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Justice against all odds at last

By Coomi Kapoor

THE wheels of justice grind but grind ever so slowly. Often offenders get away scot free or with a mere rap on the knuckles for serious crimes. The heady cocktail of money, political influence and the notoriously overburdened courts invariably result in subversion of justice.

Yet, every once in a while there comes across a criminal case which warms the cockles of law-abiding people disgusted with corruption and endemic delays in the administration of justice. One such case has been in headlines recently.

Despite the gross misuse of political influence, police and civil administration, the 18-month prison sentence awarded to the retired director general of police, Haryana, S. P. S. Rathore, for the molestation of a 14-year-old girl, has given hope that in spite of all odds justice can still be done.

It took twenty years for Rathore to be punished for the molestation of Ruchika Girhotra. Belonging to the elite Indian Police Service, Rathore in 1990 was also President of the Haryana Lawn Tennis Association. He called Ruchika to his office on the pretext of finding her a tennis coach. Belonging to a conservative middle class family, Ruchika took her friend, Aradhana Prakash, to Rathore's office next day.

Surprised to find Aradhana with her, Rathore asked her to go out on some excuse while he molested Ruchika. A very shaken Ruchika confided in her friend as to what had happened.

After mulling over consequences of complaining against a senior police officer, the family gathered courage to lodge a formal complaint against Rathore.

Now, instead of feeling contrite and making amends for his boorish act, Rathore began a systematic campaign to harass and intimidate Ruchika and her family.

Local cops stalked Ruchika when she stirred out of her home. False cases of theft - as many as thirteen in all - were slapped against her young brother. Police touts slandered her in the neighbourhood where Ruchika lived in Chandigarh, the joint capital of Haryana and Punjab, that she was of "loose moral character."

Due to pressure from Rathore, who wanted Ruchika to withdraw the molestation complaint, the school where she was studying expelled her on the flimsy ground that she was late by three days in paying the monthly tuition fees.

Her younger brother was booked for cycle theft and paraded naked in the neighbourhood by the local police. Unable to bear any longer the harassment of her family, three years after her molestation, Ruchika committed suicide. She was seventeen at the time.

Meanwhile, investigation in the molestation case was making no headway. Despite his superior police officer recommending the filing of a FIR, the State Government refused. It was because successive chief ministers belonging to two different parties were solicitous of Rathore's career.

Despite the State Chief Secretary and the State Director-General of Police recommending action, ruling politicians promoted Rathore in the police hierarchy. Eventually, he was appointed the head of the State Police. Rathore retired in 2002 as the DGP of Haryana Police. That was twelve years after molestation and nine years after her suicide.

The case against Rathore would not have made any headway, especially given the notoriously slow progress in courts, but for the doggedness of Ruchika's friend, Aradhana who had accompanied her Rathore's office on that fateful day.

Now married and settled in Australia, she came down to stand witness, braving repeated, and arbitrary adjournments and delays in the trial court. Her family too was intimidated but her father and a couple of good Samaritans refused to buckle under pressure.

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What eventually impacted the delivery of justice was the stellar role played by the news television channels. A number of them highlighted Ruchika's and her family's harassment at the hands of the then DGP and the political protection enjoyed by him.

Civil society activists took out candlelight processions to demand justice for Ruchika. Last December, a lower court awarded him six months for molestation, while fresh cases of abetment to suicide, attempt to murder and illegal confinement were filed against him.

But because a six-month sentence entitled him to an immediate bail, Rathore was seen coming out of the court grinning from ear to ear, a picture flashed by the print and television channels across the country and which disgusted the whole nation.

With his handlebar moustache and his thin crop of hair, chemically dyed black, and slapped on his head, Rathore's broad grin provoked a national outcry. Asked to explain that sneering smirk, he said that he was an admirer of Jawaharlal Nehru, the first prime minister, who had taught him to keep smiling.

Well, last Tuesday (May 25) that smirk was gone, though most brazenly he told a newspaper that "the smile was on my face, is on my face and will remain on my face". In order to avoid going to jail, Rathore immediately after the sentence pleaded illness and asked to be sent to a hospital.

The court refused. Instead, he was led to a jail where he had to contend with mosquitoes and sizzling summer heat, regulation prison clothes, a stone-hard bed and basic and ill-cooked food. For company, he had hardened criminals. His appeal against the sentence in the Punjab and Haryana High Court, filed by his lawyer-wife, would come up for hearing later.

Meanwhile, there was a renewed demand for salutary punishment for Rathore's juniors who had intimidated the molested girl and her family. A Haryana cadre Inspector General of Police, and two other senior officers have been booked under various sections of the Indian Penal Code.

Whether they will pay for doing the 'illegal' bidding of Rathore remains to be seen, though the politicians who had protected him despite adverse recommendations by Rathore's bosses are unlikely to suffer any penalty. Nor is there any chance of Rathore being tried for abetment to suicide since the police had failed to produce any evidence.

Expectedly, Rathore and his lawyer-wife blamed the media for his troubles, denying that he had actually violated the young girl. Soli Sorabjee, the leading Supreme Court lawyer and a former attorney general of India, countered the charge of trial by media, maintaining that it was instead a commendable case of media activism.

Even district and sessions judge, Gurbir Singh, while convicting Rathore last week termed the legal battle "between two unequals" but denied that the media had influenced the outcome of the case. He observed that " .. media cannot influence decision-making process... courts and judicial system is very strong.."

It says something about the prevailing justice system which allows the rich and the powerful to get away with murder that the conviction of the former DGP of Haryana Police had become a cause celebre throughout the country, with television channels and newspapers according it prime space.

Clearly, the fact that a powerful police officer who wielded immense political and administrative influence could be brought to justice gladdened the hearts of ordinary Indians.



In a country where it is not uncommon for the rich and the famous to go scot free for their various acts of omission and commission, the conviction and sentencing of Rathore has renewed faith in a far from perfect justice system and brought some finality to the bestial crime against the fourteen year old schoolgirl who was forced to commit suicide.

(Indian Diary, The Star, 31 May 2010)

