

# NAVIGATING TRAUMA

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After encountering an incident of sexual or gender-based violence, there are several routes of action that a survivor may choose to avail. However, even as there may be supportive people, systems, structures, and mechanisms ahead, a survivor may still face and trauma at different points in the journey of seeking legal help.

This handbook is intended for survivors of sexual and gender-based violence, for individuals who may have occasion or desire to support survivors they know, and for lawyers and members of the judiciary. It helps establish and understand points in the legal process that may be traumatic, and offers guidance for what one may do to navigate such situations. Through examples and scenarios conceivable in real life, this handbook attempts to understand and illustrate trauma and potential reactions to it.



## USING THIS HANDBOOK

# INTRODUCTION

Coping with trauma is a highly personal experience, whether healthy or unhealthy, and is dependent on as many factors as trauma itself. An individual experiences trauma when an incident or event overwhelms their capability to cope, and such an event that is deeply disturbing. Though human beings often deal with conflict on a daily basis, but some forms of conflict – especially those that are violent, like abuse, rape, war, natural disasters, or death – can have a negative, deep, and long-lasting impact on a person. As a result, one may find it challenging or entirely impossible to navigate through and cope with trauma.

One's response to trauma is not one-size-fits-all, changing with time, circumstances, availability of resources, individual backgrounds, the intensity of the trauma, and the support systems they have (or do not have) in place. As you will read, trauma can have psychological, emotional, and physical effects in survivors and may result in the development of mental health difficulties and psychological disorders at a later date.

The reaction to trauma is also as important and varied as the source of trauma, based on people's past and ongoing experiences in life. However, even as you will find different trauma scenarios laid out in this book, it is important to acknowledge that it by no means outlines all the forms in which survivors of trauma respond, as each person has their own ways and means to deal with their trauma that are dependent on the intensity of the trauma and the support system they have in place. It is essential, then, for survivors to embrace techniques that are constructive in their efforts to cope with trauma and manage their feelings and responses to trauma.

Here, we majorly deal with the trauma caused by abuse, both as a child and in adult relationships, and attempt to break it down. Abuse, evidently, can have a lasting and pe detrimental effect on not only a person's self-image and confidence, but also their emotional, psychological, and social development; it can hamper their growth and can distort their perception of the world in a way that they may have trouble distinguishing the safe from unsafe, real from unreal. As it stands, trauma demands to be spoken and acknowledged, but oftentimes the individual cannot find the words which would help them articulate their trauma, making it difficult to cope; other times, the stories or accounts of traumas that people have exist in bits and pieces of an objective whole, and it is difficult to coherently arrange them. This problem of memory often leads to stories being lost or ignored. Breaking down the concept of trauma and many kinds of coping mechanisms may help with this process of piecing things together and working through trauma.

# DEFINING TRAUMA

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An individual experiences trauma when an incident or event overwhelms their capability to cope. Trauma is a psychological and emotional response to an event that is deeply disturbing. Human beings on a daily basis often deal with conflict, but some situations - especially those that are excessively violent - can have a negative and lasting impact on a person. As a result, one may find it challenging or be entirely unable to navigate their way through the trauma.

A person suffering trauma may feel helpless and worthless. Trauma may affect their memory - in ways that they may have trouble recollecting the incident (because of repressed memories, for instance) or the event that caused trauma may be remembered in fragment - trauma may also push the body into a constant fight-or-flight state, and shrink their sense of self, identity, and self-worth. Since it is a personal and individual experience, the responses and emotions are also individual and different for everyone. There is no uniform reaction to trauma, every response is valid.

Trauma typically occurs in circumstances such as domestic or intimate partner violence, rape, child sexual abuse, abuse of power, war, and natural disasters. Brutal experiences that violate the body and mind can make it very difficult for survivors to move forward with their lives.

Trauma can also result from circumstances where there may be no physical violence, but only emotional distress, such as loss of control, emotional abuse, emotional manipulation, neglect, and betrayal. The helplessness and pain can become an intensely traumatic and triggering experience for survivors.

**Survivors may experience flashbacks, and may struggle with acceptance and shock right after the occurrence of such incidents. Their worldview may be deeply affected and they may develop trust issues. The person can become withdrawn and isolated from the world.**

**It is extremely important for survivors to have a safe space to navigate their trauma and a support system, be it family, friends, therapists, or anything else, to be able to cope with their trauma and also heal in the long term.**

# SOURCES AND MANIFESTATIONS OF TRAUMA

The reaction to trauma is as important as the source of trauma. People react to trauma in various ways based on their collective experiences in life. It is essential for survivors to acknowledge their trauma and to embrace techniques that help them cope constructively and manage their feelings and responses. The source of trauma – any traumatic event, such as abuse, assault, war, or others which were listed previously – also become deciding factor as to the triggers of the person. A trigger is something that activates a distressed emotional response in person, usually in relation to a traumatic event they have experienced.

Traumas can manifest in many ways – both physical and emotional. The manifestations of trauma can include feelings of guilt, distrust, helplessness and could also affect one's ability to process their emotions. These feelings could also show physical symptoms, like sweating, increased heartbeat, crying and shaking, which are usual symptoms of a panic attack or an anxiety episode.

Below are some common symptoms of trauma and how it may manifest psychologically, emotionally, and physically, and may result in the development of mental health difficulties and psychological disorders.

<b>Emotional signs</b>	<b>Manifestations in daily life</b>	<b>Physical signs</b>	<b>Psychological disorders</b>
Irritability	Nightmares	Nausea	PTSD
Anger	Insomnia	Dizziness	Depression
Denial	Difficulty with relationships	Flashbacks	Anxiety
Fear	Bonding and abandonment difficulties	Altered sleep patterns	Mood disorders, personality disorders, panic attacks
Shame	Self-sabotage and low self-esteem	Changes in appetite	Dissociative disorders
Trust issues	Emotional outbursts	Headache and stomach ache	Substance abuse
Confusion or loss	Loss of control	Triggers/ breakdowns	Development trauma disorder
Blankness	Feeling frozen, inability to do things	Numbness, no emotions, no reactions	Withdrawal
Guilt	Replaying the past, what-if scenarios, refusal to engage in particular activities	Triggers/breakdowns	Withdrawal anxiety

It is important to bear in mind that trauma is not a uniform experience, and there is no set response to it. Trauma can look different for different people, and their response to it can take different forms, changing with time, circumstance, availability of resources, socio-cultural background, the intensity of the trauma, and the support systems available.

Hence, the list above is illustrative and intended as a guide to engage with. It is not intended as a limited framework to inform how all trauma survivors respond. Each person has their own journey to deal with their trauma, depending on the intensity of the trauma and the support system they have in place.

# COPING WITH TRAUMA

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In the aftermath of any kind of abuse, what is important is the road to recovery and surviving. After trauma, what one needs to do is find safe spaces, be it with friends, or your professors, a romantic partner or therapist – which becomes the beginning of your recovery. It is important to always remember that while surviving through the trauma is the beginning of a healing process; your survival is not necessarily your recovery.

One of the major facilitators in the healing journey is language – you cope with trauma when you can acknowledge it and talk about it. It is important to teach yourself the vocabulary, be it through your own research or experiences or through any support system (like therapy) you might have access to; to have the vocabulary to “learn” your abuse and then to be able to “talk about” the trauma is one of the first steps towards recovery. One cannot cope or recover if they are unaware of, or lack the tools to address the trauma they went through.

A case scenario relating to the problem of language tools could be of Shagufta – whose abusive boyfriend “tripped” her or pushed her down the stairs, making it look like an accident. Shagufta, as she shares, for the longest time was confused and “undecided” if it counted as abuse – since he never directly “hit” her. It was the limitations of the vocabulary she had access to that made her doubt her own trauma.

Coping with trauma includes applying positive coping strategies in your life. Healthy coping mechanisms are strategies and techniques that have a positive impact on the individual’s recovery and overall well-being. These can be – starting to acknowledge the abuse, finding an outlet, being aware towards the fact that you

weren’t responsible for the abuse, and finding a support system. These social support systems could also be legal or religious institutions, counseling and therapy systems, fellow survivor groups – apart from friends, family or therapy as mentioned previously.

Social support systems that uplift and encourage an individual, in any form whatsoever, are crucial to recovery. Recovery can be counted as the moment of reclamation, or at least the beginning of getting one’s sense of agency back. It is not always the case that positive support systems are easily accessible to everyone, but living in a society, it becomes imperative to survive long enough to find systems that aid your recovery to more than just survival. For instance, Mansi shared a lack of people who would listen to her, including her parents for a long time due to their absence, but later on in life she found people – friends – who were willing to not only listen to her but also support her through it all. This accelerated her healing, apart from therapy. The key is finding a positive system that encourages your recovery and helps deal with the trauma and abuse.

Talking about an outlet, it can be any activity that helps you process and release your emotions so you don’t get overwhelmed. This outlet also serves as a distraction mechanism, which is an important tool in coping. Apart from maintaining a daily lifestyle, and carrying out mundane tasks to avoid being disorganized and free to think about negativity in one’s life, finding doing something that is not mundane and has a positive impact on your daily well-being and ability to process and release emotions, is an important part of keeping yourself distracted from constant negative emotions or thoughts,

# COPING WITH TRAUMA

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and keeping yourself from “spiraling”. This could be anything – from exercising, to writing or painting, to any other activity that keeps you distracted and also helps release pent-up energy and emotions.

For Palavika, whose case was mentioned in a previous section, the way she started to process her emotions was through writing – mainly poetry.

The concept of trauma is a complex structure of actions, symptoms, emotions, and sensations. It is hard to classify all trauma or all traumatic symptoms in simple categories, it is always distinct from person to person.

What is the most important, not only for the survivor but for everyone around them, is to acknowledge the abuse and trauma that occurred, as well as the resulting symptoms and other issues. That is the most important step to aid in someone’s recovery and to get one’s self-confidence and agency back. The biggest hindrance towards recovery is isolation and self-doubt. That is why the most important is to find support in people around you, to be a part of the society and use it to shape yourself again. The outlets, the distractions or any other ways you choose to process and release your emotions is a part of reshaping and regaining yourself and your agency.

# EXPERIENCING TRAUMA

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Trauma is an emotional response to an overwhelming event – an event which is deeply disturbing to them. The events typically could include domestic or intimate partner violence, rape, and child sexual abuse, abuse of power, war, and natural disasters. All these are brutal experiences that violate a person – be it physically, mentally or emotionally – and create upheaval in a person’s life making it difficult for the individual to move on with their life like they did prior to the event. Trauma can so be a result of circumstances where there may be no physical violence, but other elements such as loss of control, emotional abuse, neglect, and betrayal. The helplessness and pain can become an intensely traumatic and triggering experience for survivors. Two of the most common experiences of trauma are child abuse and domestic abuse/intimate partner violence.

When one talks about child abuse, they refer to abuse inflicted on a person below 18 years, which refers to any actions that can cause potential harm in the child’s mental and physical health and development, behavioral development and social behavior. Child abuse by far includes any other behavior that leads to child exploitation as well. The sub-types of child abuse are –

- i. Physical/Verbal Abuse
- ii. Sexual Abuse
- iii. Child Neglect/Abandonment
- IV. Incest

It is important to note that while incest and child sexual abuse could be classified in the same category, it is the difference in the nature of relationship with the abuser and long-lasting effects of fear and a loss of safety with one’s primary caregivers (parents) that make incest a whole category on its own.

Intimate partner abuse/domestic violence refers to violence in any romantic or intimate relationships. These include purely sexual or physical relationships and marriages too. Intimate Partner Violence is a broad category, and includes all, physical, verbal and sexual violence, and emotional manipulation. It is important to also include the fact that, in some cases, a history of child abuse increases a vulnerability to abusive adult relationships, as childhood abuse often shatters one’s perception of the world and so, their ideas of “acceptable” or “normal” behavior in relationships.

The cycle of such abusive relationships has a similar journey – there is the tension building phase, which could be the distant behavior or lack of communication. Then comes the incident – which is the major act of abuse, be it physical, verbal or sexual. This is followed by a reconciliatory period, wherein the abuser usually apologizes (maybe even claim to change), blames the victim or attempts to gaslight the victim’s perception of the abusive event, leading to a phase of “calm” after the storm where the victim is “happy” in their relationship again, having “forgotten” about the abuse before they reach the tension period again. The cycle repeats itself up until the individual finds an escape from the abuser in some way – be it leaving the relationship or any other way.

# **TRIGGER WARNING**

**MENTIONS OF PARTICULAR FORMS  
OF SEXUAL ABUSE**

**SKIP THE NEXT PAGE IF YOU WOULD  
PREFER NOT TO READ**

## Case 1: Childhood Abuse

***Both of Mansi's parents work long hours, due to which she has to go to a daycare after her school ends since there is no one at home to look after her. After going to the daycare for more than a year, Mansi shares being sexually assaulted by the owner of the daycare – not once, but three times. Both her parents were usually absent, which made it difficult to talk to them about things that 7 year-old Mansi did not necessarily understand, but felt scared and uncomfortable with. After two months of being constantly touched and groped, and even undressed at times, Mansi refused to go to the daycare again. It wasn't until she was 14 that she could share her experience and the reason behind her refusal to go to daycare with her parents.***

In this case, what is described is an experience of child sexual abuse – since the abuse was carried on by an outsider and not the parents/primary caregivers. Instances of verbal/physical abuse would similarly include violating a child through hitting them, causing physical harm or insulting or humiliating a child by using derogatory slurs.

## Case 2: Intimate Partner Violence

***Palavika's relationship with her boyfriend was a toxic and abusive one. He hit her and eventually his beating grew severe, leading to a spinal injury which rendered her unable to dance again, which she did quite often. He also used derogatory language for her, and when she attempted to confront her, he denied the abuse. Eventually, Palavika realized that she had to escape the relationship, even if he had isolated her from her friends slowly and she felt "drained and alone". She did so by consulting an old friend who, for her surprise, supported her despite them becoming distant and helped her leave him and move to a new place, also connecting her to a therapist.***

There are a lot of cases of intimate partner and domestic violence – in case of the latter they are often ignored by law as well, citing them as "internal matters". The abuse could be physical Palavika's, or could even include sexual coercion.

# MANIFESTATIONS OF TRAUMA

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In the previous section, different ways trauma manifested – physical and mental – were outlined. To reiterate and give an overview, the symptoms included nightmares & flashbacks, insomnia, chronic distrust towards people, low self-esteem and self-image issues and changes in appetite and emotional control. These also lead to physical symptoms like nausea and dizziness, chronic headache, anxiety/panic attacks, breakdowns, breathing difficulties or drastic change in body weight.

Other important manifestations of trauma are its effects on mental health. The symptoms mentioned above more often than not lead to a mental health issue, such as Depressive Disorder, Anxiety/Panic Disorder, Eating Disorders or Substance Abuse Issues, or, lastly, Post-Traumatic Stress Disorder (PTSD). It could also lead to dissociation – which is an “out of the body” experience, or feeling like looking at oneself from an outsider perspective and having no control over the body.

Dissociation could also lead to hallucinations and lead to Dissociative or Personality Disorders.

With reference to the case scenarios illustrated above, Mansi went on to develop PTSD and Borderline Personality Disorder, whereas Palavika suffered with Depressive Disorder and Anxiety issues.

Through all these symptoms, it is important to keep in mind that one’s experience of reaction to trauma depends on one’s social support system, their family backgrounds, in case of trauma in adult relationships – on their previous life experiences, the nature and intensity of the traumatic event and any other immediate systems of support and facilitation.

This means that these symptoms or manifestations don’t present for everyone in the same manner, which makes it important to keep in mind that the mental health issues related to these and listed about are also different for everyone. This makes it imperative to keep in mind that one must be careful to not self-diagnose in cases of any mental health problems and should always consult a professional in the field of mental health – like a therapist or psychiatrist/psychologist.

Everyone has different experiences of trauma, and different reactions within the broad categories of experiences. For the same reason, trauma shows differently for everyone in their mental health an emotional & social behavior. It is important to not compare any experiences or examples, and keep in mind that one’s own trauma is valid no matter what.

# NAVIGATING TRAUMA

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It looks like living your life in the aftermath of healing the initial, raw trauma fresh after the incident causing the trauma has taken place. After unpacking the factors causing and enabling trauma and healing the initial, severe manifestations of and root causes for the trauma, most often, the next step involves returning to or reintegrating with everyday life. This could look like different things for different people: going back to work, returning to live at home, heading back to school, moving cities, moving home, altered living arrangements, and altered work / school arrangements.

At this stage, it is common to find a few triggers evoking particular kinds of traumatic responses, or memories of such traumatic responses. This does not mean that you have not healed: it may just mean that the memories are still around, enough to be revived when triggered, but not as intensely as it was in the initial few phases post-incident. One is not superhuman: and therefore this phase is both perfectly normal and natural, and even expected. Think of it like peeling an onion: new layers are discovered on occasion, and these layers can fully well be addressed in ways that are gentle and supportive of yourself and your needs.

In this section, we share a few things that can support you in the course of reintegrating or returning to life and its many demands, while also navigating trauma if or when it is triggered.

## **What are Triggers?**

We're constantly receiving information: whether that's on our phones and social media networks, or in conversations and entertainment we consume. In the process, while some of this information enhances our knowledge, it is fully

entirely possible for some of this information to leave you feeling triggered, anxious, or uncomfortable.

In simple terms, a trigger refers to something that evokes a particular reaction in you – it could be a word, a sound, a voice, a colour, a particular story, a name, a smell, a picture – pretty much anything. The wide-ranging nature of triggers is essentially because each individual responds to trauma in unique ways, and different things can be triggering for different people. To be triggered is to be placed in a situation where a stimulus causes an emotional reaction or response in the individual perceiving the stimulus.

To be triggered is perfectly natural, as we are human beings with emotions, thoughts, feelings, and beliefs, that respond to stimuli around them. It does not make a person highly sensitive, fragile, or even incapable of enjoying humour. It does not define a person and does not operate as a basis to discriminate against them, or to poke fun at them.

The most common immediate reaction involves going into fight, flight, or freeze mode – where an individual either puts up a fight in the situation, or runs away, or freezes to the spot. But immediately and after, individuals can have a variety of reactions that range from physical to psychological when they are triggered. Among physical reactions, one may have an increased heart rate, increased sweating, shivering or shaking, muscle tension, giddiness, nausea, chest pain / tightness, cold chills, hot flashes, breathing difficulties, panting, tunnel vision, blurred vision, cluster headaches, and increased body heat, among other things.

Psychological reactions can include increased anxiety, high levels of panic, a sudden dip, heightened fear, rage, sorrow or sadness, irritability, withdrawal, and confusion, among other things.

### ***Responding to Triggers***

The first step to take at this stage is to acknowledge and give yourself due credit for all the work you have done in this time so far: coping, healing, taking action, showing up, and being present in life, in dealing with the trauma. These are all acts of resistance and involve speaking your truth to power by standing up to the factors that tried to strike you down. There is no right or wrong about healing: there is just healing and trying. You are the author of your script, and you get to pick the ink you write with, the kind of paper on which you write, what you choose to write, how you choose to write, and how often you write – and whether you write, at all.

Acknowledge that healing and recovery are both verbs – and therefore, refer to processes that unfold over time. These journeys are both unique and shared – unique in that your experiences are unique to your own and shared in that several others are making similar journeys in some ways. It involves processing things while also simultaneously acknowledging that you are in a safe place, that you are away from the things that traumatized you. Relying on a grounding exercise or a safety anchor (a small object you can keep on your person) to bring you back to the present can go a long way..

You are free to disengage from things that force you to engage with things that traumatize you and force you to face the things you want to dissociate or stay away from. If it means that you have to draw boundaries, or stop engaging with someone or some people, or stop going to a particular place altogether, the decision to do so does not make you wrong or bad, but rather prudent for prioritizing your needs when you need it most.

When memories and feelings come up, allow them to resurface in the ways they do. Try your best to feel them fully rather than to push them away – the more you resist, the more they persist. You can take all the time, space, and resources you need to process feelings that come up at every stage, and pursue courses of action that serve your need to process and respond to those feelings when they become apparent.

Build a routine. Trauma can feel overwhelming when it takes away your sense of control and your peace of mind. But if you built a routine and worked around it, treating it as an anchor, you see yourself in charge, and as the one who gets to call the shots. When you establish and exercise control over yourself, your life, and all the factors that go into making both of it what it is, you also establish a strong measure of control, by reclaiming what was always yours to begin with.

Reach out if you need any support or help that can rise to the occasion and respond to your needs at each point. Support can look like friends, therapists, a trusted lawyer, a relative or more, and even people you work with – provided that this works in a two-way fashion with everyone equally enthusiastic and engaged in supporting you as you would best need it. Establish expectations and check in regularly if you think that can help you engage in help-seeking without hesitation.

# TRAUMA DURING A MEDICAL EXAM

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## **Stage 1: Before getting a forensic medical exam**

Forensic medical exams help identify and document evidence through the help of a professional medical support provider. In order for the medical exam to capture the evidence in full, immediately after an incident of sexual assault has happened, it is ideal to avoid avoid bathing, showering, using the restroom, changing clothes, combing hair, douching, rubbing or wiping the area, so that the forensic examination is able to capture all the evidence as it stands.

### **Watch out for trauma at this stage**

It is perfectly natural and understandable that one may want to do some or all of these things after facing an assault. Not being able to shower or change may make you feel uncomfortable, and violated. It may cause you to replay the events as they took place in your mind, and this can be disconcerting.

### **Handling trauma at this stage**

It would be a good idea to rely on a trusted friend to be by your side through this time. If it is possible, a conversation with a trusted therapist through this waiting window can help you cope with the trauma.

## **Stage 2: During the forensic medical exam**

It might be a good idea to take along a spare set of clothing when you head to a forensic medical exam, because sometimes, they may retain your clothing to test for DNA evidence. During a medical exam, if you feel that you want to report the sexual assault immediately, or, a little while later, you can request forensic evidence to be collected. Medical forensic evidence comprises taking DNA samples by evaluating blood, sweat, semen, urine, skin tissues and saliva. The extraction of medical forensic evidence will help you submit evidence of your sexual assault and seek out the law enforcement to intervene and take the perpetrator to task. It is most often the case that DNA evidence should be collected within 72 hours of the occurrence of the incident. Usually a medical forensic exam takes a few hours' time. One is asked about their medical history – particularly allergies, medication if you are on any, pre-existing conditions if they have any, sexual activity and in some instances, if you are able to recount what had happened. Asking about sexual activity is usually done only to construct an accurate history. The entire body is examined externally, and the mouth, vagina and anus are examined internally. Blood, urine and semen swabs and samples maybe taken. Swabs of different body surface areas may also be taken. In some instances, hair samples are also collected. Clothing, particular items and objects may be collected for analysis

### **Watch out for trauma at this stage**

The process of being examined, probed, investigated, and asked difficult questions can be traumatizing, disconcerting, and challenging. You may be asked to recount events as they took place - and in some situations, multiple times. In the course of the exam itself, samples may be drawn from your body - and this may or may not involve the use of swabs, injections, and other medical implements. Your injuries may be examined, as well.

### **Handling trauma at this stage**

You are well within your right to take someone along – an advocate, a friend, a social worker, or a trusted family member. During the exam itself, you are free to ask them to stop at any point, or ask for a break and return after a short interval.

# TRAUMA WHILE PRESSING CHARGES

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Filing a case against a perpetrator of sexual violence of any kind is nothing short of an act of resistance: for it marks the choice of a survivor to stand up to their perpetrator, and bring them to book under the law. Even as this is true, it is equally true that filing a case can be a harrowing process: right from the paperwork to the painful process of reliving the case, there are plenty of things to think about.

Given that sexual assault is a crime, and that various forms of it are recognized and punishable under the Indian Penal Code, proceedings are initiated by filing a case report at a police station. From there on, proceedings go forth involving a mix of the police, the legal, and forensic medical systems.

# TRAUMA WHILE PRESSING CHARGES

## **Step 1: Filing the First Information Report**

The first step in initiating proceedings against sexual violence is to start by filing a First Information Report (FIR) at the police station in the vicinity of either where the offence took place, or, where the person who faced the crime resides. Usually, while it is advisable to file the FIR at the earliest, delays are condoned if you can show sufficient cause to explain the delay. The FIR should contain every bit of information pertaining to the crime, in this case, sexual violence. It must be signed by the informant and the officer should record the FIR's filing in a book maintained for this specific purpose. An informant is entitled to receive a copy of the FIR free of cost.

After the FIR is filed, if there is enough evidence for the case to proceed, a challan is prepared. If there is insufficient evidence, the First Information Report is declared as Untraceable. When the First Information Report is found to be false, it may be cancelled altogether. The conclusion that it is found to contain a false report can be drawn only upon a thorough investigation. If an FIR is transferred to another Police Station on the grounds of jurisdiction, it is declared cancelled in that particular station, and its validity continues in the transferred station.

After filing a sexual violence case and registering the First Information Report, its contents cannot be changed. Only the High Court can quash the First Information Report. When the police records your complaint in the case of a Non-Cognizable offence, he gives you a document called an "NC," which is the Non-Cognizable Complaint Record. Once an allegation of sexual violence has been filed with the police, the police register the FIR and launch a prima facie investigation. Based on the evidence of the investigation, the Police will arrest the accused and file the charge sheet before the appropriate Court. The State Prosecution takes the case on your behalf from then onwards, though you are well within your right to have your own lawyer assist the State Prosecutor.

## **Watching out for trauma at this stage**

As this is the initial stage in the process, fresh after the crime occurred, one may be facing rather high degrees of trauma. At this stage, you may still be processing some of the things that happened, and still perhaps figuring out your options. At this point, you may also wonder who you can rely on as a trustworthy source of advice and information. There may also be some fear around going to the police: which is completely understandable, given that the police may not necessarily be empathetic in responding to your needs or handling your case. You will be asked for all the details of your case: oftentimes with questions that do not prioritize your safety or well-being, and oftentimes, in ways that may make you feel uncomfortable, or possibly even triggered. The police may be very insensitive in their language, their questioning, and even bring the abuser before you, forcing you to relive the trauma. They may also assume the lack of knowledge of the law on your part, and possibly not file an FIR or give you an NC, or may even demand a bribe. This would mean having to go to the District Magistrate, which may be traumatizing.

## **Handling trauma at this stage**

When you have an idea to pursue legal action, it would be a good idea for you to set up a safety net before you go to the police. That safety net can look like a bunch of trusted friends or family members, or a therapist and a lawyer who you trust, or even case workers and support organizations with empathetic staff at your disposal. It would be a good idea to make notes of your case in as much detail as possible, so that while you're with the police, if you find yourself feeling anxious, unsure, or scared, you can always fall back on your notes.

## **Step 2: Investigation**

After filing a sexual violence case and registering an FIR, the complainant / informant is likely to be called to the police station for further statements, and potentially identification of people, or for clarifications. The investigation comprises gathering evidence. Any evidence that can place the survivor, witnesses and perpetrators at the time and place of the crime is crucial to the case, and is collected. Further, the crime scene is surveyed for any forensic or material evidence supporting the survivor's account.

As part of this, a medical investigation of the survivor is also conducted, where all signs indicating sexual violence are documented; however, care is taken to understand that the absence of signs does not automatically mean that sexual violence did not occur. All this while, the survivor is to be given access to medical help and psychiatric support. The clothes, jewellery if any, and other relevant possessions on the person of the survivor at the time of the sexual violence is collected. If there is a digital footprint such as chats / texts / images that record the crime, this will also be collected. Images of injuries as documented through photography will also be gathered. All material collected are listed in a document called the panchnama, which records all evidence collected. This must be signed by two people whom the survivor trusts.

### **Watching out for trauma at this stage**

The police do owe you information on your case and you do have the right to ask the questions you need to find out what they've done at this point. At this stage, when you're going through the rigours of the system, you may find yourself being asked to identify the accused, or to hear the accused's name, or even be informed of the accused's whereabouts and conduct. This can be triggering, and potentially even bring back painful memories.

### **Handling trauma at this stage**

During your conversations with the police and lawyers, it may be a good idea to rely on a friend, family member, trusted care worker, or therapist, to accompany you on these visits or to be present during these exchanges. It would also help to establish a safe space for yourself to unpack the triggers after your conversations, and to engage in activities that bring you calm and strength.

### **Step 3: Arrests and Filing of the Chargesheet**

Once the police identifies the accused and is aware of their whereabouts and identity, they may make an arrest. Sometimes, a number of suspects are arrested – out of which the accused is identified through an official identification parade – after which the others are released. Accused persons are sent for a thorough medical check up to examine their body for signs that may potentially validate the survivor's account.

Once again, the absence of signs does not mean that sexual violence has not occurred. At this point, the survivor and witnesses present detailed description of the crime in their own records, before a magistrate. If, for some reason, the survivor/complainant is not satisfied with the investigation, on concrete grounds, they can approach a Magistrate or The High Court for directions in appropriate cases, if you can show that there has been a miscarriage of justice.

Once the investigation is complete, if it is found to be a genuine case with appropriate evidence, a charge-sheet is filed, where the police submits a detailed account of the investigation to the Sessions Court, including all the information gathered, including the FIR and evidence. The charge-sheet is submitted to the court, and then, the case goes to trial.

### **Watching out for trauma at this stage**

At this stage, you receive information that the accused is either found and arrested, or is absconding. Either way, there can be impacts on your psyche and peace of mind - and you may feel traumatised or overwhelmed by the scheme of events unfolding. You may be asked to identify the accused - which can bring you to see them, although they may not necessarily see you. In the course of the identification parade, you may find yourself triggered by the accused's presence before you. There may also be an instance where the investigation may seem unsatisfactory to you - and this may need you to appear before a Magistrate or The High Court and ask for their intervention. These procedures can be traumatising because they call on you to repeat the story and be subject to interrogations and questions.

### **Handling trauma at this stage**

During your conversations with the police and lawyers, it may be a good idea to rely on a friend, family member, trusted care worker, or therapist, to accompany you on these visits or to be present during these exchanges - especially when you are being asked to identify the accused. You may also request the police to offer information on their findings to a trusted caregiver or friend, if you are personally not able to receive it directly. It would also help to establish a safe space for yourself to unpack the triggers after your conversations, and to engage in activities that bring you calm and strength.

## **Step 4: Trial**

A sexual violence case is fought by the state in which the survivor lives in and not the survivor herself, so the public prosecutor and the lawyers of the accused take over. However, once the matter goes to court, the survivor/complainant can appoint a lawyer to assist the prosecution. Both sides put forth their arguments, during which the survivor, witnesses, and the accused are examined.

A sexual violence trial is always held in-camera, which means that they are not open to the public to watch. If found guilty, the accused can be jailed for a minimum period of seven years, but which may extend to life imprisonment, and fined, depending on the exact nature of the assault. If the incident is termed as 'rarest of the rare', the accused can be sentenced to death.

### **Watching out for trauma at this stage**

In the run up to this stage, you and your lawyer, and the State Prosecutor, will begin discussing the case actively before it heads to court - if it is indeed heading to court. At this stage, there may be mentions of the crime committed against you, there may be repetitive descriptions of the incident(s), and there may also be some preparatory work around proceedings before court, such as cross-examinations and preparing for the presentation of evidence. This may be both triggering and can have impacts on your mental health and peace of mind. During the trial itself, even if you have been prepped up to respond to the proceedings, you may find yourself confronted by some trauma with the questioning, investigations, cross-examinations, display and discussion of evidence, and even seeing the perpetrator in and around the court premises, and possibly being interrogated in the witness box.

### **Handling trauma at this stage**

While preparing for the proceedings, a good approach to prioritize your care is to identify a safety plan and a routine that you can control and engage with. Violence takes your sense of control away, and restoring that control can give you a sense of peace - even if only relatively. Establish expectations with your lawyer and if you are able to rely on friends or family or therapists, or case workers, or trusted allies you can call upon for support, you may work with them to set up a safety plan and protocol to take care of your needs, attend to your trauma, and heal from your triggers at the end of every session at court.