

When a Poor Woman gets Raped

by
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NARASAMMA, a 37 year old woman, mother of three grown-up children, was gangraped by three ruffians who forcibly entered her house armed with weapons at night. Youth for Unity and Voluntary Action (YUVA), which has been working in the area for the last five years on issues like land rights, basic amenities and women's rights, took up the issue with various authorities.

They also instituted an independent investigation team comprising members from women's

organisations and civil rights groups. This is a report of the investigation team who visited the community, met the woman, her neighbours, community workers, police officers, doctors and the public prosecutor involved with the case.

Amina Nagar, a slum area in Jogeshwari, has a population of around 4,000 people, with a mixture of Marathas, Muslims and a small cluster of Telugu speaking people.

Some of the land belongs to the housing board and some to private

owners. Amina Nagar and some other areas of Jogeshwari are terrorised by local hoodlums, some of whom are armed, who routinely extort money from the residents. Through sheer muscle power, they seem to have control over land and basic amenities. Each gang is named after the gang leader, for instance, Kasim's gang, Prashant's gang, Matru's gang. Any effort to resist these attacks results in demolition of huts, forcible extortion of money and physical assaults. Unable to resist these attacks

individually, the community has formed local groups which are supported by a broader organisation - Jogeshwari Rahiwasi Sangh.

The residents of Amina Nagar, individually and through the Sangh, approached the police many times, but there was no response from the local police. In August and December 1989, petitions were submitted to various police authorities. In February 1990, Jogeshwari Rahivasi Sangh took out a *morcha* to the Jogeshwari police station, and again petitions were submitted to police and State authorities. None of these actions resulted in any positive response. To make matters worse, if any local resident who had participated in the *morcha* approached the police for help he or she was ridiculed.

The incidents which led to the rape on the night of June 8, 1990, started on May 24, 1990, when some ruffians beat up a couple from Amina Nagar, Krishna Kakoji and Satyavati. After a complaint was filed, the ruffians came and beat them up again and threatened the whole community. When the local group approached the police station, inspector Salvi, who was on duty, was annoyed and rudely told the complainants not to approach the police with such minor incidents. Since no help was forthcoming from the police stations, the Jogeshwari Rahivasi Sangh pursued the matter further and met Mr Digrajkar, the deputy commissioner of police on June 1, 1990. Senior police inspector R.R. Singh promised to start regular police patrolling of the area at night and also assured that the accused would be arrested within two days. But of course, as usual, the promise remained an empty assurance.

On June 7, 1990, another group of ruffians came and beat up three more people, Chandbibi, her husband Sheikh Rasool, and Satyanarayan. Again, a desperate plea was made to

the police for immediate protection. On the night of June 8, the ruffians came again, armed with weapons. When the people refused money, they beat them up. Eight huts in the area were attacked, people from at least three homes received severe injuries.

Unfortunately for Narasamma, none of her sons were at home that night when the ruffians entered her hut. They demanded Rs1,000 from her. When she refused, they pushed her down on the cot, gagged her mouth with the *sari*, and three men raped her while about 12 others kept watch outside. They threatened to insert a sword into her vagina if she raised an alarm.

After the rapists left, at around 4 a.m., Narasamma, accompanied by a neighbour and a YUVA activist, went to the Cooper Hospital. Among the others who were attacked, only two, apart from Narasamma, went to the police station to lodge complaints.

Narasamma had a lump on the head where the rapists had hit her with a bundle of coins. The doctor examined her external injuries and recorded them on the case paper. At this point Narasamma did not disclose the fact that she was raped. After the doctor left, when Narasamma was alone with the nurse and the neighbour Mary, she told Mary that she was raped. Mary, who had been acting as Narasamma's interpreter, told the nurse that Narasamma had been raped. But the nurse administered the prescribed medicine and asked them to go home.

When they reached the police station, again Mary told the officers that Narasamma had been raped. But the officers who were busy with a murder case, shouted her down, saying: "Do you know the meaning of rape?" When Narasamma herself was asked by the officer, she felt too intimidated and answered in the negative. The police registered a case of outraging a woman's modesty,

house breaking, assault and abetment.

The next day, Narasamma, who was still feeling ill, was taken to Cooper Hospital, where the social worker working in the community came to know that she was raped. She was examined by a gynaecologist but unfortunately, by then no evidence of rape was left. The team went back to the police station and insisted that the case should be reported as rape. Only then was the case registered as rape.

After the offence of rape was registered, only one accused, Ayyub, was arrested and released on bail, on June 18, 1990. After this the other two accused, Prashant and Iqbal, were arrested.

The police had recorded a case of outraging a woman's modesty under section 354 which is a bailable offence, punishable with just one year's imprisonment. While recording this why could they not also ask leading questions or ask for a medical report on rape and insist that the possibility of rape should not be ruled out, since the woman's blouse was torn and she had marks of injury on her breasts? But the police would like to wash their hands, and say that they could only register a complaint based on what was reported to them. "If the woman was raped why did she not say so?", they ask. But rape is cognizable, that is, an offence, against the State, not against an individual victim alone. The woman is a witness giving evidence; it is the State who prosecutes. So the onus of making all the preliminary investigations and ensuring that important evidence of rape is not lost at the preliminary stage should be on the police. Further, since the complaint was made on June 7, and the community had specifically asked for police protection and police patrolling at night, the incident on the night of June 8, which ended in the gang rape of Narasamma, is a direct

result of police antipathy and negligence towards the community. And yet today the community workers would have to work in close co-operation with the police because if they are antagonised, even the minimum follow-up on the rape case will not take place.

Secondly, why did the doctor not insist on a medical examination to rule out the possibility of rape? Dr Ramesh who was on duty in the casualty ward that night and had met Narasamma again on June 10, coincidentally is a Telugu speaking person. The hospital superintendent vouched that he is a very sensitive doctor. And yet Dr Ramesh didn't even know till the next day that Narasamma speaks only Telugu. Dr Ramesh states: "How can we routinely do a rape checkup when a case of assault on a woman is

reported? It is such a delicate subject. I will be taken to court."

So, finally, all branches of the State machinery would like to absolve themselves and point the finger at illiterate non-Hindi speaking, middle aged, migrant Narasamma. The common myths and biases against rape emerged when the police and the doctors said: "If it was a young girl with injuries on her breast, we would suspect rape." How can the police and the doctors think that only young girls get raped?

The most positive reaction comes from Narasamma herself and the immediate neighbourhood. Contrary to all established myths on rape, the incident does not seem to have shattered Narasamma or stigmatised her within the family. At least at the moment, the local organisation views

it as an outrage on the community as a whole, and not as an issue concerning only Narasamma or even only the women. Narasamma also views the incident in the same light.

What is really striking is the support from the women in the neighbourhood. As Narasamma has not yet recovered from the injuries, one neighbour fetches water from a distance of 200 yards. Another helps with the housework. Someone or other accompanies her to the police station, and at night they take turns to sleep in her hut. Everyone realises the mistake that was committed, when concerned neighbours washed her bloodstained petticoat after the rape and valuable evidence was washed away. The community also wants to have an orientation programme so that all women in the community know how to deal with such attacks.