing outside, while her parents were inside the house. Chhedu took Rupa with him and made her sit on his lap and started touching her inappropriately. He shamelessly groped her, and even put his hand inside her undergarments attempting penetration in her private parts.

Rupa had started screaming in pain. Her parents came rushing out on hearing her cry. They nabbed Chhedu immediately, and with the help of the neighbours who had also gathered hearing the commotion, took Chhedu to Aliganj Police Station and lodged a complaint against him. An FIR was registered against Chhedu under **Sections 376B[1] IPC and 3[2], 4[3] POCSO Act**, and Rupa was sent for a Medical Examination to Ram Manohar Lohia Hospital.

After the statements of Rupa under **Section 161[4] and 164[5] CRPC**, the charge sheet was also filed. Rupa's parents had engaged an Advocate but were not satisfied with the proceeding of the case. Rupa's aunt used to work with AALI and she introduced Rupa's father to the AALI team. By this time, when Rupa's father approached AALI, Rupa's and her father's statement-in-chief and cross-examination had already been recorded in the court.

AALI's caseworker also met Rupa and observed that she had stopped talking to anyone and had isolated herself completely. The caseworker counselled her regularly and supported her in coming out of her trauma.

With all the efforts and support, the 8-year-old Rupa got her self-confidence back. She started going to school again and living a normal life as before. In November 2018, after five years of fighting for justice, the Court finally gave its verdict. Chhedu was sentenced to prison for 10 years and a fine of Rs.10,000 was imposed on him.

[1] Punishment for Rape

[2] Penetrative sexual Assault

[3] Punishment for penetrative sexual assault

[4] Statement before Police

[5] Statement before magistrate

Case Study 5

Soni, a 40-year-old widow, lived in Lucknow along with her 13-year-old daughter. She is the second wife of her deceased husband and has a stepson Manoj, from her deceased husband's first wife.

Soni started facing a lot of harassment at the hands of her stepson Manoj. He used to abuse Soni and her daughter and even threatened Soni with throwing both herself and her daughter out of his late father's house. Manoj even misbehaved with Soni's daughter, and once even forcefully held her and sexually assaulted her by kissing her lips without her consent. Soni took to legal recourse by visiting the commissioner's office and filing a complaint against her stepson's gross misconduct and threats.

As part of their routine work, AALI case workers often visit the commissioner's office to get details of cases lodged in his office, where people have sought his office's intervention. It was on one such visit by the case worker in December 2020, when she met Soni. AALI caseworker came to know that Soni had come to register a complaint to the Commissioner's PRO against her stepson Manoj Sharma, who not only had started living in her house by force but had also sexually assaulted her daughter by forcibly kissing her on the lips. But the PRO refused to register Soni's complaint and do anything about it by saying that 'this is a personal property matter of the family' and refused to take cognizance of the stepson's gross sexual misconduct.

Thereafter AALI took it upon itself to help Soni get justice in her case, and the caseworker got into action. She spoke with Soni and assured her of all possible help from AALI in the said matter. AALI caseworker escalated the matter to the Commissioner, which resulted in the Commissioner personally intervening in the matter and marking the case to the SHO of the concerned police station for registering an FIR.

Subsequently, an application was drafted by the AALI caseworker, and Soni was asked to go to the police station and submit it at the earliest. When AALI followed up with Soni regarding the FIR registration, the case worker found that even the SHO had failed to register the FIR, despite the communication from the Commissioners' office, saying that Soni's complaint was false and that she was trying to involve her daughter unnecessarily when it's actually a property matter. AALI Caseworker also tried to connect with the SHO on his mobile number but it was futile since the SHO refused to take the call as he identified the number to be of AALI's case worker.

The caseworker again visited the Commissioner's office to escalate this matter and reported the whole incident of how the SHO had handled Soni's matter. Even when the Commissioner tried to connect with the SHO, he was unable to, as the SHO had switched off his mobile phone.

With the incessant thrust of AALI, the Commissioner connected the caseworker with the SHO through wireless and ordered him to register the complaint at the earliest. With persistent efforts and follow-up done by AALI, finally, on 17th December 2020, Soni's FIR was lodged under Sections 323, 504, 506, 354 IPC, and 7 / 8 POCSO. AALI caseworker helped in preparing the complainant for the recording of statements u/s 161 CrPc and u/s 164 CrPc.

Finally, a charge sheet was filed for the said case on 3rd January 2021 in the court. Thereafter, charges have been framed against the accused Manoj Sharma. The case is being followed up by an AALI caseworker in the court. As of now, an examination of prosecution witnesses has been done. At the time of cross-examination of Prosecution witnesses, the Opposite party tried delaying tactics on the proceedings but due to consistent efforts by AALI Caseworker, the cross-examination was also done without any further delay. Now the case is at an advanced stage and AALI caseworkers are trying their best to get justice delivered.

Case Study 6

This story is a case of child sexual abuse perpetrated by a neighbour, who is a 16 years old boy. Preeti Kumari, 6 years old and her brother Ram Kumar a young boy of 9 years, are residents of Kokar, District Ranchi. The kids' neighbour, Himanshu Kumar, offered free tuition to both the children, and asked their mother to send both kids to his house to study. Already facing difficult financial conditions, the mother took kindly to the offer made by their neighbour Himanshu. The mother took it as a neighbourly affair, thinking Himanshu is like a brother to her children, and it is very kind of him to teach both the children without expecting anything in return.

It was all fine till one day, when the mother Rinki Devi overheard her children's conversation. It was 5th January 2015, when both the children were talking to each other while washing their hands and feet at the tap. Preeti asked her brother, if he was also feeling any pain like she was at that moment. Feeling apprehensive about something greatly untoward has happened, she asked her children what was the pain that both were talking about. The children kept quiet, unwilling to share anything. However, when the mother prodded them a bit, and insisted, the children opened up and told her about what happens when they go for tuition to Himanshu. Rinki was horrified, when the kids told her that Himanshu used to forcibly indulge in sexual acts with them. The children also told about Himanshu's constant threats to them, that if they divulged anything about this, he would kill both, their mother and father.

Rinki Devi shared these horrifying details with her husband Shankar Kumar, but they were too intimidated by Himanshu's family to file a case against him. They were also scared that Himanshu might harm their kids, if they dared to report this matter to the police. However, when Shankar's brother came to know about this incident, he insisted on his brother to file an FIR against Himanshu. Five days after the incident came to light, on 10th January 2015, an FIR was lodged against Himanshu by the children's parents under the POCSO Act.

AALI got to know about this case through a team member's acquaintance. AALI then planned to collect more information and facts related to this case. The fact-finding team found that the information they received was absolutely correct. Therefore, the AALI team decided to provide legal support and intervene in this case.

After AALI's intervention, both the parents and the children cooperated in the medical examination of the two kids, and statements under **Section 164[1] of Cr.PC**, were recorded in the court.

Education is the fundamental right of every child. Keeping in mind the better future of the children, AALI organization provided support to both the survivors to enroll them in the local school.

There were many challenges in this case. One was that both the survivors, the girl and the boy were very young, and the girl was fearful of giving her statement in the court. Two, the financial condition of Shankar Kumar was not very good. He was struggling to earn just enough for his family's survival, by selling vegetables. In such a situation, it wasn't easy for him to leave his daily wage job to appear for court hearings. Three, the accused, Himanshu's family was very strong and powerful, and was constantly arm twisting Shankar into compromising and withdrawing the case.

AALI actively counselled the survivors' family. As a result of this counselling, despite constant threats and pressure from the accused Himanshu's family, the kids' family continued to appear for the court hearings and did not withdraw the case. Even after facing such challenges, the family finally succeeded in getting justice. The court granted Rs.50,000/- to the survivors' family, as interim maintenance.

Meanwhile, the AALI team remained in constant touch with the two minor survivors and their family. Finally, on 6th June 2018, the court arrived at a decision in this case, taking into special consideration the fact that Himanshu was a juvenile. While giving the verdict, the juvenile court invoked the provisions of the Juvenile Justice Act, which dictated a different approach for young offenders. Accordingly, Himanshu was sentenced to an observation home and faced a fine of Rs.10,000, which was subsequently allocated to the survivors.

Due to AALI's steady intervention and taking into account other pertinent factors, such as the condition of the survivors, the Legal Services Authority issued an order for a compensation payout of Rs.1,00,000. This decision aimed to provide additional support to the survivors while adhering to the unique circumstances surrounding Himanshu's status as a juvenile offender.

[1] Statement before magistrate

Case Study 7

This is the story of Rania Soreng, a 12-year-old girl from Simdega, Jharkhand, whose life took a dark turn, and how she embarked on a journey of healing and justice. She lived with her elderly grandfather and aunt, as her mother had passed away. A bright young girl, full of dreams, living peacefully, until an unfortunate incident shook her world.

One evening, Rania visited her aunt's house and was on her way back home when a 15-year-old boy named Arjun approached her. It was already 6:00 PM, and Arjun urged her to let him escort her home. Rania, unaware of the impending danger, agreed, and she hopped on to his bicycle.

Instead of escorting her to safety, Arjun led her deep into the forest and forcibly assaulted her. Rania, terrified and traumatized, was left alone in the woods after the ordeal, while Arjun fled the scene.

For four agonizing days, she remained silent, unable to muster enough courage to share her traumatic experience with anyone. It wasn't until her concerned uncle, who noticed her uncharacteristic silence, asked her what had happened, and insisted she share whatever that was bothering her.

As soon as Rania divulged to her uncle the abuse she faced from Arjun, her uncle promptly went to the local police station to lodge an FIR. The FIR was lodged but no copy was provided to Rania's uncle. He soon stumbled upon information about AALI's interventions to help women fight for their rights, and contacted a caseworker who could support Rania in the situation that had befallen her. It is at this moment that Rania saw for the first time after her abuse, a light at the end of, what seemed to be, a never-ending dark tunnel.

Rania's Uncle reached out to the caseworker, giving details of his niece's harrowing ordeal. The caseworker wasted no time in getting into action to help Rania get justice. First, she obtained a copy of the FIR (First Information Report) from the local police station, which the police had initially failed to provide to the family. After the FIR, the boy was arrested and sent to an observation home.

Rania was in a dire situation. She had stopped going to school after the incident in 2018, and was in desperate need of counseling to overcome her trauma. For the caseworker it was a daunting task of getting the survivor's life back on track as Rania herself was hesitant to return to school and

resisted counseling, as she did not want to face her trauma head on. Yet, the caseworker facilitated face-to-face counseling sessions to support her, thus helping her to begin her journey towards recovery. She initiated Rania's enrollment in Kasturba Vidyalaya, ensuring that the young girl had access to education once again. Additionally, she helped Rania's grandfather apply for his elderly pension, providing some financial relief to the struggling family.

There came a time, when Rania's family gave up hope of justice and were willing to settle the case outside the court and were hesitant to pursue compensation. However, the caseworker's dedication and determination prevailed. She convinced Rania's family that settling the case in the court rather than outside, and seeking justice was essential, not only for Rania but also to prevent such incidents from happening to other vulnerable children. Gradually, with the caseworker's unwavering support, Rania began attending school again and showed signs of healing.

Rania's case remains pending in the Juvenile Board, where her testimony as a witness has already been recorded. Despite the challenges and the pain, she endured, Rania is slowly regaining her confidence and hope for a brighter future, thanks to the tireless efforts of AALI and the case worker, who stood by her side throughout this arduous journey.

Case Study 8

In the quiet village of Pakartand Simdega, Jharkhand, a young girl named Shaili Kujur, aged 13, faced a life-altering tragedy when she lost her father. Left with the void of her father's absence, Shaili's mother, Dhuku, remarried a man named Johnson Lakra. This marked the beginning of a tumultuous chapter in Shaili's life.

Shaili, now residing with her mother near Johnson Lakra's home, experienced unspeakable hardships. She endured mistreatment that left her in silence, unable to share her suffering with anyone. Little did she know that this silence would lead to a terrifying ordeal that would test her resilience and strength.

For approximately two agonizing months, Shaili became the victim of a horrifying crime. Five boys from her village forcibly subjected her to sexual abuse. Fear gripped her heart, rendering her incapable of seeking help or disclosing her torment to anyone. Her innocence was brutally violated, and the trauma she endured was immeasurable. Survivors of sexual violence can feel humiliated or self-conscious, and will often not feel equipped or capable to talk about what has happened, and so was the case with Shaili.

Then, on the fateful morning of 30th May 2021, at 7:00 AM, Shaili's life took a terrifying turn. As she was on her way to her field, two of the same boys who had been tormenting her in the past, suddenly appeared in front of Shaili and pounced upon her. In a secluded field, they mercilessly choked her, and one of them even attempted rape on her. But in a moment of sheer determination, she managed to break free. Her escape came at a cost though, as she fell and injured her hand, with painful scratches.

Upon returning home, her mother noticed the injury and pressed Shaili for an explanation. Unable to bear the burden of her secret any longer, Shaili tearfully revealed the harrowing truth to her mother. Her father rose to take immediate action, and rushed to the local police station to file a complaint. However, to their dismay, the police officers showed little interest in their ordeal and brushed aside their plea for justice. They refused to file an FIR.

In the face of apathy and indifference by the police, the villagers convened a panchayat to resolve the matter through a monetary penalty of Rs 30,000 each on the perpetrators. Shaili's father vehemently disagreed with this unjust resolution. At the police station, they were once again met with discouragement, with the police attempting to convince them that it was a matter to be settled privately.

Determined to seek justice for their daughter, Shaili's parents got in touch with AALI in Simdega. A case worker from AALI, and Shaili's father returned to the police station, enduring heavy rain, and found themselves waiting until late evening. Even then, the FIR had not been registered. Undeterred, they returned the next day and finally succeeded in getting the FIR lodged.

With Shaili's safety as their utmost priority, the case worker produced Shaili before the Child Welfare Committee and they ensured she was placed in a secure place like shelter homes built for girls. Subsequently, Shaili was summoned to provide a statement under **Section 161[1] and 164[2] CrPC**.

During her initial appearance, fear and the sight of the police prevented her from revealing the full extent of her suffering. However, with the unwavering support of the case worker and her mother, Shaili gathered courage and this time when she was summoned to give her statement, she was strong enough to expose the truth. She disclosed the involvement of three additional boys in her horrifying ordeal. Moved by her bravery, the judge ordered the immediate arrest of all five accused, and they were subsequently sent to jail.

This story is not only a testament to Shaili's courage and resilience but also highlights the critical role played by the case worker in ensuring that justice prevailed. Despite numerous challenges, including social pressure to compromise, reluctance of the police to register the FIR, and harassment during the statement process, AALI's unwavering dedication led to a breakthrough.

Shaili's case is now pending in the court; it's one story of triumph over adversity. Through her unwavering determination and the support of AALI, Shaili transitioned from a silenced victim to a brave survivor. The journey was fraught with challenges, from the initial apathy of the authorities to the social pressures to compromise. However, justice prevailed, as the perpetrators were arrested, and the legal process set in motion.

Shaili's story serves as a beacon of hope, reminding us that, even in the face of the darkest circumstances, the human spirit can shine brightly. It underscores the importance of advocating for survivors of heinous crimes and the critical role of those who tirelessly work to ensure that justice is served. Shaili's triumph is a testament to her resilience and unwavering commitment to truth and justice, inspiring us all to stand up for what is right, no matter what the obstacles are.

[1] Statement before police

[2] Statement before Magistrate

Case Study 9

Sakshi, a 6-year-old girl, lived with her mother, father, and her grandmother. On the evening of 22nd February 2014, 62-year-old Naresh Dwivedi, a close friend of Sakshi's late grandfather, visited their house for tea. He would often come visiting to see everyone, as they were family friends, and Sakshi used to adoringly address him as 'Good morning Uncle', whatever be the time of his visit.

On the said date, when at around 6:30 pm, Naresh had come visiting, Sakshi's grandmother was resting in her bedroom as she wasn't feeling too well. Her mother left for the kitchen to prepare dinner. Sakshi was playing in the drawing room while 'Naresh Uncle', as Sakshi used to address him, sipped his tea quietly.

Suddenly, the quietness of the February evening was broken by Sakshi's frantic screams. Rita, Sakshi's mother, rushed out from the kitchen, fearing that Sakshi had gotten hurt. But what she saw was beyond belief. Rita saw that Naresh was hurriedly pulling his pants up, and Sakshi's undergarment was lying on the floor. Rita, in desperation, after witnessing what had happened, started to hit Naresh and picked Sakshi up in her arms. Hearing the commotion, Sakshi's grandmother too came out from her room, and after realizing what had transpired, began to hit Naresh, and eventually the two women somehow dragged Naresh out of the house. Sakshi's father used to work in Sitapur and was therefore not available at home at that time. Rita consoled Sakshi, calmed her down, and then asked her what had happened. Sakshi narrated how while "good morning uncle" was having his tea, he asked her to come and sit on his lap. Then suddenly he unbuttoned his pants and pulled her undergarment down and started to grope her private parts, and even requested Sakshi to hold his. Rita immediately called her husband in Sitapur to inform about the traumatic incident, and asked him to return to Lucknow. Rita's husband instructed her to immediately call the police and inform them.

Rita dialed the local police helpline 100 to report the matter, but there was no response. Subsequently, at approximately 9:30 pm, Rita took Sakshi along and went to the Chinhat Police Station to file an FIR. Upon hearing the details of the incident, the police promptly lodged the FIR and apprehended Naresh Dwivedi the same night. The FIR was registered under **Sections 354B[1]/504[2] IPC and 7[3]/8[4] POCSO.**

[1] Assault or use of criminal force to woman with intent to disrobe

[2] Intentional insult with intent to provoke breach of the peace

[3] Aggravated Sexual Assault

[4] Punishment for Aggravated Sexual Assault

On the very next day after the FIR was filed, Sakshi was taken to Ram Manohar Lohia Hospital for a medical examination.

The following day, on 23rd February 2014, the police recorded Sakshi's **161[5] CrPC** statement, in Rita's presence, at her residence. They also informed Rita and her husband that Sakshi would be required to testify before a magistrate in court, and they were permitted to accompany her. On the same day, Sakshi's **164[6] CrPC** statement was also recorded.

Uncertain about the subsequent steps, Rita reached out to a friend for help. Her friend knew about AALI and asked Rita to approach them for legal help.

Rita contacted AALI and met with a caseworker in AALI's office. Rita recounted the entire incident, and explained the actions taken so far. The caseworker attempted to converse with Sakshi, who remained silent to begin with. Rita encouraged her to share what had happened, but Sakshi broke down and began to cry. The caseworker discontinued the counseling session and requested Rita to complete an application for legal support, assuring her that their team would visit Rita's residence within a few days. Rita promptly completed the necessary paperwork.

Sakshi, overwhelmed with the trauma, stopped going to school. After a couple of days, the AALI caseworkers visited Rita's home. Sakshi was coloring in her books at that time. The caseworker offered to join in and help her with coloring, in a bid to establish a rapport. This engagement led Sakshi to open up and inquire about the caseworker, including her name, school grade, and the reason for her visit to their home. Her curiosity was evident in her questions. With the ice having broken between Sakshi and the caseworker, she related the entire incident and began referring to the accused as 'Bad Uncle.'

Following discussions with the family, AALI team visited the police station to inquire about the charge sheet, where they were informed that it would be filed within a week, pending the completion of a few outstanding statements.

Approximately one month after the incident, the charge sheet was filed following diligent follow-up by AALI caseworkers. The case then proceeded to the court, marking the beginning of another challenging journey for the minor girl Sakshi and her mother Rita, in their pursuit of justice.

Meanwhile, the accused Narendra Dwivedi's family applied for bail on his behalf, which was granted by the court. Once the bail was granted, Rita shockingly found the walls of her house vandalised with defamatory statements written about her. In response, Rita soon got cameras installed to

[5] Statement before Police

[6] Statement before Magistrate

identify the miscreants responsible for this vandalism. Rita also reported this incident to AALI, after which the caseworkers spoke with the police. The police assured AALI to conduct an inquiry into this matter. Later it came out that the accused Narendra Dwivedi had gone to Mumbai with her daughter. After the cameras were installed, no such incident happened. The residents of the colony started engaging in extensive gossip about the incident. Many insisted on the family to withdraw the complaint. They questioned the necessity of pursuing the case, given that the accused was elderly, and they portrayed him as a respectable family man and a grandfather. These neighbors argued that it would be more reasonable to resolve the matter privately outside of the court, rather than involving the legal system.

Despite the mounting pressure, Rita remained steadfast in her determination to seek justice. She refused to reconsider her decision to pursue the case through legal channels. Unfortunately, her neighborhood colony residents came out in support of the elderly neighbor Naresh Dwivedi in spite of being accused of a shameful act to a minor girl, and the neighborhood started to boycott Rita's family. They declared that they would not allow them to participate in any community events or even enter the local temple.

Rita was under huge emotional burden, and this highlights the challenges and societal pressures often faced by individuals seeking justice in such cases. Rita's commitment to her daughter's welfare in the face of community ostracization served as a testament to her determination and resilience.

The trial for this case began approximately one year after the submission of the charge sheet to the court. Once the charges were formally framed against the accused, the trial began. However, it was a protracted process, lasting for three long years. During this time, the caseworker dedicated significant effort and attention to following the trial closely. AALI played a crucial role in providing support to the survivor's family, ensuring they were well-informed about the legal proceedings, and offering emotional assistance during the challenging and often emotionally taxing court appearances.

In 2019, after this extended period of legal proceedings, the court finally pronounced its judgment. The accused was found guilty and subsequently sentenced to five years of imprisonment, along with the imposition of a fine. The judgment marked the culmination of a long and arduous journey towards justice, providing some closure and relief to the survivor and her family. It also underscored the significance of perseverance and resilience in seeking legal remedies in such cases.

Case Study 10

Neeta Oroan, a 17-year-old girl lived in the quiet village of Rani Tongari, nestled in the district of Lohardaga. A bright and cheerful young girl that Neeta was, full of dreams and aspirations, her father, Bandhan Oraon, took pride in her resilience and determination.

Just next door to Neeta's house resided Devtham Bhagat, who was Neeta's cousin. However, behind closed doors, lurked a dark and sinister secret. For nearly a year, Devtham had subjected Neeta to unspeakable horrors, committing acts of sexual abuse that left her traumatized and terrified.

Neeta kept her ordeal hidden, fearful of the consequences and threatened with violence from Devtham. She suffered in silence, her once radiant spirit dimmed by the continuous torment she endured. She tried to communicate the ongoing abuse to mother, but her mother did not believe her at first, rather accused her of trying to defame the whole family. In order to validate Neeta's allegations, her mother went to speak with Devtham, but he denied it, and attempted character assassination of Neeta. One fateful day, when Neeta was alone at home, Devtham brutally assaulted her, and threatened her of dire consequences which her family members could face in the wake of her disclosures any further.

Getting alerted, the neighbours came out to and took the matter before the Panchayat for an addressal. However, to Neeta's dismay, the outcome of the meeting only added to her suffering. The Panchayat pressured Neeta into keeping silent on the matter and to not amplify the same, as such an incident will defame the whole community.

The lack of support from her mother and her inability to endure the pain any longer made Neeta take a tough decision. She fled her home, hoping to escape the clutches of her tormentor. Her departure had profound consequences, not only for her but also for her family. The railway police station found her and contacted ChildLine to support her. During counseling it was observed that the trauma had taken a severe toll on Neeta's mental health, and her family was approached to seek help for her at RINPAS, a mental health facility.

From there, Neeta was relocated to a short stay home with the support of ChildLine in Lohardaga, where her safety could be ensured. It was at this juncture that her brother, Sanjay Oraon, took a brave step. He decided to file

a case at the Kudo police station, invoking the ***Protection of Children from Sexual Offences (POCSO) Act, Sections 3[1] and 4[2]***, against Devtham Bhagat. Once the FIR was lodged, to safeguard Neeta, she was placed in a different shelter home in Lohardaga. Here she could receive counseling, and was far away from the access of her abuser. Devtham Bhagat was apprehended, but the pressure from the village continued to mount. Neeta's family lived in constant fear, as they were coerced into withdrawing the case.

Meanwhile, in the city of Ranchi, Neeta's brother, Sanjay Oraon, and her sister, Bansari Oraon, who were pursuing their education, decided to seek legal assistance. They reached out to AALI for providing legal support to Neeta.

The AALI team met Sanjay, and engaged with the Child Welfare Committee in Lohardaga to comprehend the intricacies of the case. They also connected with Neeta to gather essential details about her traumatic experience.

With the steadfast support of AALI, Sanjay was introduced to legal experts Shashank and Sachin, network lawyers of AALI in Lohardaga. They offered guidance and prepared Neeta for her ***Section 164 CrPC[3]*** statement, counsel, and assistance in navigating the legal complexities of the case, including seeking compensation for Neeta.

As the legal battle raged on, AALI continued to provide vital support to Neeta's family. They ensured that her safety remained a top priority, offering emotional guidance and connecting her with counselors who could help her heal from the deep emotional scars left by her traumatic experience.

The case against Devtham Bhagat proceeded swiftly through the courts. The evidence presented was compelling, and the legal team, led by Shashank and Sachin, left no stones unturned in their pursuit of justice. Despite the mounting pressure from the villagers who supported the perpetrator, justice was unwavering.

Finally, the day of reckoning arrived. The court pronounced its verdict, sentencing Devtham Bhagat to 20 years in prison for his heinous crimes. It was a momentous victory for Neeta, and her family.

With the perpetrator behind bars, a wave of relief washed over Rani Tongari. Neeta's family, once living in constant fear, could finally breathe freely. The AALI team continued to stand by Neeta, assisting her in her journey towards recovery and transformation. Through therapy and counseling, Neeta began to rebuild her life. Her dreams, once stifled by darkness, began to flicker back to life. She resumed her education, determined to achieve the goals she had once set for herself.

[1] Penetrative sexual assault

[2] Punishment for penetrative sexual assault

[3] Statement before Magistrate

Neeta's story serves as a testament to the incredible power of courage, resilience, and the unwavering support of organizations like AALI.

It showcases how justice can prevail even in the face of adversity and societal pressures. Neeta's journey from a victim to a survivor is a beacon of hope, inspiring others to speak out against abuse and seek the support they need.

Through her bravery, she not only found justice but also discovered the strength within herself to reclaim her life and her dreams. AALI continues its mission to provide legal support and transformation to those in need, ensuring that stories like Neeta's become a source of inspiration and a reminder that justice is possible, even in the darkest of times.

