

# AIDWA



**NEWSLETTER-5**

**November-2020**

## **Editorial Communication**

Dear comrades, friends and well-wishers,

We seem to be living in a strange country where our daily life has come to be governed by the theatre of the absurd. Living in the full blast of the Corona Pandemic and hampered in our usual activities, the limits of our belief are undergoing considerable strain as a result of this.

A 400-year old mosque in Ayodhya had been razed to the ground 28 years back and a case has been going on in a special CBI court in Lucknow to determine who were responsible for bringing it down. Now the Honourable Court has come up at long last with its final verdict that no one was responsible for it; it was a miraculous event achieved by a few devoted *karsevaks* unarmed except by the passion of their indignation — which some even call justified — against that medieval structure!

Behold! Another miracle in UP under Yogi's rule! A 19-year old girl is found by her mother bleeding and naked in the fields, with other terrible injuries in her spine and neck, and with her tongue almost sliced off! Are you thinking that the heinous attack was carried out by some so-called 'upper' caste men from her village whom she had named in her dying statement? Forget it. A high police official in the state has already come public with a statement that nobody raped her, nobody touched her! Perhaps we are being told that this is another miracle, a punishment from heaven for a *dalit* girl who had the temerity to stray a little behind other women of her family while she was working in the fields! Anyway, as some 'Hindu' leaders in the state say, why do women go outside instead of being occupied with their housework like good *sanskari* women?

The arrogance of our rulers has reached such unimaginable heights that they believe that we can be kept at bay with the absurd stories they are trying to foist on us even as during Lockdown they had expected us to take it for granted that the

coronavirus can be frightened away by beating pots and pans. Let us tell them once and for all that it is they who are ultimately responsible for these atrocious incidents and that is why they find it necessary to shield rapists and murderers and destroyers of our Constitution who misuse the name of Rama! Let them be judged by the women and men of our country and brought to book!

**[Some of our readers have been telling us that there are articles of importance in our newsletters which they need to read and discuss more closely and to circulate among more people. Time is needed for this which a monthly publication hardly allows. We ourselves at the publication end feel that we need to go a little more slowly in order to review what we are doing and to find more active contributors. For this purpose we are for the time being, going to come out once in two months, which means our next issue will be for 1 January, 2021. Do please let us know if you feel we are getting to be too easy-going.]**

**Malini Bhattacharya, President, All India Democratic Women's Association**

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## **Combat United these Horrifying Atrocities on Women and Dalits!**

-Mariam Dhawale, General Secretary, AIDWA

A female TV actor was attacked with a knife on October 28 in Mumbai by an acquaintance, Yogesh Kumar, for turning down his marriage proposal. The actor was stabbed thrice, once in the abdomen and both hands and has been admitted to hospital. A 21-year-old student in Haryana was shot dead in broad daylight on October 27 just outside her college in Ballabgarh by a man who first tried to shove her in his car. The attacker, Tauseef, shot her when she resisted. Another horrifying incident of a six year- old Dalit girl who was raped, killed and set on fire took place in Jalapur village in Hoshiarpur district, Punjab. The accused, Gurpreet Singh and his grandfather Surjit Singh have been arrested for the heinous crime. A teenage Dalit domestic worker was found dead in her workplace. The Delhi police have refused to register an FIR as yet, even after a month has passed.



Also together with Hathras, take a look at these following horrific incidents in BJP-RSS-ruled Uttar Pradesh under Yogi Adityanath. A teenager was abducted and gang-raped in Mahoba district when she was returning home after attending an *aarti* during *Navaratri*. A Dalit student of the 11th class in Firozabad district was shot five times in the head and killed by three youthful molesters whom she had resisted. A 15 year- old girl was gang-raped in a paddy field in Jaunpur. A body of a Dalit teenager, tied up and half- naked, was found in a paddy field in Barabanki where she had gone to work. Three Dalit sisters who were minors were attacked when sleeping. Acid was thrown on them. A student from the 10th class was raped in the Jhansi college premises where she was forcibly taken and many others

filmed the act of rape. She was threatened that the objectionable video would be made viral if she complained. A 15 year-old Dalit gang-rape victim committed suicide in Chitrakoot.

Uttar Pradesh has become a land of lawlessness. Rapists and goons rule the roost with protection from the UP state government particularly if they belong to the upper castes. The last two months have seen a spurt in crimes against women and especially Dalits. The Manuvadi outlook in operation at the highest administrative level in UP has clearly shown the dangers that scheduled castes, scheduled tribes, minorities and women will face in a “Hindu Rashtra” run by the new promoters and interpreters of the Manusmriti.

These incidents are actually the tip of the iceberg as numerous cases go unreported. The rate at which atrocities on women in general and Dalits and Dalit women in particular are increasing should be a matter of grave concern for all Indians. The powers heading the Central Government are making use of the pandemic for furthering their agenda of abetting the loot of the country by changing laws relating to workers and farmers to enhance the profits of their crony corporate friends and for changing the secular, democratic character of India.

The poison of caste and religious hatred is being openly and insidiously spread. The BJP-RSS central and state governments spare no efforts to send signals to their henchmen that attacks on Dalits and women will not be taken seriously. It fits in with the ideology of the Manusmriti. They have never accepted the Indian Constitution which emerged out of our Independence Struggle, which the RSS betrayed by siding with the British and inciting communal riots!

The National Crime Records Bureau (2019) reported that 10 Dalit women are raped every day in our country. The real figures are much more than this. UP saw a 25% increase in crimes against Dalits between 2015 and 2016. India recorded an average of 87 rape cases daily in 2019 and overall 4,05,861 cases of crime against women during the year, a rise of over 7% from 2018, according to the latest government data released on September 29, 2020. This is the dismal state of affairs in our country.

### **A Second Crisis Looming Large — the Rise of Child Trafficking**

Poverty, hunger, joblessness is pushing innocent children into the dark alleys of inhuman exploitation. Poor families are being lured with promises of a better life to send their children to work. They are taken to bangle factories and sold as cheap labour. Desperation is leading poor families to allow their children to work to bring in anything they can. Sometimes, children are lured without their parents knowing it. Rescued children have narrated heart-rending stories of being at the mercy of the traffickers, of working in inhuman conditions and of physical abuse with no way to leave or communicate with their families. The thought about what horrifying tortures

the trafficked girl children must be going through is nerve-wracking. Such cruelty towards thousands of children who should actually be receiving education and midday meals exposes the heartlessness of the profit-oriented market economy!

The children most at risk are those in families facing acute poverty - a symptom of the country's massive income and wealth inequality, which has been exacerbated by the Covid-19 pandemic.

### **Democracy in Peril – Unity in Struggles the Only Way**

There have been numerous struggles for the annihilation of caste since the mid-nineteenth century. The social reform movements attempted to emancipate India from the age-old indignity, inequality and oppression of the caste order. Jyotirao Phule said: 'In their opinion, women should forever be kept in obedience, should not be given any knowledge, should not be well educated, should not know about religion, should not mix with men, and they bring out extracts from our Shastras in which women are so deprecated in support of these idiotic beliefs, and ask whether anything written by the great and learned sages can be untrue.' Caste bias within the administration is still deep-rooted today. No less a person than the current Prime Minister suggested that the Valmikis are involved in manual scavenging for a 'spiritual experience'.

These attempts to impose the value system of a Code that is thoroughly retrograde cannot go unchallenged. The government has dropped the façade of following any laws. It will do anything to subvert justice for Dalits and women. The latest example is of the police burning the body of the Hathras victim at dead of night without the consent of the parents. Anyone raising their voice against their dictatorial, fascistic tyranny is liable to be charged with being 'anti-national'. All efforts are being made to break the spirit of human rights activists by registering false cases against such people and incarcerating them.

But the October 29 massive protests all over the country have shown that unity is our strength. We shall together firmly combat this injustice and repression and shall rise in unison to build a better India!

## **Views of an Eye-witness on Babri Demolition**

-Ruchira Gupta, Journalist and Founder-President,  
Apne Aap Women Worldwide



**[On 30th September, 2020, the long-awaited verdict in the 1992 Babri Masjid Demolition Case against L.K. Advani, Murli Manohar Joshi and others was pronounced by a special CBI court in Lucknow. All the accused were acquitted for lack of evidence. The verdict said that the ‘demolition was not pre-planned’. Evidence against the accused was said to be inadequate. The verdict further stated that the demolition was done by ‘anti-social elements’, VHP or Sangh had no hand in it. The leaders had tried to stop the incident from taking place.**

**We are here publishing the transcribed version of a conversation with Ruchira Gupta, who was an eye-witness to the demolition as a journalist on 6December, 1992. She is at present teaching at New York University.**

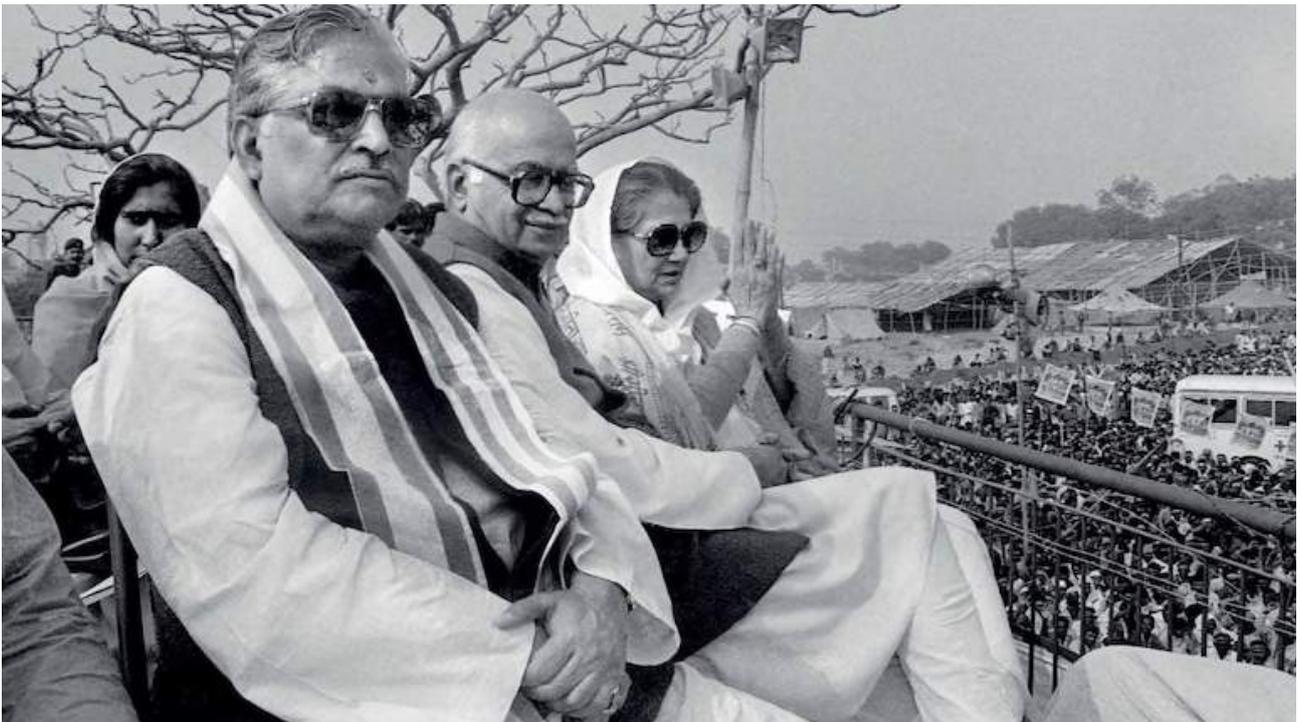
**The questions we put to her were:**

- 1) In what capacity were you present and what was the objective of your visit to Ayodhya?**
- 2) From what you saw did the demolition seem to be un-premeditated? Did BJP leaders who were present try to stop it?**
- 3) What was the purpose of attacking you and other journalists?**

**4) Some people felt that the story ended when the ‘task’ of demolishing the mosque was over; did you feel the same?**

**Malini Bhattacharya on behalf of AIDWA Newsletter]**

I, Ruchira Gupta, was a witness to the demolition of the Babri Masjid on 6th December, 1992 in a small town in Northern U.P, Ayodhya. I had followed L. K. Advani as a journalist for a magazine called ‘Business India’ for the whole week till 6th December, as he spearheaded a campaign inviting people to Ayodhya to destroy the mosque. By the time I reached Ayodhya on 6th December, he was already on the terrace of a small house overlooking the mosque. This terrace was used by L. K. Advani and other BJP leaders for making speeches and talking to each other and being available to the crowds who could see them on it, the crowds that they had invited to gather around the mosque. On the terrace, L. K. Advani was present with Acharya Dharmendra, Uma Bharti, Sadhvi Ritambhara, Vijay Raje Scindia, Pramod Mahajan, Narendra Modi and many other leaders who had gathered there at the behest of Advani, BJP and RSS to destroy the mosque.



*BJP leaders M.M. Joshi, L.K. Advani, and Vijay Raje Scindia at the Dec. 6, 1992 rally in Ayodhya.*

I heard conversations among them, I saw celebrations among them. I saw how they built up the frenzy as they ordered the crowds to destroy the mosque and within a few hours from the time I reached at about 11.00 am in the morning till about 4.00 in the afternoon, not only had this mosque been razed to the ground, but many journalists who were eyewitness to the preplanning, the intentionality of the

destruction, were beaten up, locked, camera rolls were snatched away and homes of Muslims who lived around the mosque were destroyed and burnt up.

I was an eye witness to all of this and nearly got killed when I tried to bear witness as a journalist to what was going on. I went inside the mosque after the second dome came down to see what was going on and when I was inside the mosque, it was super-crowded with a lot of people wearing saffron badges and saffron headbands with pickaxes and trishuls (tridents) and they realized that I was not a 'karsevak' but that I was a journalist in jeans and a shirt and I had a hanky on my head at that moment and they thought I was a Muslim and they said, let's kill her. They tried to rape and murder me but decided not to do it inside the mosque. Perhaps for their own safety, because the dome was coming down and they tried to drive me to a trench outside and there, my shirt was pulled off and a person from Khagaria, Bihar I had interviewed the day before rescued me by saying, I know her, she is a journalist and she was on the roof with L.K.Advani. Perhaps that saved me because the crowd let me go and I went back to the terrace where Advani was and asked him to tell the crowd to stop attacking women, to stop attacking the journalists and to stop the demolition of the mosque because clearly it was an illegal act.

And what I had witnessed on the terrace that day and the week before very clearly proves that in spite of the [recent] September 30th judgment passed by the Court in UP what I saw was that the mosque was destroyed intentionally, with preplanning and intentionality and the leadership was of the top BJP leaders starting with L.K Advani and followed closely by Murli Manohar Joshi, Pramod Mahajan, Uma Bharti, Vijay Raje Scindia. I did see Modi in the crowd and he was very much a part of it. So, this is something I witnessed and there are 10 reasons I can point to which prove the intentionality of the destruction of the mosque.

The first is that when I followed Advani from town to town in UP where he was travelling in a car, which he called 'Ratha' or a chariot and holding rallies, he would end each rally by asking the crowds to pledge with him

कसम राम की खाते हैं

मंदिर वहीं बनाएंगे

(We swear by Lord Rama that we shall construct the temple at that place only)

He did not ask the crowd to transform the mosque into a temple. He said, 'We shall build a temple where the mosque stands'.

The second thing he would tell the crowds was 'हम भजन कीर्तन गाने नहीं जा रहे हैं', which clearly meant violence, because he said 'We are not going there to sing bhajan and

kirtan (devotional songs)'. So, this is one thing which I saw very clearly in the lead up to the destruction of the mosque proving intentionality.

The third thing which very clearly proved intentionality to me was that when I was on the terrace with LK Advani, M.M.Joshi, Mahajan and others, Uma Bharti and others were announcing on the mike a slogan. And the slogan was:

एक धक्का और दो

बाबरी मस्जिद तोड़ दो

Very clearly this means, 'Give the mosque one more push and destroy it'. Now that again proves intentionality, very clear instructions to be followed. And these orders were given on the mike and the crowds did follow these orders and they ran to the mosque with pickaxes and shovels and destroyed the mosque.

The fourth thing which proves intentionality to me very clearly was that everybody in the crowds had some instruments for breaking the mosque. Some had pickaxes, some had shovels, some had ropes, some had hammers and in fact, at some point during the morning, two people had climbed on top of the dome and Advani told Pramod Mahajan to ask those boys to come down because there is a set time for the destruction of the mosque and they will get hurt. We will do it in a certain way. And so, again it proved intentionality and planning.

The fifth reason why I believe that the destruction of the mosque was intentional and planned was that there was a trench dug around the mosque to weaken its foundation and it had been dug weeks in advance which is why the mosque came down so quickly.

The sixth reason why I believe that there was intentionality was that there was another photographer who travelled with us and was there the whole week in Ayodhya stationed around the mosque taking pictures. Actually he took photographs on 5th of December of a dress rehearsal to destroy the mosque. And he submitted these photographs and his testimony to the Babri Tribunal. So, this evidence has clearly been ignored by the Courts in analysing whether there was pre-planning in the destruction of the mosque.

The next reason why I believe the destruction was intentional and that top leadership of BJP were complicit in the destruction of the mosque was because they saw that journalists were being attacked, they were being silenced. Some journalists were locked up like Pablo Bartholomew, his shirt was blood-stained. I was nearly raped and strangled to death but I was saved before both things happened. There was another journalist called Mark Tully from the BBC who was locked up. There was another journalist from ABC news called Peter Heinlein, he was limping and bleeding when he came on the terrace to meet the BJP leaders

and complained about the attack on journalists, but Advani, Mahajan, Modi, Murli Manohar Joshi, all of them, they did not announce even once on the mike that the attack on the journalists should be stopped because they were deliberately leading not just the attack on the mosque but also the silencing of journalists so there would be no one to connect their complicity in document when the trial happened.

But we still managed to bear witness and I came back to Delhi and I testified to Press Council and Babri Commission and of course finally to the Liberhan Commission about these intentional acts and again I found that there was complicity of the BJP leadership, not just complicity but intentional leadership in the destruction of the mosque, because when I was in the Court testifying to the Liberhan Commission, I was invited by the lawyers who represented BJP, VHP, RSS, Bajrang Dal and other right wing outfits who were all present together to destroy the mosque on 6th December, 1992. All of them asked me questions not about whether I had witnessed the destruction of the mosque, but they tried to damage my credibility as a witness or to destroy my self-confidence so that I wouldn't speak up.

They did this in two ways. One was they tried to show that I was a woman of bad character. So they asked me if I smoked a cigarette. They asked me if I acted in TV Serials. They asked me if I believed in God. They asked me if I had male friends and these were lawyers-- top notch lawyers, representing the political party of the day and this was their line of questioning a female journalist. The other questions they asked me were meant to pile shame on me saying, oh, you are a woman of such a good family and you say your shirt came off, then how could you go in a disheveled state to such a big leader as L.K.Advani? I said, because he was clearly the leader orchestrating the destruction of the mosque and so I thought that if I tell him, then may be that attack on journalists would stop. So they tried to put me to shame and I tried to say that the shame was that of the perpetrators, but the fact that the lawyers tried to silence me and the Liberhan Commission with this kind of questioning again proves that they were trying to protect Advani who was clearly the leader in the destruction of the mosque.

Another reason why I believe that the BJP intentionally and with some preplanning brought down the mosque was the fact that Atal Bihari Vajpayee, at the time he was not yet Prime Minister, invited me for a cup of tea and asked me not to speak up about what had happened to me. And I said I would be very happy to stop speaking about what happened to me if his Party issued an official apology for what had happened to me, first the attack on my body and my integrity and then the sheer failure to protect me even when I had complained to L.K.Advani. And I explained to him that after I had been attacked, I had actually gone to L.K.Advani on the terrace and asked him to protect me, to give me a car, to get me home. I had asked him to announce on the mike that women and journalists should not be attacked and

Advani had refused to do either and had asked me to forget what had happened to me and said, Celebrate, this is a very historic day for India. So this again proves not just complicity but ownership of the deed of destruction by Advani. And when I told this to Vajpayee, I said that this shows complicity of your leaders and their failure to protect and their failure to stop the silencing of the journalists and he also said, Forget about what happened to you. So he too was trying to protect the BJP leadership by blocking my testimony.

So there seems to be a clear co-relation between planning by the BJP leadership, complicity in the destruction of the mosque and actual silencing so that this connection would not be found between their call to action and the destruction. And I feel after all these years that the 28 year-old trial renders a lot of things irrelevant in terms of punishment because Advani, the very man who had scoffed at the law showing complicity in asking the crowds who had gathered there around mosque to destroy the mosque, to lie down on the road and put up benches to block Central Reserve Police Force from coming in so that the mosque could be saved-- that man actually became the guardian of the law, the Home Minister of India. And the man who tried to stop me from speaking became India's Prime Minister.

And now to hear that nothing happened, the mosque fell on its own, is a complete betrayal of the testimony of witnesses like us, like me and my fellow journalists who actually saw the destruction and the leadership of the destruction and it feels that a clear line can be drawn from what happened at Babri Masjid that day and the failure of Courts to pin the punishment on those who led this dirty deed to what has happened in Hathras recently where a young Dalit woman was raped, murdered, dumped, her tongue cut off and then cremated so quickly; again the court has said that it happened on its own, it was not a deliberate act. And I feel that because we fail to take action and give proper judgement on the act at Babri Masjid, the BJP and other people who are violating India's laws feel that they can get away again and again in a situation like this. They can get away with violence and with breaking the law, using the same alibi that it happened on its own. So, if we do not put a stop on it, this is going to continue and we don't know where it will end.

## **Flouting Laws All the Way in Hathras**

-Kirti Singh, AIDWA Vice-President and Supreme Court Advocate

What constitutes rape and the steps that need to be taken in investigation of this offence need to be clearly understood to see the manner in which the UP Police and administration have been in the Hathras case misleading people regarding the law of the land. There have been serious allegations that the UP police have deliberately botched up the investigation to protect the accused who belong to upper caste Thakurs in the village and have close connections with the UP government and administration.



*UP police cremating the Hathras rape victim in the dead of night against the wishes of her family.*

The law for rape and sexual assault was amended in 2013 and then subsequently in 2018 to bring in harsher punishments for certain categories of rape. The punishment for gang-rape was increased to a minimum term of 20 years extending to life, i.e., the remainder of a person's life in 2013. After Nirbhaya, the 2013 amendment brought about as a result of the campaign by women's groups and organizations for several years, introduced new offences within the Penal Code. The Verma Committee reiterated the progressive demands of women's organizations and others apart from suggesting some new additions in both substantive and procedural law and this also persuaded the UPA government to change the law comprehensively. The definition of Rape was expanded to include within it not only forced penetration of penis into the vagina, mouth, urethra and anus to any extent, but also penetration by any object or a part of the body into the vagina, the urethra and anus and also oral sex. Section 354(molestation) of the IPC saw additions to the law of assault and included stalking, sexual harassment,

disrobing a woman, and voyeurism in sections 354A to 354D with proportionate punishments. Justice Verma's committee also suggested certain protocols and standard operating procedures to be followed by the Police and Medical personnel while dealing with Sexual assault/rape cases.

The 2018 amendments by the Modi Government largely brought in extremely harsh punishments for certain categories of Rape. Going against the trend in many democratic countries to do away with the death penalty even in cases of murder of the most gruesome kind, it introduced the death penalty for rape of a child below 12 years of age apart from introducing 20 years to life imprisonment for rape of women below 16 years of age. Since 18 was also made the age of majority any intercourse with a girl below 18, whether consensual or not, amounts in the present law to rape. Disagreeing with the harsh punishments that were infused into the Penal Code through the 2018 amendment, women's organizations and groups, apart from expressing moral objections, expressly pointed out that unless there is certainty in law that a rapist will be punished harsh punishment would be mere tokenism. It has been pointed out that what would be required in rape trials would be better investigation by the Police, following SOPs (Standard Operating Procedures) prescribed for cases of rape and ensuring a much better infrastructure by, for example, increasing the numbers of forensic laboratories to ensure that the evidence was properly analyzed in a timely manner. The Hathras case highlights how all these procedures have been flouted.

In the Hathras rape and murder case, the police have not carried out the investigation properly, or in time. They have not registered the FIR at the first instance, thereby deliberately flouting the Supreme Court *Lalita Kumari* ruling. There have been several reports about how the police deliberately delayed the registration of the case while the girl lay outside in an obviously critical medical condition. During this time she even spoke to the *India Today* journalist naming the accused and saying that after doing 'jabardasti' with her, the accused injured her grievously. Still no FIR of rape was lodged. Non-registration of an FIR by the Police has also been made an offence in sexual assault cases in 2013 and the police are liable to be punished for this under Section 166A(c) of the IPC. Furthermore, the Police have deliberately jumped to wrong conclusions in law that there was no rape after an unforgivable delay in collecting medical evidence, and then stating that no semen was found on her body.

Since 2004, the Supreme Court has repeatedly held that rape does not need complete penetration by penis or ejaculation of semen and rupture of hymen (*Aman Kumar v. State*). In another case in 2004, the Supreme Court held that the *sine qua non* of rape is penetration and not ejaculation. In the State of *U.P. v. Babulnath*, the SC highlighted that it is possible to legally commit the offence of rape without causing any injury to the genitals and leaving any seminal stains. The Supreme

Court has also said in *Wahid Khan's* case in 2010 that slight penetration is sufficient, and that for rape prosecution the depth of penetration is irrelevant.

Therefore, the claim by the ADG of UP police that there was no rape just because semen was not found on the body of the nineteen year old victim is wrong in law. This utterance by the ADG has led to the accused and their clan openly and shamelessly stating in a 'panchayat' that it has been proved that no rape has taken place. Furthermore, it is a well-known fact that the medical legal certificate (MLC) was not recorded till the 22nd of September in the Aligarh Hospital. This is despite the fact that the guidelines issued by the Central Government in the 'Medico-legal care for survivors/victims of sexual violence' states that there must be no delay in conducting medical examination and collecting evidence. The hospital claims that they were only told about the rape by the victim later. This is one fact which is very hard to believe since the girl at least had complained about the rape earlier. The conclusion by the doctor that though force had been used he would not form an opinion about sexual intercourse till he received the forensic examination report is also faulty. The doctor ought to have known that forensic evidence taken after a certain number of days would be useless. One wonders what influenced the doctor to state this against all medical ethics. Samples were reportedly sent for forensic examination only on the 24th which is ten days after the incident. In the meanwhile, the girl had been cleaned and washed several times. When she was found by her mother, she had been stripped, badly injured, strangulated and the mother had also reported that blood was flowing from her vagina. It is scientifically well established that no semen can be present on the body of a girl after eight days of rape. Also what constitutes rape is a question of law and no doctor is allowed to pass such an opinion. Significantly, no medical examination of the rape accused has been conducted.

What is most significant in this case is the statement that the victim made to the Aligarh Magistrate or Police on 22nd September 2020 clearly naming the four accused and stating that they had raped and strangulated her. Even earlier on the 14th the girl had apparently stated in two video recordings to the media outside the police station and while lying outside the hospital in a stretcher that the accused had done 'jabardasti', a term commonly used for rape, with her and hurt her badly. The 22nd September statement has to be seen as a dying declaration, since the girl died shortly after that; such a declaration has been established as being conclusive evidence for conviction in rape trials in India. The Supreme Court has attached 'great solemnity and sanctity' to the words of a dying person in *Babulal v. State*. In the historic 'Nirbhaya case' of gang-rape and murder, the court held that 'dying declaration can form the sole basis of conviction provided that it is free from infirmities and satisfies various other tests'. Thus this declaration along with the corroborative videos is sufficient evidence to prove rape.

In fact in rape cases, the Supreme Court has set down the precedent that the evidence of the prosecutrix alone is enough to get conviction of rape if it is credible even in the absence of other witnesses. In as early as 1980, Justice Krishna Iyer in *Rafiq v. State of U.P.* while upholding the evidence of the prosecutrix said that it need not be corroborated.

All this shows that there should be a court- monitored probe into the role played by the Police, the hospital administration and the U.P administration in suppressing the fact of rape and further, the reasons for the delay in lodging FIR and in carrying out the medical examinations should and must be investigated. The manner in which Section 144 was imposed on the area isolating the members of the victim's family, who are even now not allowed freedom of movement, requires thorough investigation. How and why the Thakurs were selectively allowed to hold a congregation in the village has also to be probed. The law of the land was further violated by the manner in which the police hurriedly cremated the body of the victim in the middle of the night without the consent and participation of the victim's parents and her brother.

The Allahabad High court is looking at this aspect of the case but needs to expand its *suo moto* enquiry into all aspects and closely monitor the CBI enquiry. It is highly likely that in their haste and enthusiasm to protect the upper caste Thakur men for the rape of this nineteen year old Valmiki girl, the police and the administration of UP have, apart from botching up the case, ignored what the law of the land is and concocted a false narrative of no rape.

## *The Tanishq Ad: A Soft Target for Manuvadis?*

-Manjeet Rathee, Member, CEC, AIDWA



The 45-second advertisement for Tanishq's new collection called 'Ekatvam' (which means 'oneness'), showing a Muslim family organising a baby shower for their Hindu daughter-in-law, was withdrawn from all media platforms after a virulent attack from a section of right wing forces. It all began with a call over social media to ban the jewellery commercial for what they called a campaign for 'love jihad', and culminated into a threat by members of some 'Hindutva' outfits who barged into the Tanishq store at Gandhidham in Kutch, Gujarat, forcing the store manager to withdraw the advertisement and also to issue a written apology for the damage caused to the 'pride' of the Hindu community by locating a Hindu 'bahu' in a Muslim family. Soon the pictures of the note of apology pasted outside the store spread over social media: 'We apologise to the Hindu community of Kutch for the shameful advertisement by Tanishq,' the handwritten note said.

The frenzy around the advertisement has polarised social media into two opposite camps-- fanatics alleging the advertisement to be glorifying 'love jihad', and the more moderate, including various advertising agencies, supporting the message of unity in the projection of an inter-faith marriage. According to the Director of Centre for Media Studies (CMS), P.N. Vasanthi, who is also a member of Consumer Complaint Council (CCC) of the Advertising Standard Council of India, this advertisement is extremely beautiful and she, like many others, finds nothing wrong in it. The Advertising Standards Council of India (ASCI), an agency that monitors the content of the advertisements in India, has rejected a complaint against a Tanishq advertisement for "promoting communal intermingling", saying there is no

violation of any code. "The complaint was not upheld, as the advertisement did not violate the ASCI codes of honesty, truthfulness and decency in advertising," ASCI said in a statement.

Our activists in AIDWA have little to do with the celebration of conspicuous consumption in corporate advertising. We campaign for women's basic rights and often have to speak out against the virtual lure in media ads of high-priced jewellery or other consumer goods that few women in our country can afford. However, in the present case, we cannot ignore this particular instance of the widespread phenomenon we find in the country today of 'hindutva' mobilisations using with impunity any excuse to whip up communal frenzy and resorting to illegal threats and anti-social behaviour to force their retrogressive ideology on the public. The ruling class paranoia against freedom of creative expression must be imposed continually upon the public mind and even an advertisement using innovative material or expression to celebrate the Indian ethos of tolerance and love is subjected to an ugly and motivated interpretation for this purpose. Hence the representation of inter-religious marriage itself is turned into an example of the Hindutva-created myth of 'love jihad'.

It is significant to note here that various advertising bodies have come out in support of the advertisement featuring the interfaith family: 'Such baseless and irrelevant attack on creative expression is extremely concerning', the Advertising Club said on Twitter. It has strongly condemned the threatening and targeting of Tanishq and its employees. The Indian chapter of the International Advertising Association said the events that led to the withdrawal of the advertisement were "very unfortunate", and demanded action from the Government against "intimidating behaviour". But in spite of all this, the ad-film has had to be withdrawn.

The Tanishq jewellery brand is a division of the powerful Titan Company, promoted by the Tata Group in collaboration with the Tamil Nadu Industrial Development Corporation. 'The idea behind the *Ekavatam* campaign is to celebrate the coming together of people from different walks of life, local communities and families during these challenging times and celebrate the beauty of oneness. This film has stimulated divergent and severe reactions, contrary to its very objective,' the statement by the Company said. We feel, however, that such a powerful Company should not have surrendered before right-wing Hindutva groups so readily. Its instant removal of the commercial everywhere and its condoning of the apology the Kutch store was forced to extend to 'the Hindu community of Kutch' in the interest as they said of the 'safety of their employees', does not augur well for the autonomy and self-regulation of advertising industry in particular and their commitment to constitutional principles of Indian-ness at large. It is a pity that codes, guidelines and regulation procedures to monitor the content of commercials have so little power to control the muscle-flexing of dominant politics.

## *Insecure Daughters of Bihar*

-Rampari, Member, CEC, AIDWA

In the last few years, our minds have been distracted and shocked by the widespread brutal attacks against women and girls in Bihar; the slogan 'Beti Bachao Beti Padhao' created by the Central Government in the name of women's empowerment, seems to be a hoax as much in Bihar as in the rest of the country.

Women have been subject to discrimination and barbarities for many centuries. But under the BJP regime in our country the overthrow of the rule of law and Constitution has taken atrocities against women beyond all limits. In the year 2011, India was ranked 5th in cases of violence against women and sexual harassment by some global surveys, but according to the same surveys for the year 2018 India was on top of the list leaving Syria and Afghanistan behind. Even according to the NCRB report, more than 32,000 rapes were reported in 2019, in which 11% victims were from Dalit castes. In our country in the last 10 years, there has been an increase of 31% in rape cases.



*Crimes against women have risen under the BJP regime.*

In the wake of nationwide protests by the public agitated over the 2012 Delhi gang rape, known as the 'Nirbhaya Case', the then government had made several reforms in the laws relating to sexual violence and rape and a 'Nirbhaya Fund' had been constituted centrally to help survivors of such violence and their families throughout India. Under the present BJP government, however, those of us in AIDWA who have been taking up these cases in the states have found that the fund is there on paper only, and the infrastructure required for implementation of the new

laws has not materialized. The allotted money may have been left unused or siphoned off.

According to the National Crime Records Bureau report, NDA-ruled Bihar ranks second in dowry death cases, preceded only by the BJP-ruled state of Uttar Pradesh, where 1,081 girls were burnt for dowry in 2017, while the violence against women in 2018 has increased by 15%. Ironically, while they came to power promising law and order, the administrative and judicial approach of the BJP-JDU combine in Bihar on incidents like rape, gender violence and dowry harassment has been completely apathetic. Many of these incidents are against Dalit women. Incidents are happening here which could vie with Hathras in their brutality, but the process of justice appears just as much distant and lax. For example, in a horrific incidence in Buxar district before raping a young woman, the assailants snatched her 5 year old baby from her lap and threw her on the ground so that the baby died. In the district of Araria the rape victim herself, who was seeking justice, was put in jail and even forced to retract her accusation. The Government, which is claiming there is rule of law in the state, is constantly trying to save all perpetrators.

Apart from these cases many other incidents of violence against women such as domestic violence, killings of young couples who married outside their caste/religious community, branding of women as 'witch', stripping and parading them and forcing them to eat faeces have also increased. AIDWA intervened and demanded justice in case of gang rape in Patna, Mokamah, Rohtas etc. through joint agitations, Agitations were launched against the gang-rape of a woman domestic worker in the Rajnagar area of Patna and in the case of the rape and murder of a Dalit girl in Darbhanga. A pregnant woman from Madhubani district was set on fire for dowry and died on October 13 during treatment at the Burn Unit at the Apollo Hospital in Patna; in this case also AIDWA intervened and demonstrations were held demanding justice to her family. However, we still feel that our interventions have to be strengthened because during the years of NDA rule in Bihar, the insecurity of women in Bihar has increased manifold.

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