

## The Suno India Show

### Why the state wants to depoliticise caste in the Hathras case?

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**Menaka Rao (Host):** Last month, four Thakur men allegedly raped a 19-year old woman from Hathras district of Uttar Pradesh, just a few hours away from Delhi. She [suffered](#) severe injuries on her spinal cord, and was not able to breathe properly. First treated at Aligarh Muslim University's hospital, she was shifted to Delhi's Safdarjung Hospital where she died on September 29. After her death, her police cremated her body in the middle of the night in the absence of her family members. The family members said that they were [not allowed](#) to take her body home for the last time. The case has sparked off [protests](#) in many parts of the country.

Uttar Pradesh had the highest population of Dalits in the country. As per the National Crime Records Bureau data of 2019, UP accounted for more than a quarter of the cases of caste atrocities.

Most cases of violence against Dalit women do not even reach the courts. In a major study called Dalit Women Speak Out that was published in 2006, 500 Dalit women across four states including UP were interviewed, It was then found that in only 13.8% of the incidents of violence against Dalit women appropriate police or judicial action was underway. Of these only 3.6% of instances of incidents of violence reached the court.

Hi, I am Menaka Rao, the host of the Suno India Show. I speak with Manjula Pradeep, a lawyer and civil rights activist focusing on rights of Dalits and women for nearly three decades. She is based in Gujarat. She was the former Executive Director of Navsarjan Trust that works on Dalit rights. The organisation [played](#) an important role in Dalit uprising across Gujarat in 2016 after four Dalit tanners from Una district were stripped and assaulted by cow vigilantes. She is now with WAVYE foundation that focuses on the marginalised youth in India. She is also the director of campaigns at Dalit Human Rights Defenders Network which is a colation of more than 1000 Dalit-rights organisations from different states of India.

Hi, welcome Manjula ji. To begin with, can you give us an understanding of why particular kinds of crimes are caste crimes/atrocities? When does a murder/rape become a case of caste atrocity. And why is there still very little attempt to understand this.

**Manula Pradeep (Guest):** See, when you look at crimes or offences, we do not know who the victims or survivors of the crimes are. And in the context of India, which has historically a structural society, which is based on caste system, it's very important to recognise that there are crimes which are committed on a particular social category, or a community who have been historically oppressed for centuries, and to recognise the rights. That's why it's called as caste atrocities. The aim is to visibalize the plight and pain of the community, whose rights have been violated by the dominant caste. So as we are not an egalitarian society. It is

a graded hierarchy. And so these are hate crimes and for those crimes, it's very important to get recognition of these crimes and also to get protection for the people who are affected by these crimes. And that's why we call it caste crimes or atrocities.

But see, our Indian society is trying to portray a picture of India that it is a very cultural society. And caste is seen as something which is very cultural and that is something totally wrong caste has..it has a rootedness with, with a structural inequality. So I think that somehow,..because the Dalits are not being visibalized, right? So similarly, caste is also not recognised. And people don't want to talk about caste atrocities. Because it does not affect everybody. It affects only those who are affected by caste based discrimination or violence. So it at the larger level, it becomes a battle of those who are suffering from caste-based discrimination and violence. And on the larger front, I don't think society wants to recognise that caste is a very deep rooted problem. It's very important that caste atrocity to be highlighted so that people can understand that what it means to be born as a Dalit or somebody who's born as a former untouchable, and what kind of life they do live because of their identity which is imposed on them of being in human or inferior people in this country. Caste based discrimination, which is something which is a Dalit has to live with, since the time the child is born. And the time when one consciously realises that you are being mistreated or discriminated against. We start with an age of maybe four or five. When we go to the schools, and the first realisation comes in the schools, the Dalit women, they face discrimination at home, but when they also go out in the in the village or in a settlement, they face discrimination. because primarily they are the ones who fetch water for the family. So they are mistreated, and they are not even allowed to fetch water from the public sources. And yes, they have been instances where they have been beaten up badly by the dominant caste women. Because there is a power relation based on caste that's why those who, who are not part of the, of the community they tend to ignore it and also do not want to recognise it, because it also especially highlights that they are the ones who have been violating the rights. And that's something very painful to realise that why people don't want to recognise caste as a problem and atrocity relating to caste is painful and something that people have to struggle to demand justice.

**Host:** From the accounts given by the victim's family and other Dalits in Hathras, it appears that there is a constant threat of both physical and sexual violence in the village for Dalit women.

**Guest:** See Dalit women's existence as human being is not recognised. So, on one side, they face this discrimination based on their caste identity. So they are treated as defiled. But on the other side, if you see they are also seen as objects. So it's also the power with the dominant caste manual on the limb. And so this kind of violence, which the the Dalit women go through is which is physical, but it is related to the body because ultimately, the dominant caste men thinks that the Dalit women are someone whose bodies can be used or can be misused they can do what they want. So, see what happened in Hathras is not the first incident. And it's not, it's not going to be the last incident. I am in this field so far last 28 years, and I have I've handled so many of incidents of sexual crimes against Dalit women and girls. Most of the heinous crimes or gangrapes may start with eve teasing or may start with some kind of remarks, abusive remarks, then it's then it reaches to attempt to rape her. And finally they rape her.

**Host:** There are some notions that the idea of ritual purity does not hold for lower caste women which makes them easy targets.

**Guest:** See there is a graded hierarchy. So, as you are on the top caste you are purer than others right. Dominant caste men are more purer than dominant caste women. As we say because they are women and they menstruate right. So, the point is that dominant caste men want to hold the purity of their women. The Rajput community and the Thakur community ..what they do with their own women is what I have seen in Gujarat is there are a lot of restrictions in the mobility of the Rajput women in their own houses. And I have seen those houses where they have small small windows so that nobody can see Rajput women and they can see much outside. Ojhal means with invisible practice which happens where they remain (inside veil) sabse bada lamba parda hota hai ..the veil is of Rajput women...Itna bada ghunghat nikalte hai. So which means that they want to keep their women hidden. And the point is, if a Rajput girl falls in love with someone who is not from the community or even she dares to to have physical relation with the man without marriage, we have come to know that they have been killed by their own family members. So that is the Thakur community. And they have been from the kingly class. They think they still believe that they are the former kings or like that is their fiefdom this whole village is mine and we are the kings of this village. Or we can abuse any woman. Because there is a phenomena which happened in Gujarat where I have seen the Rajputs they have one more a woman with whom they have sexual relation, and that woman is a Dalit woman. And the Dalit men are so much afraid of them that they cannot speak out. So none of these cases are ever reported in the police stations. So the Valmiki women will come last because they're the most impure women as for the caste notion, right? The dominant classmen also think that the Dalit women feel pride of being having a sexual relation with the dominant caste men because they're impure women right? There is no fear about what they are doing to the people. So this is a case of sexual violence but they are committing a lot of different kinds of crimes, which includes murders and mass attacks. All those things are happening. So I can understand the plight and pain of this girl.

**Host:** What do you think is the difference between the protests after the Jyoti Singh or Nirbhaya rape case and the Hathras case? I want to understand the particular outrage felt in relation to the violation of the family's right to give her a dignified funeral. The story was being followed closely, but blew up after the funeral.

**Guest:** See, one thing was Jyoti Singh's case was never seen as Jyoti Singh's case. This is the case of Manisha Valmiki. That was Nirbhaya's case, right? So that from there only you can make out the difference. See the dignity which people think that should be and maintain for a survivor of sexual crime. You can see the difference between this girl and that girl. Another thing was she was, the violence was equally cruel but it was in state capital, where you have the most of the women's rights and feminist organisations and who are from the elite communities. One was that. The other thing is that there's a rural setting, there's an urban setting in Jyoti Singh's case. She did not know the perpetrators or the accused, right. And their caste. There was only one issue of power was gender, which is the man versus a woman, right? And on the side of, if you see, Manisha Valmiki's case, she was knowing the caste of the men and they were from the same village. So the power dynamics was not only gender, but also caste and class. Right. The family of Jyoti were never threatened, because they were from the dominant caste and right. And, and see the dignity which was given to

Jyoti's body. You know, how she was treated, she was taken to Singapore. And if you see how this girl was treated. She could have been taken to Safdarjung hospital immediately why they wanted to take her to AMU and from there to Delhi. And the delay in the registering of the FIR, everything goes with that. Right. So, and the support which Jyoti Singh got across the country, right? It was tremendous. You know that there have been cases during Nirbhaya, same similar pattern of cases, but there was no protest. During the same before the Nirbhaya thing in 2011. There was this Dalit girl, Pipili in Odisha, and she was an eyewitness of a [gang rape](#) on her friend. And then she was also strangulated, because they wanted her to withdraw the complaint because she had seen her friend being gang raped and killed. So then she was strangulated with an iron chain. And her neck was like and then she was gang raped by the same accused. And she was in the hospital in Delhi at that time in a coma. It came in one or two newspapers, that's how I came to know. And I was shouting. I was writing also on social media that I need support. I was saying to people. And at that time, this girl died after one year of hospitalisation in Delhi. And so, that is something to think about. So this is what I want to say that her case was equally painful like Nirbhaya. See how it happens? Nirbhaya also passed away. Her parents fought for justice, but the criminal justice system, the police, was supporting them. Yeah. So you see the class also matters in this because the accused who raped Nirbhaya and killed her were from the poor community, right. That dynamic also needs to be understood. The way the case was handled in the sense that the support which was given to Nirbhaya was tremendous, and it really put pressure on the system. I don't know how long this case will be given this kind of limelight. I was just speaking to one of my friends and he visited the family yesterday and he told me that woh dare hue hai they might leave the village. So that situation did happen with Nirbhaya. Her parents did not have to struggle with the kind of threat that they had to move out of Delhi or need a safe place to fight their case. I'm just thinking about this girl hathras girl. If she would have survived this injury and she would have been alive, how would her life? How she would have been would be treated by everybody. The hype which is created because of a death and then her cremation would not have been the same. It would have been a different case. I must say that. Her death has generated that kind of support for her similar to what like with Nirbhaya her death was not the injury which she went through due to the severe attack on her and the gang rape. This girl she was attacked she was gang raped, but that didn't get much attention until she died and then the cremation. So these are the differences one can see also.

**Host:** What do you make of the protests after the Supreme Court judgement in Mathura rape case in Maharashtra. As we know, the case was against two policemen who raped a tribal girl in 1972. The Supreme Court acquitted the accused on the ground there were no injuries on her. This judgement sparked off protests all over India and was a high point in the feminist movement in India. The criminal law was amended to include custodial rape as a separate category with higher punishment.

**Guest:** See Mathura case was in the '84. And she was a tribal and she was raped in the police station gang raped, the women's movement began very strong during that time. I don't know what reforms happened after her case about Mathura's case. This case was given so much importance like it got a lot of limelight because of the women's movement. We have to accept that. And if you see at that time, Dalit women were nowhere or tribal women still they are struggling. We were not there as activists or as leaders, they would be. Yeah, so in that sense, I would say that the Mathura case is important for all of us. But the point is, how does

it change the life of women from that community like tribal, specifically, we start with tribal because she was a tribal. See from one case, you also have to empower that community or that particular social group. It doesn't happen. So that is my point is legal intervention is important. Justice is important. Just want to give an example for my own experience. I did help a 15 year old girl who was raped, and we got life imprisonment for the accused, but you know what happened? She committed suicide because she was rejected by her village. And I was with her when she was brought to my Civil hospital Ahmedabad. Whole night I was with her. And the doctors were not there. So, we took her scissors and we started cutting her burnt clothes. And she was yelling and shouting because she was like, 95% burnt. And she didn't tell me why she did. But I knew that why she committed suicide. So the whole night I was with her. And morning when she passed away. I was crying like anything, because we never thought of that, that she would pass away. We fought like anything for her. And you know the worst thing which happened was they didn't want to take her dead body at home. And because they thought that the village, the village thought that she had brought curse to the village. It's a shame for the village. So then she was cremated at Civil Hospital in Ahmedabad. With the Mathura case, I think it's really difficult to understand what a movement should be. So, when you see the case of Nirbhaya, you see a lot of reforms which happened in that case and for the women. We have a Criminal Procedure Amendment Act which came up and we have this One Stop Crisis Centre. We have Nirbhaya fund and all that.

**Host:** I think I kind of understand what you're saying. You're saying that Mathura, we did not bring out the fact that she was from a certain community. It was more like she was a woman and not so much about how she was a tribal woman having particular vulnerabilities.

**Guest:** Absolutely. And I think that is something one needs to understand that that's what is the way the women's movement is, is functioning in India. They tend to ignore the fact of intersectionality. They don't want to see a gender with caste, class, religion and. Religion is they do, because the majority of our feminists come from a particular community and they are from Hindu community. So, as you said, for Mathura was a case for the women's movement. Mathura was not seen. Yes, she was a woman. Yeah, nothing beyond that. So the tribal identity doesn't matter for the women in India, specifically the feminist or the elite women. And that is something painful. And that's why it lacks the spaces for Dalit or Adivasi or Bahujan women within the larger framework of feminist movement in India.

**Host:** There is much talk on evidence related to rape- the late filing of complaint, the lack of scientific evidence etc. The UP police said there was no evidence of rape in the forensic report.

**Guest:** You're talking about the scientific thing now about rape, whether she was raped or not. And as per the Criminal Procedure Amendment Act, two finger test is banned right. Still two finger tests are happening. And the girls who have gone through that rape and when they are when they go through this two finger test, you know what they say? That they feel as if they are raped again, because it's also rape. See, you're putting a finger is also rape. And there are male doctors who do that. And you know why they do the two finger test to see whether she's used to having sex or not. It is terrible. And when you have the autopsy report.. when the post mortem report says that there is injury in her vagina. And she is then why they're this they want to have to see the semen .. and the swab test. I'm really thinking

that why are they too much after this scientific, technically as per the post mortem report she is raped. There is penetration of penis. So then it seems like they want to protect these four accused. There is a possibility that two must have raped or three must have raped, whatever it is, but the crime was committed by four, right. So the point is that for people to understand that a woman when she's raped that part of her vagina is seen as something, it also shows how she was like they try to portray the character of the girl, right. And it is so difficult for women who are raped to prove that they have been raped. Because in most of the cases like the girl who goes through or the woman who's been raped, the first problem is that the challenge they go through is the police doesn't register on time. It's a medico legal case. They are not even aware that you One has to keep the clothes which the girl is wearing so that the semen is you can see that those are everything. And the point is when the police register the case they have to take the clothes which the victim is wearing at the time of rape. That doesn't happen. Because there is a lack of awareness amongst the people and the police know that they can do whatever with the case. So this affects the case in terms of investigation and also in terms of ensuring the justice for the girl. So, it always happens that the girl and the woman have to prove that they were raped and if they are no more the family members have to prove it.

**Host:** In the 2006 four members of a Dalit family were killed by the dominant caste members in village called Khairlanji, in Bhandara district of Maharashtra. We saw that in this case, the Bombay High Court held that the murder was a case of revenge and acquitted them under the Prevention of Atrocities against Scheduled Caste and Scheduled Tribe Act. This judgement effectively depoliticized caste violence. In cases of caste atrocity and rape, like the Hathras one, what would justice mean. In this context, can we also talk about the Prevention of Atrocities against SCST law, and why the state is not successful in implementing it as desired.

**Guest:** See UP if you see as a state having this record of atrocities, like several years. And it has it is also having the highest Dalit population in the country. Every year it tops in the and the caste crimes and sexual violence against women. So in that sense, I think if the government was really sensitive it's not this government like... before also, they have been cases in 2014, where two OBC girls were found hanging on the tree in a village near Badaun, I visited them also. So the point is that the state, it's the system, which includes the administration, and then the party, which rules there. So this male psyche, it's really, really..meri haalat kharab hoti hai sochke basically the casteist and the patriarchal mindset that works together, and where they are not able to protect the rights of the women and specifically Dalit women. In that sense, if you see why they've not been able to implement the Atrocity Act in, in, UP like there was an amendment in 2015. It's not only in UP, but the government, any government, they are not at all worried or sensitive about the issues of the Dalits or adivasis, or other Muslim communities but for this kind of crime, it is a caste and a crime, We have to understand that it is a crime of which is related to power relations. So one cannot neglect the fact that this is a rape. Because she was the Dalit girl. Whoever says that we don't want to accept it, that's their problem. But I know, and many of us know that this is a caste crime, it is not only a gender based violence.

**Host:** In the Jyoti Singh case, there was a demand for capital punishment, and prosecuting the minor in a court for adults. In Hyderabad last year, the police encountered rape accused.

In the Hathras case too, some people are demanding for capital punishment. Why is there always a demand for capital punishment each time, even though we have no evidence of it as being a deterrent.

**Guest:** Capital punishment is not the end of the problem. We have seen in other countries all there, there is capital punishment. And we know what is the status of women in that country. See we believe in human rights, we believe in the constitution, and we believe in law. But the trauma the woman goes through because if the state really plays its role... then as per the Atrocity Act, she could have got the conviction could be much earlier than waiting for many, many, many years or out of court settlement. So maybe that is a reason. The helplessness the victims go through and the families they go through. Maybe that's why people are saying capital punishment is the should be given but if you start doing that, then there is a possibility that more and more women will be murdered with rape. So the number of rape with murder will go up. So we have to see that also that ultimately we are talking about the existence of women, their pride and dignity. So is it going to, like will we get dignity and respect just by capital punishment? I don't think so. So there needs to be reforms, social reforms and legal reforms. The social reforms are, more or less not happening, as you see. At one time we had reformers. Now we don't have that kind of movement where there are social reforms, which can really change the mindset of the people. Because we want to prevent rapes. We don't want more and more rapes to happen. We want people to understand that women are equal citizens of this country, specifically low caste women, Dalit Adivasi, Muslim. They all have the right to live in this country and to live with dignity and self respect. If that state organises that kind of programme. They have so much money, they have everything. If the state has the will, they can do everything there. It is only not the Dalit rights organisation or tribal rights or Muslim organisations responsibility to address the issue of sexual violence against women. It is the responsibility of each and everybody in this country. And the state plays a very important role.

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