

**UNVEILING JUSTICE: EXAMINING THE RUCHIKA GIRHOTRA  
CASE AND THE PERSISTENCE OF INSTITUTIONAL FAILURES IN  
ADDRESSING SEXUAL ABUSE IN INDIA**

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**ABSTRACT**

*This article explores the case of Ruchika Girhotra in great detail, highlighting the sad instances of institutional neglect about sexual abuse in India. The Inspector General of Police, Shambu Pratap Singh Rathore sexually assaulted 14-year-old Ruchika in Haryana back in 1990, leaving her severely emotionally and psychologically traumatised. Ruchika bravely sought justice, but the Indian legal system's pervasive corruption, intimidation methods, and lack of accountability marred the case. This paper conducts a thorough analysis of the case's many facets, illuminating the prevailing attitudes in society towards victims of sexual abuse, the widespread influence of power dynamics, and the shortcomings of law enforcement in defending the rights of women and children. By carefully analysing the structural flaws that allowed Rathore to escape justice for almost two decades, this research highlights the urgent need for significant reforms in India's legal and social structures to deal with sexual assault and systematic abuse of power properly. It highlights how important it is to empower victims, strengthen security measures, and foster a feeling of accountability to stop atrocities of this nature. The Ruchika Girhotra case serves as a sobering reminder of the continued difficulties in preventing the most vulnerable people in our society from being abused and preyed upon.*

**KEYWORDS:** *Minor, Sexual Abuse, Police, Injustice, Corruption*

**1. INTRODUCTION**

The Ruchika Girhotra case is a tragic illustration of justice being withheld and delayed, which caused the public to lose faith in the system and question its impartiality. This well-known case occurred in Panchkula, Haryana, India, and attracted much attention because of its harrowing character and significant impact on the country's view of justice. The case primarily centres on the severe abuse

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and harassment that young Ruchika Girhotra, a young tennis player, suffered at the hands of a strong man: SPS Rathore, a senior Indian Police Services (IPS) officer. As the founding President of the Haryana Lawn Tennis Association, where Ruchika was a trainee, Rathore had a lot of power. He took advantage of this to commit horrible crimes against her.

The course of events, in this case, revealed how influential people, especially children, may be quickly taken advantage of by influential people and the structural flaws in India's legal and law enforcement systems. Public fury was stoked, and serious doubts were created about the reliability and integrity of the legal system due to the persistent delay in administering justice and the seeming lack of accountability for Rathore's deeds. In light of the increasing public consciousness regarding the pervasiveness of sexual harassment and abuse, the Ruchika Girhotra case became a central topic of conversation regarding the necessity of change and the criticality of delivering prompt and unbiased justice.

### **1.1 OBJECTIVES OF THE STUDY**

1. To examine the circumstances surrounding the molestation of Ruchika Girhotra by Inspector General of Police Shambu Pratap Singh Rathore, herein referred to as S.P.S. Rathore or simply Rathore, in Haryana, India, in 1990.
2. To investigate the responses of law enforcement agencies, the judiciary, and civil society to the case.
3. To assess the impact of power dynamics, societal attitudes, and institutional shortcomings on the pursuit of justice for survivors of sexual abuse.
4. To elucidate the systemic challenges hindering the effective prosecution and prevention of sexual abuse in India, as highlighted by the Ruchika Girhotra case.

## **2. RESEARCH METHODOLOGY**

1. Literature Review: A thorough review of existing literature, including academic papers, legal documents, news articles, and reports, will be conducted to establish a comprehensive understanding of the case, its historical context, and the broader issues surrounding sexual abuse in India. This literature review will serve as a foundation for framing research questions and identifying key themes and theoretical frameworks.

2. **Case Study Analysis:** The Ruchika Girhotra case will be examined as a primary case study utilising qualitative analysis techniques to dissect its various dimensions including the events leading up to the abuse, the responses of society, and the outcomes of legal proceedings.
3. **Comparative Analysis:** The findings from the Ruchika Girhotra case study will be compared with other similar cases of sexual abuse in India to discern commonalities, differences, and underlying systemic issues.
4. **Ethical Considerations:** Throughout the research process, ethical considerations will be paramount, particularly concerning the topic's sensitive nature and potentially vulnerable individuals' involvement.

### **3. CONTENT/DATA ANALYSIS**

#### **3.1 FACTS OF THE CASE:**

When the incident happened in 1990, Ruchika was just fourteen years old. On August 11, 1990, Rathore visited Ruchika at her house and met her father, S. C. Girhotra. Rathore promised to give Ruchika specialised instruction.

He requested that Ruchika meet with him the next day for the same. The following day, Ruchika and her friend, Aradhna Prakash, went to meet him. After inviting the two girls to his office, Rathore tricked Aradhna into leaving. When he was left alone with Ruchika, he repeatedly assaulted her despite Ruchika's constant attempts to resist. Aradhna witnessed the entire ordeal. Later, both girls escaped his office. At first, they rescheduled their training sessions to avoid Rathore and did not tell their parents about it. The girls decided to tell their parents about the situation when Rathore called them into his office for the second time on August 14.

Following that, the victim and her family and parents of other students enrolled in the same training academy accused Rathore of sexual harassment. After filing the complaint, politicians and police officials put tremendous pressure on Aradhna's family, who voluntarily assisted with the case and the hearings, as well as on Ruchika and her family. This led to horrible torture and harassment in connection with Rathore. Ruchika was dismissed from her school for not paying her tuition fees when, in reality, the school authorities refused to accept her fee. Her family and people in her support were also intimidated in multiple ways. On Rathore's orders, the 13-year-old brother of Ruchika, namely Ashu, was picked up by the Haryana Police in plain clothes and driven to the CIA office, where he was subjected to regular abuse at the hands of the authorities and

Rathore. Rathore physically assaulted Ashu in front of Ruchika, compelling her to drop the lawsuit. He threatened Ruchika that if she carried on pursuing the case, her father would face the same torment as her brother. These were just a few of the sufferings Ruchika and her family endured. Similarly, all of the witnesses in this case were hit with many civil lawsuits and had their employment suspended.

Unable to handle the pressure and stress, Ruchika killed herself in 1993 at the age of eighteen by poisoning herself the day after Ashu was handcuffed and paraded by the police through their area.

Rathore arranged a party on the day of Ruchika's death. He refused to give Ruchika's father her body until he signed blank paperwork. Eventually, the authorities used the blank documents as evidence that Ruchika's family had accepted the fictitious autopsy report. Rathore went on to threaten Ashu, who was still being detained by the police without authorisation. Drunken police officers beat and stripped Ashu the night before his sister's final rites. Ashu was sent home, still unconscious, after her last rituals were performed.

After the harassment persisted, Ruchika's family fled Panchkula and relocated to a village. Ruchika's friend Aradhana saw Rathore as the molester, and she persevered in pushing for Rathore to face legal consequences with the help of her parents.

### 3.2 JUDGEMENT

Finally, Rathore was deemed guilty of molestation under Section 354 of the IPC<sup>1</sup> in December of 2009<sup>2</sup>, after more than 400 sessions, 40 adjournments and 19 years. He was fined Rs 1,000 and sentenced to 6 months in prison. The CBI denied Rathore's petition and asked that his sentence be extended from 6 months to 18 months after his conviction. On May 25, 2010, the Chandigarh District Court dismissed the former police official's appeal against his conviction by the Central Bureau of Investigation (CBI) special court and sentenced him to one and a half years of rigorous imprisonment, augmenting his previous six-month term. The former police officer was apprehended and brought straight to the Burail prison. On November 11, 2010, the Supreme Court granted Rathore bail, subject to the fact that he could not leave Chandigarh.

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<sup>1</sup> The Indian Penal Code, 1860 (Act 45 of 1860), s. 345

<sup>2</sup> *Ruchika Girhotra v. SPS Rathore*, (2009) 5 SCC 539

On 23rd September 2016<sup>3</sup>, The Supreme Court upheld Rathore's conviction of molestation but restricted the punishment to 6 Months, considering his old age. The Hon'ble Court propounded, "While we uphold the findings as to the guilt of the appellant-accused, we believe that the cause of justice would be best subserved when the sentence of the appellant-accused would be altered to the period already undergone."

Rejecting Rathore's argument of false implication, the Court said: "It does not stand to logic that having regard to the Indian social set-up, any father would let his daughter's honour and reputation be damaged merely because one of his associates has his agenda against the accused."

Aradhana, the deceased's friend, served as the key eyewitness in the case. The Court emphasised the significance of her testimony, noting that as the sole witness to the act, her evidence warranted careful consideration under Section 134 of the Indian Evidence Act<sup>4</sup>. The Court found her testimony unimpeachable, providing compelling evidence of the occurrence of the overt act.

Concerning the failure to cross-examine two key witnesses at the scene—the ball picker and the coach—the Court emphasised that the calibre of the evidence is more important than its quantity. A conviction can be upheld by even one honest, reliable, and consistent eyewitness's testimony. The lack of scrutiny of every person at the scene does not invalidate the testimony of a single eyewitness.

Regarding the roughly six-day delay in submitting the complaint to the Station House Officer (SHO), the Court recognised the stigma and social constraints associated with events that could question a woman's worth. It acknowledged that people in traditional and conservative nations, like those in India, are reluctant to disclose these situations for fear of social disapproval or embarrassment. The victim's decision to withhold the occurrence from her parents was also considered reasonable, given the appellant's senior police position, the possible consequences and the challenge of speaking out against an authority figure.

#### 4. ARGUMENTS AND DISCUSSION

Rathore, the accused in the Ruchika Girhotra case, made plenty of arguments to refute the prosecution's story during the court hearings to prove his innocence.

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<sup>3</sup> *S.P.S. Rathore vs C.B.I & Anr*, 2017 (5) SCC 817

<sup>4</sup> The Indian Evidence Act, 1872 (Act 1 of 1872), s. 134

First, Rathore contended that the purported event happened at the Haryana Lawn Tennis Association (HLTA), a crowd-filled venue. He argued that carrying out such an act would have been difficult without someone noticing. The purpose of this claim was to raise questions about the integrity of the prosecution's account of what happened.

Second, Rathore fiercely refuted the accusations against him, asserting that they were fabricated for nefarious purposes. He said that the prosecution's account was fabricated and baseless, implying that the memorandum written against him was drafted maliciously, perhaps by several people, including Haryana police personnel. This assertion aimed to challenge the case's credibility against him and raise doubts about the motives behind the accusations.

Third, Rathore expressed scepticism over the integrity and applicability of the prosecution's evidence. He questioned the presence of a second player who went with the two females, claiming that this was an intentional attempt to present an eyewitness who would be helpful to the prosecution. Rathore also questioned Ruchika's signature on the document, accusing him of molestation, accusing her of forgery and calling into question its veracity. These claims aimed to draw attention to discrepancies and flaws in the inquiry and court case, making the pursuit of justice even more difficult.

Fourthly, Rathore argued that the prosecution's paperwork did not provide enough information about the occurrence and just indicated his misbehaviour, which did not support accusations under Section 357 of the IPC<sup>5</sup>. Additionally, he expressed worry about the delay in submitting a First Information Report (FIR), claiming that it allowed for manipulation and hindered the proper account of events from being presented to the court.

Finally, Rathore contended that the investigation carried out by R.R. Singh was void since at the time Rathore was working on deputation for the Bhakra Beas Management Board (BBMB) and was not governed by the Haryana government. He also discussed the competition between two tennis associations and the Indian Administrative Service (IAS) lobby's purported prejudice against him. These points supported Rathore's claim that the inquiry might have been biased or faulty, raising additional concerns about the impartiality of the proceedings against him.

In conclusion, Rathore's defence attempted to discredit the prosecution's case by casting doubt on the integrity of the evidence, challenging the motivations

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<sup>5</sup> The Indian Penal Code, 1860 (Act 45 of 1860), s. 357

behind the allegations, and drawing attention to inconsistencies in the investigation's protocol <sup>6</sup>.

## 5. RESULTS/FINDINGS

The story of the Ruchika Girhotra case offers a fascinating portrayal of systematic abuse of authority, tampering with the legal system, and the terrible outcomes suffered by victims and their families. Fundamentally, it is about S.P.S. Rathore, a senior police officer, taking advantage of Ruchika and abusing his position of power to carry out horrible acts without consequence. Rathore's activities highlight the weaknesses of institutions designed to safeguard survivors and reveal a larger pattern of abuse and corruption inside India's legal and law enforcement systems.

Prominent individuals such as Vinesh Phogat and Olympic medallists Sakshi Malik, Anshu Malik, and Bajrang Punia spearheaded the 2023 Indian Wrestlers' Protest, which attracted considerable attention by calling for the dissolution of the Wrestling Federation of India (WFI) <sup>7</sup>. Coaches and WFI President Brij Bhushan Sharan Singh has been the target of allegations alleging long-term sexual harassment of female players. Because of the seriousness of the situation, the wrestlers planned protests in January 2023, which at first led to the government pledging to set up an oversight committee to investigate the allegations. But in April 2023, the wrestlers returned to the rallies, pointing out the government's inaction.

Since 1990, Brij Bhushan Sharan Singh, the accused in the Vinesh Phogat case, has occupied a prominent position in the legislative branch and has often mistreated his athletes. Similar to this, the accused in the well-known Ruchika Girhotra case—a senior police officer—abused his power and utilised the court system to his advantage to avoid punishment for almost twenty years. The accused succeeded in considerably delaying the court procedures despite the overwhelming evidence against him, which included eyewitness testimony. After years of tenacious effort by Ruchika's family and supporters, a charge sheet was submitted, which ultimately resulted in the accused's conviction—albeit following a protracted judicial struggle <sup>8</sup>.

These two examples highlight victims' difficulties when taking on powerful individuals who occupy influential or constitutional roles. The accused's capacity

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<sup>6</sup> Diksha, “Case Review: Ruchika Girhotra Case”, *Legal Angles Patna*, Apr. 11, 2020

<sup>7</sup> Avishek Roy, “Wrestlers’ Protest, A Timeline”, *Hindustan Times*, Apr. 28, 2023.

<sup>8</sup> Mohammad Bilal, “The Vinesh Phogat story is a chilling throwback to the Ruchika Girhotra case”, *DailyO*, Jan. 19, 2023.

to sway the legal system and evade punishment highlights structural problems with the legal system.

## 6. CONCLUSIONS AND SUGGESTIONS

The Ruchika Girhotra case unveils a distressing narrative of victim blaming and retribution, as evidenced by the relentless harassment endured by her family and witnesses. These coercive measures not only deepened the anguish of Ruchika's family but also cast a chilling shadow over others contemplating seeking justice.

Furthermore, the protracted legal battles and lobbying campaigns laid bare systemic deficiencies in addressing incidents of sexual assault. Despite Rathore's eventual conviction, the leniency in his sentencing raised severe doubts about the judiciary's dedication to justice and accountability.

This leniency, compounded by subsequent reductions in Rathore's sentence, exposed institutional biases and inadequacies entrenched within the legal framework. The case serves as a poignant reminder of the formidable hurdles survivors and their families encounter in their quest for justice and underscores the urgent imperative for reforms to ensure equitable and robust handling of sexual assault cases.

Ruchika never found peace, neither in life nor in death. This is because the quantum of punishment awarded to her perpetrator never matched the quantum of suffering, she and her loved ones had to go through. The deterrence theory of law primarily focuses on creating an example in society and prohibiting similar crimes from occurring. However, this case had a contrasting effect. It is a stark reminder of the urgent need for systemic reforms to address corruption, impunity, and institutional failures within India's legal and law enforcement systems. Cases like these prove that Power Corrupts Justice. However, justice must prevail in both scenarios to bridge the gap between an idealistic and realistic world. An unjust world is nothing short of an abyss where only tyranny triumphs.