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**OBSERVATIONS ON  
PRESS COVERAGE OF  
WOMEN-RELATED ISSUES**

**THE JHAKU CASE  
THE BHATERI RAPE CASE  
VIOLENCE AGAINST WOMEN**

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## INTRODUCTION

In this study a few press campaigns around women-related issues conducted by NGOs in recent times are examined with a view to analyse the scope and implications of the coverage.

The clippings made available were from the major dailies in Delhi and Rajasthan, almost entirely in English for the Jhaku child sexual abuse case (Delhi) (see Table 1.1), and in both English and Hindi in the Bhatari Rape case (Rajasthan).

The clippings of the Jhaku case seem to be a sample of the coverage, while the clippings of the Bhatari case seem to be more exhaustive. Not having access to the entire set of clippings limits the analysis to the broad trends in coverage over time in different papers.

On the other hand, not knowing what exactly the NGO interventions were makes it difficult to understand exactly how the press was influenced by them or to examine the strategies themselves, or the timing and content of press response; these are no doubt of significance and should be studied but are beyond the scope of this study.

Each set of clippings is therefore seen as complete in itself and the study based on reactions to issues raised and events reported. This is really an 'outsider's' response to the press campaigns, as I was not involved in them either as an activist nor a journalist, nor have been familiar with the process in any capacity other than as a consumer - a regular but not avid reader of the daily newspaper.

Two approaches to analysis have been followed for the reports on crime, namely:

- I. A quick scan to tap my own reactions such as what a casual reading of the news item may generate as one usually reads the paper on most mornings. This is at best of course only an approximation, an exercise in simulation, since it must be the rare individual who reads 5 or 6 papers on the same day or reads about the same event as covered by several papers on a single day, let alone reading a clipping removed from its context of place and position in the newspaper as a whole, and so on.
- II. A more indepth reading of the press campaigns through
  - A. Analysis of a single paper's coverage over time

- B. Analysis of the coverage of a single day/event by some of the papers
- C. Interviews with readers using a few selected clippings

A fourth method could be analysis of the importance given to a news item on a particular day through placement in the context of all the other news for the day, which is beyond the scope of this study but if conducted could illumine the issue of news priorities in the context of reader preferences. This is beyond the scope of this discussion.

The paper is organised into three parts, consisting of the two campaigns, followed by a concluding section. Large portions of the detailed analysis and newspaper coverage have been presented in the Appendix to enhance readability.

## PART I

### THE JHAKU CASE

The approach and method described above will be briefly contextualised below, before proceeding to the discussion of observations under each method.

- A. In the Jhaku case the issue being the discovery of a crime, the logical foci are:
- i. Crime is discovered
  - ii. Arrest (police/judicial custody)
  - iii. Application for bail - granted or refused
  - iv. Filing of charges
  - v. Trial

Successful advocacy would also require firstly, that relevant institutions, groups and individuals are targeted by the news item, and, secondly, that the relevant related issues are discussed, that is, additional information is presented, given the special features of the case. In this instance, the special features are -

- i. The sexual abuse of a child, not an adult
- ii. Child sexual abuse by a parent
- iii. Possible dilution of charges and low probability of conviction
- iv. Safety of children and women in society

Institution, groups, and individuals to be targeted could include those held accountable and those that provide support.

- The Home Ministry, where all the accused are employed; includes politicians and bureaucrats
- The legal system
- The family and society - their attitude to children and women
- Institutions as support groups for the sexually abused child/women

Additional information here could involve -

- Interpretations of the law - discussion of lacunae and loopholes, alternatives (such as the child sexual abuse draft Bill of the NCW, or provisions in other countries)
- Psychological and emotional fallout of child sexual abuse, especially if by a parent
- Institutions that can be held accountable and those that can be supportive
- The link between women and female children's situation, especially in terms of sexual abuse.
- The available statistics on child sexual abuse
- Rights of children (UN Convention, etc.)
- Sex education

It should be remembered that information and angles omitted may be the result of a deliberate strategy that the NGOs are following in their press campaign. The tone and slant of the news coverage will also be discussed as well as the spokespersons for the issue (which can be seen in the light of individuals/institution being targeted).

The above mentioned landmarks will certainly be reported by the press but it is crucial that they be reported comprehensively and accorded the focus and gravity they require, which can be assessed through the placement and presentation of the item: on which page, in what position of that page, actual amount of space taken, competing or supporting material any visual and/or other supporting data; special occasions could be used, such as Nov. 14, Children's Day, or March 8 Women's Day etc. Unfortunately, newspapers of the relevant dates were not available (in original nor on microfilm) so this analysis remains incomplete for the moment.

Looking at the way different papers write up the same event/news gives us an idea of the possibilities in reporting style, coverage and tone and the consequent variation in the message. (This exercise will be somewhat constrained here due to the limited sample of clippings.)

Brief interviews with a few readers using selected clippings will be conducted to understand how the news items are understood by the reader; individual reading habits can be assessed.

## DISCUSSION ON ANALYSIS I, JHAKU CASE

This is presented in Table 1.2 in the Appendices, with a few examples given below. Many of my reactions are related to my own legal illiteracy, which I would imagine approximate the state of affairs in the average reader.

Excerpts from Table 1.2 (Appendix): My reactions, generated through a quick scan of the clippings on the Jhaku case:

TOI 5/4/95

Case discussed in Parliament. Chavan, Law Minister, Women members all condemn etc.

Is this the usual insincerity or will these people take responsibility, i.e. amend the law, develop special legal provisions for child abuse etc. Would like to know if anything positive is done.

Law minister - suggestions of the NCW on changes in the law

This means that the law is acknowledged as weak - what are these suggestions? would like to read more about it.

Pioneer 29/4/95

Counsel for the child says that judicial custody is eyewash; that of the 4 charges under which arrest was made 3 were withdrawn; What is Section 376? Are the charges somehow being diluted?

Why is judicial custody eyewash? Who withdrew the 3 charges and why? What is the process in such cases - when arrest is made under certain charges, how do these charges get modified? Section 376 is retained

Mother sent complaint to Home Ministry in July 94: Home Ministry asked CAWC to inquire only on 15 March'95

Why this delay? Who is accountable here?

IE 30/4/95

Kamini Jaiswal says Jhaku has been booked under 377, but should also have been booked under 377, 366(a), 506, 34 and others. These nos. are explained further on.

377 repeated? Is he not booked under 376?

Jaiswal says Judicial custody will hinder the case

Why? How is it different from police custody?

Medical examination of child in July 94

What was the result? Only this clipping gives this information

Statesman 9/5/95

Ram Jethmalani's letter to Rao accusing Home Ministry, asking for dismissal of some

Cannot take this seriously, since Jethmalani - first item (see TOI 5/4/95 above) about discussion in Parliament was much more promising.

19/5/95

Many pieces (different newspapers) on handing over of Jhaku case to CBI

Why? What is the legal implication vis-a-vis stringency of justice? Conviction?

Pioneer 19/5/95

Public prosecutor found 'indifferent to the case' by women's organisation, complained to Delhi Police Commissioner Nikhil Kumar, who had him changed

Bravo women's organisation & bravo Nikhil Kumar!

TOI 16/6/95

Sakshi office is in South Extn.

Would be good to have their address; Is it in the directory?

Psychological reactions of sexually abused children, what parents can do for safety of children. Most abusers are men, abused are girls.

Extra information in good. Role of parents and of child itself in protection is important.

Pioneer 3/2/96

Final charges - unnatural sexual activities etc, 'rape' dropped since no penile penetration

All these put together don't seem to convey the magnitude of the crime

Charge of 'abduction' dropped as child was in the 'custody' of the father

Some custody - it is outrageous

HT 2/3/96

Court has not distinguished between carnal intercourse and rape

Important distinction - perhaps a review of law regarding sexual abuse and a revival of the draft bill by NCW is required - law Minister had promised a year ago?

Bail to one of the co-accused to attend a wedding

So the charges are not being taken seriously by the Court?

Hindu 4/3/96 (Last clipping made available)

Interim bail to Baljit Kaur

Does not say 'for attending wedding' which is really the relevant point.

Sakshi demands child's evidence be recorded audio visually once, so that she does not have to repeat

Good point - should apply to all such cases where psychological trauma is involved? Even adult women?

Medical evidence of sexual abuse of children - children heal faster etc

Sexual abuse of children needs to be considered separately



In general the coverage of the case itself seems comprehensive. All the people and institutions that have been mentioned are listed in the Appendix, Table 1.3. This shows that the people involved directly or indirectly, in the case belonged to different professional groups from legal to non-government organisations. However, the reactions of the average citizen are missing, although the neighbourhood has, as a group, played a positive role (see Pioneer 28.44.'95). It is possible that this voice was heard as a letter to the editor, but is missing from the clippings available to me.

Taken altogether the major issues that emerge are:

1. That are children often not secure even in their own homes.
2. That it is possible and likely that a child may be sexually abused over a long period of time without those she lives with even noticing, and without her being able to talk to anyone about it due to threats of physical violence, among other reasons.
3. The law does not adequately cover the aspect of child sexual abuse, the existing provisions leave room for interpretation that result in dilution of the charges which detract from the gravity of the crime.
4. There are some responsible and responsive officials, even if not many, who can be appealed to with some hope and confidence such as the appeal made to Delhi Police Commissioner to change the Public Prosecutor as he seemed indifferent to the case. However, there are also many officials whose culpability is not matched by accountability.
5. Politicians, often of the Opposition, easily raise a hue and cry in Parliament, others even admit responsibility, and some promise action, but this appears to be worth only a single days news, as though words were all that is required - is there no one to follow up?
6. A possible improvement in legislation is the draft Bill of the NCW, but there are no details about this in the coverage. Could this be a focus of follow-up action on this case - the Law Minister seemed inclined to take responsibility, so can he be pressurised? (see in relation to point 5, above). But the elections are around the corner so there is not much time.
7. There are organisations committed to support victims of such crimes, and act as pressure groups for justice, among which Sakshi seems active, vocal, and strong. 'Women's organisations' are repeatedly mentioned - what about those concerned with children? The voice of citizens as groups and individuals would provide a voice that the ordinary reader can identify with and would also add weight to the coverage and is completely missing, other than the news about the role played by the Residents Association.

8. Over emotional reaction of disgust and anger could have resulted in avoidance of the issue but for the hope held out by the involvement of strong and committed people, and the reporting of some positive actions such as clarification of in camera proceedings by Judge V.S.Gupta appointment of new Public Prosecutor after Sakshi appealed to Delhi Police Commissioner, etc.
9. Legal illiteracy hampers the understanding of such news - one cannot make out if some legal proceeding (e.g. postponement of bail hearing of Jhaku) bodes well or ill or is merely routine. And certain terms are not understood e.g. habeas corpus.

## DISCUSSION OF ANALYSIS II A:

The following observations are based on the coverage of a single paper over time. This could not be done with most of the papers as the sample available is too small. Therefore the two that had the most number of clippings were chosen, that is, the Pioneer and the Times of India. Questions that remain in ones mind are also discussed.

### **The Pioneer**

Material available: A total of 17+2 clippings were available, that is, one each for 17 days and 2 for one day, the 2nd of May, '95.

#### Written by

Byline :	T.K. Rajalakshmy	2
	Naina Kapur (of Sakshi)	
	Staff reporter	14
	Legal correspondent	2
	Agency: UNI	One

Photograph 2 (Jhaku being remanded to judicial custody and one of a girl, presumably 8-year old Ms. Jhaku)

Other illustrations = Nil

Informative pieces (i.e. not event pegged) = 3/19

#### Facts of the case

Charges at the time of arrest; positive role of Residents Association; description of crime in child's words (but heading about police refusal to provide protection to Jhaku family); denial of bail; Jhaku suspended; Jhaku bail hearing postponed several times; new public prosecutor; 3 others arrested; an unidentified woman said she had nude photographs of the social workers (I didn't see this in the quick scan); implications of in camera hearings explained by the judge; SHO (NOIDA) abused grandfather and older sister - refused protection; interim bail to Baljit Kaur; several charges were dropped, including the charge of rape.

#### Additional information

Sakshi and Sanvad study of sexual abuse - details and case histories; the need to redefine rape legally, esp. child abuse; NCW draft Bill - described as an 'exceptional document' (Naina Kapur); sexual abuse of children in all classed; 12 women's organisations address the press (4 are mentioned along with statements by spokespersons) - case studies; sexual abuse of children is often non-penetrative but nevertheless leaves long-lasting psychological damage.

Tone and slant is mostly positive, providing information about legal inadequacies etc. Even where the accused and their families are quoted, it is merely reported, without a pro or anti slant.

### Questions that remain

Why does Kamini Jaiswal say that judicial custody is an 'eyewash'?

Whose responsibility is it to see that the draft Bill of the NCW is examined/modified and adopted?

The child's statement had been recorded once but bail was denied to Jhaku on the grounds that the child's statement had yet to be recorded - how many times will she have to repeat her story?

Why were only 3 officials arrested when the number is 4 or 5 plus Jhaku?

With the arrest, bail applications were rendered 'infructuous'; what does this mean?

When the Home Ministry did not take any action Ms. Jhaku (senior, i.e. the mother) went to the CBI (clipping of 20.8.'95). This is confusing - I thought it was the Home Ministry that handed the case over to the CBI?

Item on 3.2.'96 is headed 'Rape charges dropped' whereas one goes on to read that several charges including the rape charge had been dropped which makes a much greater impact.

People involved in the investigation in the beginning were J.S. (Admin.) Home Ministry and Director Vigilance, then later the CAWC and CBI. Why did it move from person to person - is there no clear rule regarding who is responsible for investigating what?

What are the implications of the several postponements of Jhaku's bail hearing? Is it a routine matter or does it have ramifications for or against the child's case?

If DCP at CAWC ordered protection for the Jhaku family isn't it mandatory for the SHO (NOIDA) to comply? If there is no coordination between police cells/stations how can the system function effectively?

Jhaku was suspended, but what about the others?

There is total silence on the matter of the scene of the crime. Who owns the restaurant? There must be some collusion between the accused and the owner.

## **The Times of India**

Material available: A total of 9 clippings were available.

### Written by

Byline	=	Nil
Staff reporter	=	6
Legal correspondent	=	Nil
Agency	=	Nil
TOI News Service	=	2
Blank	=	1

Photograph = Nil

Other illustrations = Nil

Informative pieces (i.e. not event pegged) = 3/9

### Facts of the case

Accusations against Jhaku and others; action of Ms. Jhaku (senior) and Residents Association; NOIDA police inaction when approached; Home Ministry inaction as it is a 'family dispute'; case handed over to the CBI; Jhaku bail hearing postponed; co-accused denied bail; furore at court hearing due to protest by families of the accused (x 2); interim order of 31.1.'96 (clipping of 4.3.'96) - women's group plans to challenge this as charges of rape etc. have been dropped; Jhaku found suicidal and full of guilt.

### Additional information

Information about child sexual abuse; legal inadequacies esp. that child sexual abuse is not addressed, not the specific instance of a parent committing such abuse; Sakshi and Sanvad study findings with case studies; suggestions for parents on how to educate children to protect themselves, their right to say no to physical expressions of affection; children's inability to talk about their experiences until much later, when they grow up; majority of child sexual abusers are male, those abused and for longer periods are female; Sakshi office in South Extension, they have distributed booklets with relevant information in more than 24 schools; reactions of Parliamentarians, including Home Minister and Law Minister who gave personal assurances for justice, even to change the laws if necessary, and to examine the draft Bill of the NCW.

### Tone and slant

Sympathies seem to be for the child, a lot of information on child sexual abuse including inadequacies in the law and the final charges, is included. A lot of space seems to be given to the noise made by the families of the co-accused who are also quoted.

### Questions that remain

(Please note that several of these which have already arisen in connection with the Pioneer coverage are stated very briefly here)

Parliamentarians made promises, expressed outrage - did they take any concrete steps?  
Whose role is it to keep tabs on them?

Why did CBI take over the case?

Why was Jhaku's bail hearing postponed?

Why is there no discussion of the role of the restaurant in the crime?

The news that Sakshi will challenge the court order of 31.1.'96 is welcome but as that is the last clipping available I wonder what has happened since then?

What about the draft Bill of the NCW - who will take this up as a recourse to all future victims of sexual abuse?

Family members of the co-accused protested in the court, created noisy scenes, asked if there was no way to save their husbands - one wonders to what extent they wish to save their husbands at any cost, and to what extent this reflects their total disbelief in the charges. What must it be like to have a rape accused person in the family, esp. when evidence to the contrary not seem to exist?

### Comparison between Pioneer and TOI coverage

TOI gives details of Sakshi's work, a clue to their address (South Extension), and the information that they have a booklet on this subject that has been distributed in many schools

While Pioneer carries a byline (two different names, both women) on two separate days, and on another two days there is coverage by their legal correspondent, and it uses 2 photographs, TOI has none of these. The question remains that to what extent the anonymity of the child can be maintained, and therefore whether it is wise to use her (or any other child's) photograph at all. There are also no photographs of the co-accused.

TOI reports on Parliamentarians reactions including assurances of the Home Minister and the Law Minister. However, with the elections coming up these two will soon be able to excuse themselves from accountability.

Pioneer highlights the point that such cases of sexual abuse can be found in all classes, middle class respectability notwithstanding. Unable to talk about their experiences until they are grown up - focuses on the psychological trauma of the child

TOI reports on Sakshi decision announced at press conference on 3.3.'96 to challenge the court order of 31.1.'96: this court order is not reported earlier? Pioneer reports the details of legal points discussed at the press conference but does not mention that the court order will be challenged by Sakshi.

Although the coverage of the main points of the case seems comprehensive, the procedures and terms may be incomprehensible to the layperson, the average reader such as myself; such as, charges filed initially are subsequently dropped, the bail hearings postponed, the involvement of so many magistrates and judges at different times, etc.

Sakshi is extensively quoted, is obviously the source of almost all the additional information provided, and along with the other NGOs in one clipping, the Parliamentarians in another and the two psychiatrists (not case related) in a third speaks for the sexually abused child and her family. One gets the feeling that the presspersons did not actually go out and canvas different viewpoints (such as of parents of small children, or ordinary citizens in general, or other officials in the Home Ministry) but were largely dependent on Sakshi for information. This highlights the crucial role played by Sakshi, without which the coverage would have been meagre.

## Discussion of analysis II C

### Day-wise discussion across different papers

This analysis was undertaken in order to understand how coverage of the same news event may differ in a variety of newspapers. From table 1 it is obvious that the most number of clippings on a single day are available for the 19th of May, '95. However, this item is very brief in most papers so it was decided to also look at the coverage of another day, the 29th of April, '95 as it was the next most widely covered day.

#### a. Material available (19th May, '95) = 6/9 papers

##### Written by

Byline	=	Nil
Staff reporter	=	2
TOI News Service	=	1
Blank	=	3

Content: Jhaku case is handed over to the CBI, there is no explanation why. Pioneer reports that the Special Secretary, Home Ministry had handed the case over to the CBI, from the CAWC, and also reports other details regarding bail applications and appointment of new public prosecutor.

##### Query

1. Why was it handed over to the CBI?
2. Does it bode well or ill for the prosecution?
3. It is not clear why the co-accused are not arrested.

#### b. Material available (29th April, '95) = 4/9 papers.

##### Written by

Byline	=	Antara Dev Sen	
	=	Sanjay Goyal	= 2
Staff reporter	=	1	
Correspondent	=	1	

Photograph = 2 (Pioneer & PK)

Other illustrations = Nil



## Content

PK and Pioneer give details of the charges under which Jhaku is booked. All except HT give some history of the case that Ms. Jhaku (senior) had first complained in '94, etc. All except HT and PK describe how the co-accused were involved in the crime. Pioneer quotes counsel for the child and also Jhaku. All mention 'Official' in the heading, all but IE mention 'arrest' or 'judicial custody'; IE and PK mention 'rape'.

## Query

- Why does Kamini Jaiswal say judicial custody is 'eyewash'?
- The PK item is quite long, so it is surprising that it does not mention that people other than Jhaku were involved in this crime.
- Heading of IE item is 'Rapist official puts ministry in a spot' which seems to trivialise the case.

## **DISCUSSION OF ANALYSIS II D**

Four women were asked (separately) about their reactions to the news items 'Officer held for sexually abusing daughter' (Pioneer 28.9.'95) and 'Police refuse protection to Jhaku family' (Pioneer 1.5.'95), so that two read the first item and two the second. These clips were selected as both describe the crime but the second does so using the child's words.

Of the four, only one remembered reading about this case before, but all commented on having read about many such cases. All focused on the fact that this was a child who was being sexually abused by her own father; one found it even more disturbing that the father could commit this crime along with his colleagues.

Two of the four interviewees noted that it was very good that the child could tell her mother, and the mother could take action against her husband, perhaps pointing to their own awareness that such crimes in the family are often hidden away by the collusion of other family members? One interviewee spoke about the naivete of people in refusing to believe that such crimes happen.

One interviewee spoke at length about the "plight of the girl: will society accept her now - it may not allow her to forget - her life is permanently marred - this will affect her ability in adulthood to have a healthy relationship with a man, because the sexual relationship is one of violence and punishment; she has not received love from her father - how will she give love to her kids? She may not be able to trust the men in her family (husband or brother) with her kids. The kind of security one can get from a male companion is totally shattered".

Two of the interviewees spoke about how they have heard about such children being unable to talk about their experience until adulthood; one had heard some women (abused in childhood) say that they had regained self-esteem through Christianity (the story of Christ and the prostitute who was being stoned by the mob).

At a personal level the news generated emotional responses, such as revulsion and helplessness and the reaction: How can anyone do such a thing, that too to his own daughter. One woman felt that community awareness must be created especially since this crime is happening within families; on the other hand, better coordination between institutions or even between parts of a single institution (eg. SHO of NOIDA and DCP of CAWC) must be ensured.

This shows that people do read such news seriously and feel that something should be done, and even have broad ideas about what can be done. Their reactions to the clippings were in sympathy with the child; they had read/heard about such cases before and felt that society could not continue to be blind to this problem. Finally, it was also observed that those who read the clipping about the crime told in the child's words seemed to have more to say, and seemed more emotionally moved.

## **Conclusions**

The conclusions of the different sections have been discussed separately, and at length, so this section will briefly put forward some of the implications of the above observations for a media campaign.

- The coverage was largely related to specific events in the case and had it not been for the NGOs, specifically Sakshi, the additional information provided would have been meagre indeed. Women's organisations have performed a vital service in publicising the details and intricacies of such cases and the press is open to their interventions.
- The legal inadequacies were comprehensively covered and some suggestions regarding improvements in the law have also been made but these are not much discussed. The draft Bill of the NCW has been cited several times as a possibility but is not discussed at all, not is it clear whose responsibility it is, not even whether the recommendations of such Commissions carry any weight at all. It may also be very useful to examine the steps taken (law, support systems, etc.) by other countries in this regard.
- Child sexual abuse seems a totally neglected area of the law even among the police and the legal functionaries/officials, which has been adequately borne out by their reactions as reported in the clippings.
- The legal issue of guardianship is not mentioned at all and yet could have major ramifications for cases of child sexual abuse.
- This subject is one that many people may be aware of in general but not in any detail, which seems to imply that they do not know how widespread the problem is, and that it can happen in all kinds of seemingly normal families.
- Children's organisations are conspicuous by their absence - does this reflect the low priority accorded to them in our society? While it has been useful to consider the sexual abuse of children along with that of women one can see that there is something particularly evil in the abuse of a child.

## **PART II**

### **THE BHATERI RAPE CASE**

The Bhatari rape case received wide coverage in the press as can be seen in Table 2.1 of the Appendix. The rape occurred on the 22nd of September '92 and the 5 accused were acquitted at the District and Sessions Court, Jaipur, in November '95. From this table it is evident that the coverage was uneven across papers and over time, with some papers yielding as many as 19 (Pio) and 16 (NT) items over time and others 8 (HT), 9 (RP and JS), and 10 (IE), or even less.

However, the spread of the items shows strange clusters and gaps, so that there are no clippings from December '93 and January '95, and the NT, for example, has 11 items between September and October '92 and only 5 from November '92 to February '96. The Pioneer is similar with 16 items between September '92 and October '93 and only 3 between March and November '95 and nothing since. The TOI has a somewhat opposite pattern with 4 items in September-October '92, and 7 between February '95 and February '96.

It is also curious to find that there is not a single clipping from a major daily like the Statesman. All this is not of course an indication of the quality of their coverage since it is quite possible that one paper could yield many brief and factual clips while the coverage of another could be less frequent but more incisive, comprehensive and unbiased. There is also the issue of the readership of different papers and the effect of the information, tone, and slant of the coverage on the existing mindset and ideology of the reader, which will be discussed further on.

Some excerpts from table 3.1 (Appendices) of analysis I are given below which represent what appear to be the major issues in the case, such as reluctance to believe BD and collusion of police, politicians, and others, or the undifferentiated view of the "female" as including children and women, and therefore discussion of female infanticide and rape under the broad category of patriarchal gender relations in society; some examples are associated with the style of reportage, such as straight reporting of statements made by the police that detract from the continuity of the coverage, or use of loaded words and expressions like "bold" and "claims to know" that prejudice the reader.

## Excerpts from Table 2.1 (Appendix)

RP 29/9/92

Police disbelieve rape although dark bruises on BD's hands and feet are visible.

Police are partisan? Why? How can they be trusted to conduct the inquiry objectively?

Details given of efforts to get the medical examination done -obstruction by magistrate etc.; finally done on 24th evening.

These are facts, no interpretation required. So magistrate can be hauled up.

Sathins have to face attacks in every village when they oppose child marriage.

This goes with the territory - so adequate protection and support should always be at hand.

IE 30/9/92

All villagers and police say the rape is a concocted story- reasons given: eg.absence of serious injury to Mohan (BD's husband).

What makes all these people gang up? Absence of serious injury - or any injury?

MLA K.L. Meena said that a thorough enquiry will be held; later told ENS that he did not believe the rape happened. Village sarpanch also said he did not believe it.

Can disbelief and a thorough enquiry go hand in hand?

Reported: Mamta Jaitley claims to know BD for nearly 7 years now.

Why claims to know?

RP 30/9/92

Kanhaya Lal Meena says a woman's statement on being raped should be enough evidence.

Is this the same K.L Meena of IE 30/9/92?

HT 2/10/92

Titled: Many flaws in Bhanwari's rape story; calls BD a "bold, offensive and arrogant woman" who dominates at home and gave a dressing down to her father in law for creating hurdles in her WDP work.

The tone makes BD sound like an awful woman who's got her just deserts - why? Is she wrong in opposing her father-in-law on this matter B does it make her "offensive and arrogant"? Is 'bold' an insult? Why not say brave, assertive?

Pio 5/10/92

The rape incident highlights continuing undervaluation of females and practices harmful for her growth as reflected in female infanticide, dowry deaths, child/ infant marriages etc.

Crimes against female children/ infants surely involve an attitude to childhood as well as to females Both negative? Clarity essential.

TOI 7/10/92

Rape is not possible because four of the five accused are above 55 years of age, says Mr Chithar Singh, SHO; women activists say the accused are much younger, with Badri at 25-30

These are separate issues - one is that age is not relevant, and the second is that there seems to be an effort to misrepresent the ages of the accused so as to fit them into the myth that 'proves' their innocence.

IE 14/10/92

DSP Ajit Singh advised the accused to take refuge with relatives in Jaipur; woman ASP said: Who will rape this white haired woman?

Males first, police second. The police of all people, should know about the variety of forms that violence takes.

NT 22/10/92

Mamta Joshi

Joshi or Jaitley?

At the rally women activists said they had no hope of getting justice from the State govt.; would demonstrate at the Center.

Then what is the use of the State? Can it at least be brought to book for malfunctioning and partiality?

Pio 11/11/92

Cartoon type illustration

Points of procedure for medical examination are discussed

In bad taste, to say the least.

Would have carried greater weight if the relevant rules/laws had been quoted.

That semen may or may not be present in a vaginal swab-depends on use of condom and release of semen

Yes - so the edifice built on medical examination is a bit wobbly.

If semen is present it can be tested in several ways, 3 of which are mentioned of which 2 are sophisticated and not routinely available. Also, after 2 days only remaining sperm are likely to be intrauterine as those outside are destroyed by vaginal fluid. No intrauterine examination was done.

This is very interesting, the only detailed discussion of medical examination up to now 1-1/2 months and many clips down the line.

ET 28/4/93

BD's allegations lacked substance but became an issue due to involvement of women's groups and has this year led to very cautious approach by the govt. in its opposition to child marriage, preferring to be persuasive rather than coercive.

Implies that the women's groups are also in the business of fabricating charges? And having ignored the WDP's suggestion on approach last year, and contributing to BD's rape, they now turn a blind eye and appropriate that very approach. BD should have kept silent about her rape?

Child marriages almost everywhere in the state except for the "tribal dominant areas as the tradition of child marriage could not strike a root among illiterate tribals".

Seems to imply that the tribals are the losers B unable to appreciate the great humane tradition of child marriage due to their illiteracy. Drivel.

Pio 7/10/93

Violence against women is a political non-issue in Rajasthan whether it is gang rape of a social worker or mass murder of baby girls.

OK - but can female infanticide be entirely subsumed by violence against women? See Pio 5/10/92

Arrest warrant at the instance of Union Minister Margaret Alva.

What is the legal procedure? Digvijay Singh etc. had refused, how could Alva take action?

Accused are roaming freely in the village but police say they have not been seen and so cannot be arrested.

Outrageous.

Other women in the village are paying for BD's 'boldness'.

What's all this 'paying for'? Should BD be less 'bold'? See HT 2/10/92

IDARA coordinator Anita said only the Sathins get empowered and now they are bogged down in petty concerns.

If ministers are scared to take any action is it so damming if women in BD's village take a few steps backwards? What petty concerns?

DN 25/10/93

CBI had already presented the chargesheet against the 5 accused after all their investigation, but when the magistrate asked CBI official to present the accused in court he pleaded that this would threaten his job, his bread and butter.

This statement needs investigation. It is so revealing. Could be used to frame charges against those obstructing the case?

JS 26/2/95

Nobody in the nearby villages believes BD's story so public opinion is totally against her.

Is this true? I am not convinced.

BD won the Neerja Bhanot award of one lakh recently.

Even such recognition doesn't convince the opposition?

Even women Sarpanches agreed to boycott sathins.

"Agreed" or were forced to agree?

NT 21/3/95

Only motive for the Sarpanches decision is to corner BD so she makes an out of court settlement.

Exactly - good point

Madhu Bhardwaj(woman sarpanch) tried to speak out for BD and was scolded & shut up by the men. After the meeting several women spoke to BD in support. So Sarpanch unity is not from choice - BD is not so very disbelieved.

Case has reached the Supreme Court.

When? How? Confusing.

Pio 16/11/95

All 5 accused were acquitted

Why?

Paper? 19?/1/96

Even women politicians were involved in the anti-BD BJP rally.

That naive believes that women are not as immoral as men.

### **Questions\Observations on analysis I:**

1. The medical evidence seems to be the basis of the law even though the law has been amended. What are the amendments? Who is to ensure that they are carried out?
2. The medical examination has been delayed and does not seem to have been done properly, evidence has been tampered with, the obstructions by police and legal apparatus have been explicit and unquestionable. All these have been commented on and demands made to ensure accountability, but there is no news about how these demands have been received - acknowledged, in-process or rejected? How is it possible for such serious lapses to be ignored? What is the use of having laws, however flawed, if their implementation cannot be assured?
3. BD seems to have got a tremendous amount of support but it has not assured her justice. At every step there have been medical and legal obstructions that should not have occurred, and against which nothing much could be done. It seems that pressure and advocacy strategies need to be evolved afresh for such a case where there is the likelihood of traditional anti-woman attitudes finding a place in an official context.
4. Furthermore, one wonders what other women, with less or no support, do in similar situations. The proper implementation of the law is therefore a matter of grave urgency.

## DISCUSSION OF ANALYSIS IIA

The following observations are based on the coverage of the Bhatari case in a single paper over time. The two papers from which the most clippings are available are the Pioneer (19) and the Navbharat Times (12). As for the Jhaku case, coverage is briefly described followed by observations on lacunae or doubts and a comparison of the coverage of both.

### The Pioneer

Material available: A total of 19 clips were available between Sept.29 1992 and Nov.25 1995, with the following spread; details can be seen in Table 2.1 of the Appendix. (Note that the incident occurred on Sept.22 1992, and the verdict in the District and Sessions Court was pronounced on Nov. 15 1995.)

Year	No.
1992	15
1993	1
1994	Nil
1995	3

### Written by

By line:	K.C. Sondhi	5 (Sept.29 and 30, 1992 are, however, identical)
	Jasjit Purewal	1
	Farah Naqvi	1
	Puneet Bedi	1
	Bhavdeep Kang	1
	Staff reporter	2
	State correspondent	4
	Legal correspondent	Nil
	Agency: UNI	1
	PTI	1
	Letter	1
	Editorial	1

Photographs : 3 on one day: BD, BD's husband Mohanlal, activists at Bhatari  
plus 1 :BD, a large, artyish shot larger than the accompanying text

Illustrations : 1 Cartoon-type, unsuited to the subject (medical evidence in rape cases)



## **Case-related information: The Pioneer**

Details of how the rape was done, by whom. Police tardiness in registering the case and role of police, PHC, medical jurist, and munsif magistrate in hampering medical examination. Attempt by villagers to shield the accused and boycott BD and family, socially and economically, including the role of caste. BD's work within WDP, especially the child marriage angle; about WDP - how Sathins are chosen and trained, and preferred strategy of dialogue and persuasion rather than police enforcement.

Government unwillingness to back up its words with action. Arrest of five accused and all to face lie detector test; medical examination of Badri and Gyarsi. NCW visit to Bhatari and support by them and many other women's organisations for BD's case. Two-day WDP meeting in Jaipur (Oct. 11 and 12) and their demands, immediate and long-term; discussion of how widespread sexual violence against women is; PIL to be filed by activists for a core fund at central and state levels for women social workers who become victims of sexual violence. Rally to be held at Jaipur on Oct.22, and details of this rally. CID takes over the case and fresh medical examination of all concerned including BD and her husband; BD, though a state functionary, gets no state support.

One year later (anniversary) article: that accused are not arrested because police cannot locate them though they roam freely in the village; flaws in WDP such as that only the Sathins get empowered and then other women have to suffer for the boldness of women like BD. Meeting of 39 newly elected Sarpanches of Bassi Panchayat Samiti where most were openly hostile to BD and a few women who supported her were shouted down; BD was accused of faking the entire incident, asked to withdraw the case, even offered money.

The verdict on the case: the five accused acquitted of rape, convicted of rioting and causing hurt, sentenced to six months imprisonment plus three months each under sections 147 and 323 of the IPC, and fined Rs.500 each; all the accused have already undergone the term during the trial; notions about rape and rapists vis a vis age and caste expressed by judge at the time, trivialising of BDs and husband's testimony, ignoring the 1983 legal amendment to the rape law; women's organisations to hold a jan adalat in Jaipur.

### Additional information

Detailed information about possibilities of evidence from medical examination in rape cases vis a vis different methods of analysis and the time factor.

## Questions\ Observations

1. What exactly is the law on rape? What is the importance of medical evidence? What were the amendments made in 1983? Are they not legally binding - how could the Judge ignore them?
2. The five accused were arrested in Oct.'92, but in Oct.'93 it is written that the police are conniving in not arresting them? On what grounds were they initially arrested, then let off, then to be arrested again?
3. Who is to be held responsible for the delays in the medical examination?
4. Can the Judge be allowed to make totally false statements about age and caste related barriers to rape?
5. What does the final verdict (Nov.'95) imply - how was proof of rioting and causing hurt accepted but not proof of rape?
6. If the accused have already served their term do they only need to pay the fine now?
7. What is the outcome of the various medical examinations? And of the lie detector test?
8. Why was the case not covered in the press when it finally went to trial in Nov.'95?

## Navbharat Times

Material available: 12 clippings out of 16 were available because four clips were of poor xerox quality and therefore unreadable. These date from Sept.28 '92 to Dec.6 '95, and are spread over time as follows, the + numbers indicating the unreadable clips.

Year	No.
1992	9 + 2
1993	+ 1
1994	Nil
1995	3 + 1

### Written by

Byline	Devender Shastri	:1
	Alka Arya	: 1
	Vijay Vidrohi	: 1 + 1
	Staff correspondent	: 6 + 1
	Staff representative	: + 2
	Legal correspondent	: Nil
	Agency	: Nil
	Blank	: 3

Photograph :2 at the rally at Jaipur, BD addressing and clash with police

Illustration :Nil

## **Case-related information - Navbharat Times**

How and why the rape was done - BD in her report says that three of the accused held her down while two others raped her, but all five should be punished; whereas the accused admit that they beat up Mohanlal (ML) but only because he had abused Shraavan Brahmin (for letting his cattle stray into ML's field) in a way that a bachelor of his age should not be abused; BD holds that the rape was a punishment for opposing the marriage of the one [or two] year old granddaughter of Ram Karan Gujjar.

BD gets no support from villagers, who are being intimidated by the accused who say they have the support of one Union Minister (unnamed); deliberate delays by authorities in conducting the medical examination. A demonstration of 500 women from different organisations is planned for Sept. 29 '92 in Bhatari.

Women representatives from five organisations meet the ministers for Home and Women and Child Development who assure that justice will be done and lapses in the investigation examined. Ruling and opposition members of the Rajasthan Assembly demand immediate arrest of the accused (details of who said what). Ram Karan Gujjar says that BD had her own seven-year old daughter married three years ago (she is now 10), so why didn't she call the police to her own home?

Change in relationship between families of BD and Ram Karan Gujjar (supply of pottery in return for grain is stopped ever since the police intervened in the child-marriage).

Polygraph test of the accused to be done. Case to be taken over by CID. Women's organisations meet CM and HM, condemn lapses in the inquiry and demand arrest of accused by Oct. 22, failing which a demonstration will be held on that day; they demand that the case be transferred to the CBI, and a special cell set up to investigate sexual violence against women, with representatives from women's organisations and the WDP; they express lack of faith in the CID inquiry and the 125 women gathered discuss sexual violence against women [no details]. Notice on rally to be held on Oct. 22 (two: one long, with full details given at press conference, on Oct.10, another brief announcement on Oct.21).

Women's representatives meet HM S.B. Chavan who assures that he'll discuss transfer of the case to CBI with CM B.S. Shekhawat. Semen samples of Mohanlal and Badri collected at SMS Hospital but not sealed in front of them so possibility of interchange.

Long description of Oct.22 rally - women broke through the police cordon, some were beaten up, others clothes got torn, some fell down with their children. Women police were present but 'seeing their weakness' their male colleagues took over; males present in the crowd were picked out and beaten. Women tried to court arrest but police picked out a few and arrested them. Police refused their demand for HM Digvijay Singh to come out and speak to them but suggested that 5-6 women could go inside and talk. Police official said women could present their demands to him or to the collector but women refused.

Section 144 was relaxed so that some women could reach the door of the Secretariat. Some representatives went in (including one man) and met the HM who said that no one could be arrested yet, but he would get the CID report within three days and then take action against the guilty. If he is not satisfied with the CID report he will ask for a CBI inquiry, but this did not satisfy the representatives.

BD told her experiences in Marwadi, emphasising that it is because she is poor that she is not getting justice. All this was reported to the large group outside, along with the statement that transfer from CID to CBI was not acceptable. Several ministers came and showed solidarity (names and parties stated - see Table in Appendix).

BD's plea to cancel bail for the accused not granted. Her lawyer argued that the accused are influential people, helped even by the local police, and continue to threaten BD. The lawyers for the accused presented evidence about marriage of BD's own daughter at the age of nine in '89, though BD had joined the WDP in '85.

At a meeting called by WDP with the 39 newly elected Sarpanches of Bassi, 13 female and 26 male, to discuss possibilities of mutual cooperation the actual agenda was discarded after Sarpanches refused to cooperate with Sathins on any matter whatsoever and raised the issue of BD's case. Various local officials present such as BDO, Tehsildar, etc.; woman Sarpanch who tried to support BD was scolded into silence and told not to bring up gender issues and thereby undermine Sarpanch unity. But after the meeting several women Sarpanches spoke supportively to BD.

[next and last article, Nov. '95]: Gives the events chronologically from the rape to the period and number of hearings, the transfer from CID to CBI, letter by NCW to Supreme Court after hearing the verdict; points out that the verdict of the villagers is no less significant than that of the court - there are still those who oppose BD, but many acknowledge her courage; when one member of the family of the accused died of snake bite it was felt that this was justice through the hand of god; many people, especially women, feel the court verdict is like a second injustice for BD; urban women believe that the verdict is based on outdated traditional notions.

### **Comments\Opinions expressed (by the journalist)**

That in spite of so much support from government officials of the WDP as well as from women's groups this case seems hopeless. Age and caste of the accused and the non-marital status of one of them are prefixed while relating the charges against them (eg. 70 year old bachelor Shravan Brahman).

Regarding the meeting of Sathins with Sarpanches, it is stated that the silencing of women's voices by men is the standard practice of patriarchy and renders meaningless the policy of reservation for women in the Panchayat. The average woman will not have the courage to enter the political sphere.

This meeting reveals the current plan of the accused and their supporters to force BD to settle the case out of court by isolating her; similarity of this to the case of Panipat, Haryana, where some women (from the backward classes) have entered the Panchayat but are taunted and warned by the men that their real place is in the fields, cutting grass.

BD has to suffer the consequences of the inadequacy of the CBI inquiry and though nothing can be said about the future outcome of the appeal to higher courts, it is clear that the BDs of this country always were and still are called liars by society and now this even has the stamp of approval of the court.

The case has gone on over many years and BD is now known to the public, has even received awards for her struggle. Although thousands of rapes are perpetrated every year this case is different because it is the first case after the 1982 Mathura rape case that has been so widely discussed. It can even be seen as a test of the efficacy of legal changes in the rape law effected in the post-1982 period especially the provisions relating to gang rape, whereby the burden of proof of innocence is placed on the accused rather than the onus of proof of having been raped being on the woman. But, it is pointed out, those changes may have been linked to election year effects, so perhaps such amendments can only be expected in future election years such as 2002, and after that only in 2012!

Believing that the adverse verdict in this case must have had some effect on social perception of this BD this writer reached BD's village three days after the verdict and found an atmosphere that was by no means one of rejection or derision, and evidence of healed breaches and sympathy arising from belief in her story and her courage over the years upto the pre-verdict period [details of this are provided under Case-related information].

#### Additional information

The rape law was amended in the post-1982 period, after the Mathura rape case (especially in relation to gang rape) so that burden of proof was on the accused rather than on the woman [no other details given]. The [backward class] women elected to some Panchayats in Panipat, Haryana, are taunted and warned by the men that their rightful place is in the fields, cutting grass.

## Questions\ Observations

- ☒ The polygraph test is mentioned but not explained nor the results provided.
- ☒ The quality of reporting seems superior to the Pioneer as it includes the discussion of issues and the central role played by social attitudes in this case. However, the provision of additional information is equally lacking.

## Comparison of coverage

- ↓ Neither has any input by legal correspondents nor any detailed information on the legalities involved
- ↓ NT appears to provide more detailed information on the issues raised by the activists as well as more discussion on the issue of gender justice, contextualising the case in the socio-legal obstructions that dogged BD from the start.
- ↓ While both carry very little additional information the Pioneer provides the single detailed piece on medical evidence in the entire set of clipping but no other information such as regarding the amended Rape Law, which is referred to in passing by NT.
- ↓ NT provides an in-depth account of the reasons for the outward hostility shown by the Sarpanches and uncovers the real solidarity that at least some of the women Sarpanches felt but were not allowed to express openly.
- ↓ Neither paper provides follow-up information on proceedings such as results of the several medical examinations and the polygraph test, intentions of the activists to file a PIL and hold a jan adalat, and response of the administration to various demands made by them.
- ↓ The NT writers along with going beyond purely factual reporting also make evaluative comments and express opinions that do seem useful in presenting the issues involved in the context of women's role and position in society and providing an area of discussion that the reader can react to and engage with. This is almost entirely absent in the Pio.

Some substantive issues:

1. It is not clear if the case of BD benefitted at all from the involvement and support from women's groups and social organisations. The outcome of the trial did, however, reveal the strength of the anti-woman ideology which could triumph over so much support and publicity.
2. It is not clear whether this support and struggle has resulted in any gain for subsequent victims of rape, especially since the amended rape law was of less consequence in the final verdict than the prejudices and false notions forming the personal ideology of the Judge.
3. It had been hoped that with the CBI taking over the case vested interests would have little weight; this was disproved. Is it then necessary to clarify that vested interests in such a case constitute (potentially) all those with traditional patriarchal values, who may be male or female government functionaries, politicians and bureaucrats.
4. How is the problem of evidence dealt with in the laws of other countries? What is the weightage given to medical evidence?
5. Is the Judge allowed to give her\his verdict on the basis of personal and subjective beliefs? While it is human to have some form of prejudice can a person whose attitudes are so obviously biased be allowed to hold public office?



## APPENDICES

Table 1.1: Available sample of clippings on the Jhaku child sexual abuse case (Delhi)

Year	<u>1995</u>																														
Month	<u>1996</u> A P R I L					M A Y					J U N E																				
Date	JULY	AUG	NOV	FEB	MAR	5	28	29	30	1	2	3	9	12	13	16	19	24	26	28	30	2	16	30	18	20	26	2	20	14	
Date	3	2	4	5																											
																	<b><u>Newspapers</u></b>														
1. Pioneer		1	1		1	2	1	1	1		1	1	1	1		1	1		1	1	1		1			1	1	1	1	9	
2. Hindu											1														1			1			
3. TOI	1					1		1	1	1				1	1	2						1		1							
4. Statesman						1		1	1																	3					
5. P Kesari																									1						
6. Asian Age											1																			1	
7. Telegraph																												1		1	
8. H.T.																													1	2	
9. I.E.																														3	
<b>TOTAL</b>		1	1	4	1	1	2	1	2	1	1	1	1	6	1	1	1	1	2	1		1	1	2	2	1		1	2	2	1

\* Note : As this is a sample it is likely that all papers had a wider coverage than appears from this Table

**Table 1.2: Reactions generated through a quick scan of the clippings on the Jhaku case**

<b>NEWS CLIPPINGS</b>	<b>REACTIONS</b>
TOI 5/4/95 Case discussed in Parliament Chavan, Law Minister, Women members all condemn etc.	Is this the usual insincerity or will these people take responsibility, i.e. amend the law, develop special legal provisions for child abuse etc. Would like to know if anything positive is done.
Law minister - suggestions of the NCW on changes in the law	This means that the law is acknowledged as weak - what are these suggestions? would like to read more about it.
Pioneer 28/4/95 The child first complained in June 1994 to her sisters who informed the mother, who informed the Residents Association etc.	This item is confusing - the abuse was from about '93-'94? Later it is said that the 'past one year' - i.e. '94-'95 i.e. even after the child complained the father could not be stopped? This is confusing, even shocking.
Pioneer 29/4/95 Counsel for the child says that judicial custody is eyewash; that of the 4 charges under which arrest was made 3 were withdrawn; Section 376 is retained	Why is judicial custody eyewash? Who withdrew the 3 charges and why? What is the process in such cases - when arrest is made under certain charges, how do these charges get modified? What is Section 376? Are the charges somehow being diluted?
Mother sent complaint to Home Ministry in July 94: Home Ministry asked CAWC to inquire only on 15 March '95	Why this delay? Who is accountable here?
IE 29/4/95 'Sexual abuse' in some papers, 'rapist' in others - Home Ministry is targeted	What is the distinction between sexual abuse and rape? Is rape one form of sexual abuse? Isn't this in headline a big enough scandal to result in resignation of some minister?
IE 30/4/95 Kamini Jaiswal says Jhaku has been booked under 377, but should also have been booked under 377, 366(a), 506, 34 and others. These nos. are explained further on	377 repeated? Is he not booked under 376?

Jaiswal says Judicial custody will hinder the case	Why? How is it different from police custody?
Medical examination of child in July 94	What was the result? Only this clipping gives this information
Pioneer 2/5/95(first) Problems with the legal definition of rape (penile penetration) and common reactions (turning a blind eye, callousness) of people including police to such cases esp. when involving incest.	Major problem with the law.
Draft by prepared by NCW	Here's the draft Bill - what law Minister had called `suggestions'?
Study in Bangalore by Sanvad	Extra information appreciated
Pioneer 2/5/95(Second) Jhaku etc denied bail. Reasons: that child's statement is not recorded - but next line says it has been recorded and approximates the FIR.	This is confusing - does the child have to make another statement? Sounds traumatic.
My Iyer's reaction to Pioneer child sexual abuse in that time? Perhaps all cases need to be given more publicity?	Have there been other cases of query about delayed action - many other cases after this one, why not chase those?
Statesman 9/5/95 Ram Jethmalani's letter to Rao accusing Home Ministry, asking for dismissal of some	Cannot take this seriously, since Jethmalani - first item (see TOI 5/4/95 above) about discussion in Parliament was much more promising.
Statesman 13/5/95 Here it says: 377 of IPC is for unnatural offences against nature B earlier there was mention of rape	Confusing
Experts are quoted	More light thrown on the [psychiatrist (2), lawyer(1)] psychological and legal aspects very good.
2 main problems in such cases are disbelief and non-conviction	This sums it up well - but whats to be done about it?

The case of Simi - first naming cousin started 'misbehaving'	Who provided this example - sources would be more convincing. Also, better to call a spade a spade - 'misbehaving' is not precise.
Targets are police and officers in the Home Ministry	How can they be made to take responsibility?
Title uses word: 'pedophile'; explanation of psychiatrist is that in such incest the father is not abnormally fixated on children	Pedophile is one who is fixated on sex with children, so the distinction needs to be classified - such a father as Jhaku is merely using the easiest available female body?
19/5/95 Many pieces (different newspapers) on handing over of Jhaku case to CBI	Why? What is the legal implication vis-a-vis stringency of justice? Conviction?
Pioneer 19/5/95 Public prosecutor found 'indifferent to the case' by women's organisation, complained to Delhi Police Commissioner Nikhil Kumar, who had him changed	Bravo women's organisation & bravo Nikhil Kumar!
Pioneer 26/5/95 Public Prosecutor Virender Jakhu's bail hearing pushed to June 2	Wasn't he Virender Kumar Varma yesterday? Mildly annoying. Seem to be many postponements of this - why? Is it good or bad for the case? One is legally illiterate
TOI 2/6/95 Case studies given are of girls - discussion says: when a child is sexually abused by 'his' family members	Had forgotten that boys can also be sexually abused - what about them? Does the draft bill of NCW deal with girls & boys?
Special provision required for sexual abuse by parents/relatives	Good point - abuse by parents must be seen as more violating and traumatic
Section - "violation of a women's modesty"	This sounds euphemistic and evasive - and is the child considered a 'woman' or is it the anatomy that decides the terminology? Language is outdated - is the IPC?
Pioneer 2/6/95 When child sexual abuse occurs in middle class there is a credibility problem B headline: Sexual abuse of children 'prevalent in all classes'	Good point highlighted by headline. But isn't it also true that the cases of child sexual abuse in other classes get very little coverage, no hue and cry?

Legal system is not acting on draft bill by NCW which is 2 years old. Family is not always the great protector of children. Entire social system is unsympathetic to the victim.

Legal system, family and entire social system is targeted

12 women's organisations

All this time Sakshi seemed to be stressed as the only concerned group, totally spokespersons of several involved. To know there are others are quoted gives hope and more weight to the issue itself.

TOI 16/6/95

Sakshi office is in South Extn.

Would be good to have their address; Is it in the directory?

Psychological reactions of parents and of child itself in what parents can do for safety of children. Most abusers are men, abused are girls

Extra information in good. Role of sexually abused children, protection is important.

Pioneer 18/7/95

Habeas Corpus

What is it? Legal illiteracy

TOI 26/7/95

Judge V.S.Gupta clarifies 'in-camera' procedure that this does not stop people printing/ publishing anything about the case  
Polygraph result

Clarification of legal point to the layperson

Surely this is not accepted as conclusive evidence?

Psychological report - Jhaku full of guilt etc when he 'should actually show' anger and aggression

Should means when - if he's guilty or not? Confusing; requires me to read between the lines

Pioneer 20/8/95

Jhaku shows guilt etc. which points to his own guilt; anger and aggression if falsely accused

My previous comment is clarified here but is of no use to readers of TOI!

Pioneer 3/2/96

Final charges - unnatural sexual activities etc, 'rape' dropped since no penile penetration

All these put together don't seem to convey the magnitude of the crime

Charge of 'abduction' dropped as child was in the 'custody' of the father

Some custody - it is outrageous

HT 2/3/96

Court has not distinguished between carnal intercourse and rape

Important distinction - perhaps a review of law regarding sexual abuse and a revival of the draft bill by NCW is required B law Minister had promised a year ago?

Bail to one of the co- accused to attend a wedding

So the charges are not being taken seriously by the Court?

Telegraph 2/3/96

Child subjected to anal sex

This was not mentioned earlier. Nor is it clear, actually, what all acts are included in 'unnatural sexual activities'.

Activists say - these charges will result in short term convictions

This is what I'd guessed when the variety of charges was discussed earlier.

Child sexual abuse often involves non-penetrative sex and causes lasting psychological trauma - headline of 'Treat child abuse as rape'.

Important point that shows the sterility of legal nit-picking.

Hindu 4/3/96 (Last clipping made available)

Interim bail to Baljit Kaur

Does not say 'for attending wedding' which is really the relevant point.

Sakshi demands child's evidence be recorded audio visually once, so that she does not have to repeat

Good point - should apply to all such cases where psychological trauma is involved? Even adult women?

Medical evidence of sexual abuse of children - children heal faster etc.

Sexual abuse of children needs to be considered separately

**Table 1.3: Persons/Institutions mentioned and quoted**

This is a list of those people and institutions mentioned in the press coverage. Those of whom have been quoted in any way (directly or indirectly) are marked in **bold**. It may be noted here that explanations and additional information have been mainly provided by the NGOs and their spokespersons.

Accused by	<b>Sudesh Kumari Jakhu</b> (mother of child)
Victim	<b>8 year old Ms. Jhaku</b>
Accused	Karamchand Jhaku, Avinash Kaur Malhotra, Narendra Verma, Bharat Bhushan Bali, Baljeet Kaur Rekhi
Family	of all 5 accused not named Jhaku - elder daughter, grandfather
Scene of crime	"Connaught Palace" restaurant near Shivaji Stadium
NGOs	12 women's organisations; only those below were named. <b>Sakshi Naina Kapoor</b> - lawyer representing child, <b>Jasjit Purewal Samvada</b> <i>Janvadi Mahila Samiti</i> <b>Kalindi Deshpande</b> <i>Multiple Action Research Group</i> <b>Aabha Joshi</b>
Citizen's group	Residents Association (Jhaku residence)
Legal	<b>Kamini Jaiswal</b> , noted SCourt advocate, assisting CBI Public Prosecutor Virender Kumar and counsel for Mrs. Jhaku. D.R. Singh, Metropolitan Magistrate <b>Naina Kapoor</b> , representing child Lawyer (unnamed, who moved writ petition for illegal detention of Jhaku Justice K. Ramaswamy, Supreme Court division bench Justice M.K. Mukherjee, " " " " Additional Sessions Judge (unnamed) Mr. H.R. Malhotra, Additional Sessions Judge who framed the charges, dropped rape and other charges. Mr. Dharamraj Singh, Metropolitan Magistrate Mr. B.S. Choudhury, Additional Sessions Judge <b>Mr. V.B. Gupta</b> , Addl Sessions Judge (clarified 'in-camera' to press) Defence lawyers - K.K. Luthra (for Avinash Kaur), V.K. Ohri (for Jhaku) Mr. V.K. Jain – Metropolitan Magistrate <b>Mr. Ram Jethmalani</b> - Supreme Court (Letter of protest to Rao) Public Prosecutor - Mr. Bakshi (new) Public Prosecutor (old) Mr. G.S. Mehra P.K. Bhasin - Additional District and Sessions Judge
Police/ Investigators/ CBI	L.B. Sinat - Director of Vigilance <b>Nanakpura police</b> - not named Crime Against Women Cell-Inspector Dharamvir Gupta, <b>DCP S. Sundari Nanda</b> Police Station Noida (Sector 20) - <b>SP Y.P. Pachauri, SHO</b> Inspector N. Surendran - Special Crime Branch, CBI Mr. Nikhil Kumar, Delhi Police Commissioner

Bureaucracy	Mr. Virender Kumar Verma - CBI Public Prosecutor <b>Mr. M. Venkateshwara Iyer</b> - J.S. (Admin), Home Ministry Special Secretary, Union Home Ministry (unnamed)
Psychologists/ psychiatrists	<b>Dr. Avdhesh Sharma</b> (President, Delhi Psychiatric Centre) <b>Dr. Sunil Mittal</b>
Medical	AIIMS - Medical Board of senior doctors of Forensic Medicine, Gynaecology, paediatrics, psychiatry Doctor at Psycho-sexual clinic (AIIMS) who examined Jhaku (unnamed)
Politicians	Home Minister: <b>S.B. Chavan</b> Law Minister: <b>H.R. Bhardwaj</b> Deputy Chairperson: <b>Najma Heptullah</b>
Others	<b>Jayanti Natarajan</b> (Cong) <b>Sikander Bakht</b> (BJP - Leader of Opposition) <b>Renuka Chowdhury</b> (Independent) <b>Sushma Swaraj</b> (BJP) <b>Sarla Maheshwari</b> (CPM) <b>Meera Das</b> (JD) and others P.V.N. Rao <b>Ram Jethmalani</b> (Rajya Sabha) P.M. Sayeed (Minister of State)
Government Institutions	Home Ministry, Police Force
Social Institutions	The family The social system
National Commission for Women	
Press	Vijay Tyagi - Dainik Jagran's photographer whose camera flash was smashed by Jhaku.



**Table 2.1: Available sample of clippings on the Bhatari rape case**

**Table 2.2: Reactions generated through a quick scan of clippings on the Bhatari case**

NT 28/9/92

Details of how rape was done and why BD got no support from fellow villagers. FIR filed on 23rd Sep. 48 hours went by before medical examination in a deliberate effort to destroy evidence. Representatives of several NGOs met the press. There will be a demonstration on 28th Sep. in Bhatari, and a larger one in Jaipur in October for which all India participation is being organised.

All the details of the case are given. Not clear who is responsible for delay of medical examination, or why FIR was filed on the 23rd. If so many organisations had already got together it is surprising that this is the first report in the press.

NT 29/9/92

Senior police officials will also go for the demonstration in Bhatari and give assurances to village workers that their dignity will be protected.

Senior police give assurances while junior police give no support?

Women's groups met the Home Minister and Child Development Minister, both of whom answered them that BD will get justice and that loopholes in the inquiry upto now will be examined

Names of Ministers? They seem to accept that the inquiry has been faulty.

RP 29/9/92

Police disbelieve rape although dark bruises on BD's hands and feet are visible.

Police are partisan? Why? How can they be trusted to conduct the inquiry objectively?

Details given of efforts to get the medical examination done -obstruction by magistrate etc.; finally done on 24th evening.

These are facts, no interpretation required so magistrate can be hauled up.

Sathins have to face attacks in every village when they oppose child marriage.

This goes with the territory - so adequate protection and support should always be at hand.

Pio 29/9/92

Titled : Rajasthan villagers teach social worker ` a lesson'

Levity - distasteful

Incident raised in zero hour through an adjournment motion in Rajasthan Assembly by Het Ram Beniwal CPM MLA. Speaker Harishankar Bhabhra sent the motion to the govt. for information and reserved a ruling till information is furnished.

How does this link up with BDs case as handled by the police? What about judiciary?

Rajesh Pilot named by attackers as one who will protect them IE 30/9/92	What is the link? He should be questioned.
All villagers and police say the rape is a concocted story B reasons given: eg. absence of serious injury to Mohan (BD's husband).	What makes all these people gang up? Absence of serious injury - or any injury?
MLA K.L. Meena said that a through enquiry will be held; later told ENS that he did not believe the rape happened. Village sarpanch also said he did not believe it.	Can disbelief and a through enquiry go hand in hand?
Reported : Mamta Jaitley claims to know BD for nearly 7 years now.	Why claims to know?
Pio 30/9/92 This text is identical to Pio 22/9/92 with same byline though format and title are changed.	Why?
RP 30/9/92 Kanhaya Lal Meena says a woman's statement on being raped should be enough evidence.	Is this the same K.L Meena of IE 30/9/92?
NT 1/10/92 K.L. Meena said rape charge is false - a 65 year old is being charged.	So what if he is 65? Is there some age limit for violence? For sexual violence?
IE 1/10/92 CM announces CID probe into case	What does this mean? What are all the varieties of possible probes?
HT 2/10/92 Titled: Many flaws in Bhanwari's rape story; calls BD a "bold, offensive and arrogant woman" who dominates at home and gave dressing down to her father- in-law for creating hurdles in her WDP work.	The tone makes BD sound like an awful woman who's got her just deserts - why? Is she wrong in opposing her father-in-law on this matter - does it make her offensive and arrogant? Is `bold' an insult? Why not say brave, assertive?
Pio 2/10/92 Reason why BD filed FIR on 23rd, a day after the rape.	Given the importance of medical evidence in rape cases, all procedures should be expedited - what BD got was the usual run-around if not worse. Those responsible should be taken to task, and some thought given to stringency for the future?

Pio 5/10/92

The rape incident highlights continuing undervaluation of females and practices harmful for her growth as reflected in female infanticide, dowry deaths, child/infant marriages etc.

Crimes against female children/infants surely involve an attitude to childhood as well as to females-both negative? Clarity essential.

Dainik \_\_\_\_? 6/10/92

Villagers presented a memorandum to the Home Minister asking for impartial inquiry into BD's charges saying the latter are totally false. Emphasis on age of Shraavan Pujari and others.

Which villagers? How many? Which caste?

Paper? 7/10/92? (Byline: Usha Rai)

About the IDS Jaipur study; gives details about Gujjars in the village i.e. 40 out of 100 families.

Clarifies somewhat the earlier statements about the power of Gujjars - that they dominate in number. But what about wealth? Political clout, village panchayat etc.?

MLA admonished the pracheta for trying to prevent child marriages.

What is pracheta? Also in WDP? MLA should be taken to task

Marriage of the one-year old was stopped on akha teej but took place anyway on the next day - no police action.

What is the law? Is the govt. interested in upholding it or making gestures?

NT 7/10/92

BD had her 7-year old daughter married 3 year ago.

This is no reason why she should not oppose child marriage today

Ages and bachelorhood of accused mentioned several times as though it is enough to preclude rape.

Here come the myths

IE 7/10/92

Same Usha Rai story as above - but a bit longer. IDS report says the reference chit given by the PHC doctor requested medical examination to confirm age, not rape.

Clear case of misleading the inquiry at the start- can this doctor go scot free?

TOI 7/10/92

Rape is not possible because four of the five accused are above 55 years of age, says Mr Chithar Singh, SHO; women activists say the accused are much younger, with Badri at 25-30.

These are separate issues-one is that age is not relevant, and the second is that there seems to be an effort to misrepresent the ages of the accused so as to fit them into the myth that 'proves' their innocence.

Pio 7/10/92

The WDP is against police intervention into issues like child marriages as it causes hostility - they would rather work through persuasion

This is interesting- I'd like to read a short informative piece about the WDP. It seems important to reveal the strengths of the program and the acclaim it has received for its grassroots work.

Pio 9/10/92

Lie detector test for the accused  
BD's medical report expected soon.

Surely this is not admissible as evidence?  
'Soon' can't be soon enough; the rape was on 22/9/90 and examination on 24/9/90.

RD 11/10/92

NCW demands that police and medical jurist be punished.

Yes, severely B otherwise it seems so easy for every official involved to mess up the case.

TOI 12/10/92

About govt. laxity in enforcing Child Marriage Restraint Act 1978.

Who can be held responsible in each specific instance? What are the provisions?

NT 13/10/92

Demands made by women's groups such as for special cells to investigate sexual crimes against women.

What are the existing special cells for women? And who will ensure that these function honestly? They will have to coordinate in a case like this where doctors, magistrates, police etc are all involved.

Demand that case be shifted from CID to CBI

What will be gained?

Pio 14/10/92

Testing of BD's husband's semen at 10 p.m. on 3/10/92.

Why? Did the medical report not establish anything? Where is the medical report?

IE 14/10/92

DSP Ajit Singh advised the accused to take refuge with relatives in Jaipur; woman ASP said: Who will rape this white haired woman?

Males first, police second. The police, of all people, should know about the variety of forms that violence takes.

15/10/92

Public Interest Litigation to be filed in SC by women's groups for creation of core fund at central and state levels for women social workers 'in the countryside' who are victims of sexual violence.

'In the countryside'? And a separate one for urban counterparts? What is a Public Interest Litigation?

NT 15/10/92

Semen samples of BD's husband and of the accused taken at the same time and not immediately sealed.

So many weak points in one of the procedure where officials can tamper with the evidence if they wish to.

Pio 19/10/92

Fresh medical examination of BD ordered by ASP (CID Crime).Swab test revealed blood group of none of three accused nor her husband.

The long awaited medical report? What will a fresh examination almost a month after rape reveal?

NT 22/10/92

Mamta Joshi

Joshi or Jaitley?

At the rally women activists said they had no hope of getting justice from the State govt.; would demonstrate at the Center.

Then what is the use of the State? Can it at least be brought to book for malfunctioning and partiality?

IE 23/10/92

Activists have decided to suspend all work under the WDP until (appropriate) action is taken.

With so much support from women's groups WDP could not influence. Does this mean WDP challenges to status quo, harmful traditions etc. are causing govt. to virtually disown it? Will State govt. welcome its closure?

NT 23/10/92

Home Minister Digvijay Singh assured activist representatives that the enquiry report will be got from CID within 3 days and those found guilty will be booked; refused to arrest anyone before that.

Will this CID report be presented in court or will the Home Minister do something directly?

Said the case could be transferred to CBI, if activists were not happy with CID, but activists oppose the move.

What is the procedure? I thought women did want a shift to the CBI. This is confusing.

SO 25-31/10/92

Anjana Bhushan (DWCD) assisted BD to get the medical examination done in Jaipur.

This is a new name in the story - bits and pieces keep cropping up so I don't get a proper presented story-have to work it out myself-do I want to?

Agreement of police, villagers and BD on one point - that the main cause of the rape was BD's stand against the marriage of Ram Karan Gujjar's one year old grand daughter

Other clips say police and the villagers say that the rape is fabricated.

Pio 25/10/92

Last week some men (representatives of the accused) offered BD money to withdraw the case, did not succeed. They feared that transfer of case to CBI would mean less chances of influencing its outcome.

Rather casually reported- isn't this a bribe and therefore an offence or is it an 'out of court settlement'?

Fresh samples of blood were taken from BD and sealed in the presence of women activists.

One month later? This is useful only if the earlier medical examination of BD was honestly conducted and reported-was it?

Hindu 27/10/92

Heading: Rajasthan passes the buck (to CBI)

CBI? Two days ago it was CID - what happened to that investigation?

HT 27/10/92

That BD's case shows how resistance to change (in harmful traditional social practices) cuts across caste and class; State govt. should ensure that agents of social change are protected etc.

Dull, boring, simple minded editorial.

HT 27/10/92

This case will figure largely - the upcoming panchayat election, K.C Meena(BJP MLA, Bassi) who has been siding with the officials will be grilled by opponents

Just another issue for politicians to vilify each other?

Mamta Jaitley says its not unthinkable that brothers rape a woman in each others presence, and anyway they are not real brothers.

Yet another absurd defence of the accused - would really like to see all these myths set out and systematically trashed, with evidence from previous cases.

Police and others who disbelieve BD say she made up the story because the 3 brothers refused to listen to her and she wanted to settle her score with them.

A fine way to settle scores - or are they saying that BD is mentally unsound?

Hindu 1/11/92

That sexual activity is seen as just natural and rape as just sex; that violence and sexual activity are separated according to patriarchal logic, but women at the Jaipur demonstration discussed their own experiences of how violence against women is invariably sexual in nature.

Important point but not clearly discussed- leaves one confused.

Pio 2/11/92

Letter: that BD is functionary of the state but got no support instead the police and judiciary are doing their obstructive best.

This appears in many clips but seems rather simplistically presented. After all the police have never been known for a positive attitude to women, especially one who has no political or material clout.

Pio 11/11/92

Cartoon type illustration

Points of procedure for medical examination are discussed

In bad taste.

Would have carried greater weight if the relevant rules/laws had been quoted.

That semen may or may not be present in a vaginal swab—depends on use of condom and release of semen

Yes - so the edifice built on medical examination is a bit wobbly.

If semen is present it can be tested in several ways, 3 of which are mentioned of which 2 are sophisticated and not routinely available. Also, after 2 days only remaining sperm are likely to be intrauterine as those outside are destroyed by vaginal fluid. No intrauterine examination was done.

This is very interesting, the only detailed discussion of medical examination up to now 1&1/2 months and many clips down line.

Hindu 14/11/92

Media persons left the press conference of the NCW dissatisfied.

Why?

Roshan Devi and Kailah (Saathins) were threatened with rape if they continued to support BD

So why does it seem so damning that the villagers disbelieve BD - they may well be equally threatened and cowed.

IE 14/11/92

Roshan Devi is a Pracheta

Or a Saathin? (see preceding item)

JS 21/11/92

Discussion about WDP preferring persuasion, but state govt. went ahead with force; the social changes brought about by agents like BD; how politicians try to take advantage of the latter but actually undo whatever good has been achieved etc.

Good discussion - targets the govt.

Sharda Act

BD tried her best to persuade people not to practice child marriage, to defuse the situation by calling a meeting on 2nd June.

Is this the Child Marriage Act?

This is new.



3 senior women in IAS had submitted a report to the govt. about their belief in BD, that she would not lie, but govt. ignored these as they do not need administrators to win election - they need the MLA, who needs the powerful, not the BD's of this world.

Who are these women? How could their reports be disregarded? Probably part of the culture not to believe anybody unless there is something to be gained by it.

Paper? 25/11/92

Headline : Women's groups assail order on rape

Had to search the fine print for the order; its not presented concisely and at once. When was it?

Jan adalat (peoples court) to be held at Jaipur in Dec

What is this? What is its function?

Writ petition in SC to ensure women's rights to a workplace environment that is free from sexual violence

Yes? What will this involve? Is there no provision for this right now?

Acquittal based on series of factually incorrect assumptions on the nature of rape - age and caste, and how would a traditional Indian husband stand by and watch etc

So where does the law go if notions and fallacies are the basis of judging a case B this is a high level of incompetence to say the least!

Demand: guidelines for sexual offence trials to ensure a gender sensitive atmosphere and guard against myths and biases which the law itself is prejudice against the victim.

What about something to ensure a legal procedure of minimum quality - if ignored, how can guidelines be constructed for each and every type of case?

ET 28/4/93

BD's allegations lacked substance but became an issue due to involvement of women's groups and has this year led to very cautious approach by the govt. in its opposition to child marriage - preferring to be persuasive rather than coercive.

Implying that women's groups are also in the business of fabricating charges? And having ignored the WDP's suggestion on approach last year, and contributing to BD's rape, they now turn a blind eye and appropriate that very approach. BD should have kept silent about her rape?

Child marriages almost everywhere in tribals are the losers -dominant areas as the tradition of child marriage could not strike a root among illiterate tribals'.

Seems to imply that the state except for the 'tribal unable to appreciate the great humane tradition of child marriage due to their illiteracy. Drivel.

Pio ?/10/93

Violence against women is a political non-issue in Rajasthan whether it is gang rape of a social worker or mass murder of baby girls.

OK - but can female infanticide be entirely subsumed by violence against women? See Pio 5/10/92

Arrest warrant at the instance of Union Minister Margaret Alva

What is the legal procedure? Digvijay Singh etc. had refused, how could Alva take action?

Accused are roaming freely in the village but police say they have not been seen and so cannot be arrested.

Outrageous.

Other women in the village are paying for BD's 'boldness'

What's all this 'paying for'? Should BD be less 'bold'? See HT 2/10/92

IDARA coordinator Anita said only the Saathins get empowered and now they are bogged down in petty concerns.

If ministers are scared to take any action is it so damming if women in BD's village take a few steps backwards? What petty concerns?

HT 25/10/93

Women from several organisations are trying to 'educate' the voters about the BD incident.

Educate need not be within quotes.

3 of the 5 accused are campaigning for the Cong. candidate Mr. Jagdish Tiwari.

Well done. Such people add to the candidate's credibility?

CBI unable to trace the accused to produce them in court; have to do so on the 28th

CBI was supposed to be more impartial, less accessible to manipulation by local powers; seems no one is exempt.

Village told this corespondent BD was planning to stand for Panchayat election. BD denied it.

This case is becoming utterly disgusting. Nothing positive ever happens.

DN 25/10/93

CBI had already presented the chargesheet against the 5 accused after all their investigation, but when the magistrate asked CBI official to present the accused in court he pleaded that this would threaten his job, his bread and butter.

This statement needs investigation. It is so revealing. Could be used to frame charges against those obstructing the case?

JS 25/10/93

Women's groups angry about the CBI delays in arresting the 5 and sent a letter to the ----- on this matter, demanding that the officer in charge of the case, N.C.Jha, be changed.

Yes, I look forward to this.

Paper 23/11/93

Role of CBI in rape and murder cases is not to see if crime took place or to establish who the culprits are.

So the assumption is that the crime did or take not but place without doubt if the CBI takes over a case. This is very important. The rapists will be identified and sentenced.

95% rape cases have been acquitted. If questioned judiciary blames medical and legal profession, who say that their hands are tied. Judiciary blames itself? Hands tied by whom? This is confusing and unsatisfying.

JS 20/2/95

BD's appeal to cancel bail for the accused was refused. Defence said she had her 9 year old daughter married in 1989. What is the link between the two? Why were threats to BD ignored?

Paper ? 26/2/95

Sarpanches of Bassi decide to fight against child marriage while boycotting the Saathins and their activities. They say the BD incident has brought dishonour to this area, even internationally. Astounding. As for dishonour, they don't know the half of it.

JS 26/2/95

Nobody in the nearby villages believes BD's story so public opinion is totally against her. Is this true? I am not convinced.

BD won the Neerja Bhanot award of one lakh recently. Even such recognition doesn't convince the opposition?

Even women Sarpanches agreed to boycott sathins. 'Agreed' or were forced to agree?

TOI 27/2/95

The 5 accused were arrested and are still facing trial. Still arrested and still facing trial? So many years gone by.

JS 4/3/95

Titled : Sarpanches anger weakens BD's case. Almost sounds as though their anger is justified and the blame and loss are BDs.

K.L Meena asks BD and supporters to answer several questions such as: Is BD such an important figure that people have forgotten their political and caste differences in order to oppose her etc. Precisely!

NT 21/3/95

Only motive for the Sarpanches decision is to corner BD so she makes an out of court settlement. Exactly - good point

Madhu Bhardwaj (woman Sarpanch) tried to speak out for BD, was scolded and shut up by the men. After the meeting several women spoke to BD in support.

So Sarpanch unity is not from choice - BD is not so very disbelieved.

Case has reached the Supreme Court.

When? How? Confusing.

Pio 21/3/95

Abuse of panchayat power corrodes optimism of 73rd Amendment.

Is this for 30% reservation for women?

IE 25/3/95

At the meeting of Sarpanches in Feb. the Sarpanch of Bhateri who had garlanded BD the previous day was bullied into calling her a liar.

Bullied into this, bullied into that? How sad.

Offers of money to BD, donation to WDP, if she withdraws the case

Charming.

Later 30 male Sarpanches expressed support for the Saathins, said they were pressurised to portray Sarpanch unity at the meeting.

Sarpanch unity is some sort of cardinal principle?

Pio 16/11/95

All 5 accused were acquitted.

Why?

TOI 20/11/95

If the police had acted promptly the evidence which the court found lacking could have been preserved

And now BD pays for police laxity.

Dr.Girija Vyas says that acquittal was done through pressure by state govt.

Can't this be investigated?

Vyas written to PM asking for 30% reservation for women in the legal institutions.

Yes - all the judges seem to be men - what about lawyers?

NT 6/12/95

After the 1982 Mathura rape case BD's is the next that has become such an issue.

What exactly happened to this case? I don't remember.

The fact that BD continues to work as a Saathin and the people do not oppose this work means that the village recognises the need for change. Many women there believe that the acquittal is a second injustice done to BD. People have started being friendly to BD again.

All this shows a different picture from the one I have got upto now of BD the ostracized woman whose story is disbelieved by all except (urban?) women's groups. More comprehensive reporting is appreciated.

JS 27/11/95

About the ruling against BD - that upper caste and middle-aged men could not have committed rape.

Best I have read so far - tackles these two points clearly, what these remarks reveal about those who make them, etc.

ET ?/12/95

BD says she will file an appeal in the HC against the Jaipur District and Sessions Court acquittal of accused.

Is this the 1993 acquittal? Appeal filed after 2 years? This is most confusing

Rally to be held on Dec. 15 at Jaipur

Yet another rally. So much solidarity had so little effect.

Usha Rai undated 1994 or 1995? titled: "Perverted Justice". Medical reports on rape often say "no opinion of rape can be given as the person is used to sexual intercourse"

This is a blow for the law based on medical evidence, can be the basis for new law.

Subtitle mentions "sexually assaulted dalit women", text mentions rape victims who file complaints under the SC/ST (Prevention of Atrocities) Act.

Does this also cover rape cases? Which act is to apply when an SC/ST woman is raped? This is confusing

JS 11/1/96

The judge discussed how BD did not tell her parents in-law about the rape but could tell the police while clarifying that BD was not on speaking terms with the former, and if told they were likely to tell her to keep silent, etc.

This is supposed to show BD as a bad character and add weight to the notion that she made up a story of rape. Disgusting. This judge is unfit for his job, surely?

HT 18/1/96

Heading: Bhanwari was not raped: Women's body.

So there are women's groups and women's groups. At first I thought all the groups expressing solidarity had suddenly done a volte-face.

HT 19/1/96

Rally organised to oppose the govt. move to challenge the Jaipur District and Sessions judge's acquittal of the 5 rape accused.

Govt. move? Wasn't BD filing an appeal? (See 2 clips back, ET) And that was 1 month ago - has the appeal been filed or not? How can a rally stop it from being filed?

Paper? 19?/1/96

Even women politicians were involved in the anti-BD BJP rally.

That naive belief that women are not as immoral as men.

TOI 21/1/96

Mohini Giri's letter to Shekhawat about statement (at rally) that BD would be hanged in public if she appeals against the acquittal of the 5 accused.

Surely there are laws against making such statements?

TOI 30/1/96

Recent SC order for rape trials to be held in camera is a mixed blessing.

Yes, some supportive persons should be allowed in. When was this decided?

TOI 7/2/96

The acquittal was on 15/11/95

A date at last.

Stained 'ghagra' produced in court was too short - real one had been substituted.

Incredible. Who is responsible for this?

How can a husband stand by and watch etc.

This is often a part of the violence, that kith and kin are made to see it. Is the judge so poorly informed?

IE 13/2/96

Letter to the editor about caste-based punishment.

Good point.

TOI 19/2/96

Presents a similar (to BD's case) miscarriage of justice and dilution of punishment due to status of the accused.

Those with clout do get away, but how much clout did these five have?

**Table 2.3: Persons and organisations mentioned in the BD case clippings**

Bureaucrats	V.S. Singh, District Collector, Jaipur Village Sarpanch, Bassi
Politicians	Rajesh Pilot (accused claim they have his support) Bhairon Singh Shekhawat, Chief Minister, Rajasthan K.L. Meena, BJP MLA, Bhatari Mahir Azad, JD(A) Tara Bhandari, BJP Digvijay Singh, HM Kanhayalal Meena, Independent Harishankar Bhambhra, Speaker, Rajasthan Assembly Girija Vyas, Minister for Information and Broadcasting S.B. Chavan, HM Margaret Alva, Union Minister Haridev Joshi, Opposition leader Dr.D. Kalla, President, State Cong.(I) Dr.Chandabhan, President, State JD(A) Aruna Swamy, Mahila Congress Sudha Raina, Mahila Congress Suresh Sharma, President, City Cong.(I) R.R.Tiwari, State Cong. Sewadal leader Dinesh Vyas, State Cong. Sewadal Abhinesh Maharshi, Jaipur City Youth Congress leader Sushma Swaraj, BJP spokesperson Kailash Meghwal Ram Singh Bishnoi Bhanwar Lal Sharma
Legal	P.C. Vyas, Medical jurist, SMS Hospital, Jaipur Munsif Magistrate, Bassi Bhagwan Sharda, Magistrate Kirti Singh, Lawyer Kailash Nath Bhat, Lawyer at anti-BD BJP rally Sunita Satyarthi, Rajasthan Legal Aid Board [?] M.L. Gupta, Additional District Magistrate
Medical	PHC, Bassi SMS Hospital, Jaipur Medical Officer, Bassi

Police	<p>Police Station, Bassi  Police Station, Jatwara  Nina Singh, IPS Officer,  Ajit Singh, DSP  Liaqat Ali Khan, ASP, CID Crime  P.D.Sharma, ASP(South)  Rajendra Joshi, DSP  SP (Rural)  Chithar Singh, SHO</p>
Women's Organisations\ NGOs\ Representatives	<p><i>Women and Child Development Department, Rajasthan</i>  Anjana Bhushan, Director  WDP - Venu Gupta, Additional Director  Dr. Pritam Pal, Project Director, Jaipur district and field level coordinator  of Sathins  <i>Coordination Committee</i> Mamta Jaitley (member)  <i>Social Welfare Board</i> Amarjeet Kaur, Chairperson  <i>National Commission on Women</i> - Jayanti Patnaik, Chairperson; Padma  Seth; Ganga Potai; Annie Mathews  <i>Women's Rehabilitation Collective/Committee</i>  <i>Muslim Women's Welfare Society</i>  Vishakha Mamta Jaitley  <i>Rajasthan University Women's Association - RUWA</i> Renuka Pamecha  <i>Rajasthan Voluntary Health Association</i> Poorva Kushwaha  <i>Centre for Development Studies</i> Sharda Jain  Sajag  <i>Kisan Mazdoor Mukti Sangathan</i>  <i>Urmul Trust, Bikaner</i> Sanjay Ghosh  <i>Sanchetna, Ahmedabad</i>  <i>Sutra, Himachal Pradesh</i>  <i>Jan Vikas, Gujarat</i>  Sakshi - Naina Kapoor  <i>Multiple Action Research Group - MARG</i>  <i>Gramin Mahila Vikas Evam Sangharsh Sangathan</i> (Organised BJP rally  against BD) Manju Thakuria, General Secretary (wife of Yuva BJP leader  Om Prakash Thakuria), Rukmani Devi Bhadu, President  <i>Forum on Violence Against Women, Jaipur</i>  Sabla Sangh  <i>Centre for Feminist Research</i>  <i>All India Democratic Women's Association - AIDWA</i>  <i>Peoples Union for Civil Liberties – PUCL</i> Hemlata Prabhu  Manushi  Jagori  Action India  Delhi Saksharta Samiti  Indian Social Institute</p>



*Joint Women's Program - JWP*  
*AIDS Bhed Bhav Virodhi Andolan*  
*Kali for Women*  
*Karmika*  
*Mobile Creches*  
*Alarippu*  
*Ankur*  
*Forum for Women and Politics*  
*Mahila Samakhya*  
*SAARC Delegation (appreciated work done by WDP)*  
*Citizen's Association for Rights Dr. Manchandra Jain Khandela, President*