

Endorse DBAV anti-caste feminists' statement condemning the Hathras case judgement

On the remembrance day of anti-caste crusader Savitri Phule, we the daughters of Savitri from Dalit-Bahujan-Adivasi-Vimukta communities strongly condemn the judgement of the Uttar Pradesh special court which acquitted all four accused – all dominant caste Thakur men – of a heinous gangrape and murder of a 19-year old Valmiki (oppressed caste) woman, in the Hathras district that took place on 19th September 2020. Find our previous [statement](#) asking for a fair trial.

This recent judgement delivered on 3rd March, 2023, two and half years after the brutal violence, convicted only one of the four accused, Sandeep of culpable homicide not amounting to murder and offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC/ST Act"). This is despite the dying declaration of the victim where she clearly named some of the accused of 'zabardasti' i.e. forcibly sexually violating her. The entire process has been marred by injustices and is steeped in Brahminical patriarchy.

The family of the victim suffered insurmountable hurdles and threats right from getting the case registered to getting the medico-legal examination of the victim done in time. The police were complicit in burning the mortal remains of the victim without her family's consent. The judgement comes merely days before the International Women's Day, but there is nothing for us oppressed caste women to celebrate on this day, we are instead routinely reminded that our womanhood will not be respected in this caste ridden society. This is also a bitter reminder for all of us fighting for social justice and equality.

Targeted caste-based sexual violence has a long oppressive history, right from the religiously sanctified and undignified traditions of Devdasi, Breast tax, exoticizing paintings of tribal women's bodies for oppressors' gaze, and amusement, to stripping and naked parading assertive DBAV women. This is despite the strength of constitutional guarantees such as the The Protection of Civil Rights Act, 1955 (1955) and the SC/ST Act, 1989, which seeks to extend all three forms of justice to Dalits: Punitive, Preventive, and Restorative. Efficacies of these laws have remained poor, owing to India's caste impunity culture. This caste impunity is institutionalised in the entire criminal justice system.

To us it is evident how justice is delayed and denied to the oppressed caste women, with the long list of cases of violent atrocities of Mathura, Bhanwari Devi and the mother and daughter duo of Khairlanji village, killed with two other male members of their family. In all these cases the oppressed caste women have not been viewed as "[ideal victims](#)" deserving of justice. The casteist notion that the oppressed caste woman is promiscuous or sexually available is entrenched in the justice system. Thus, an act of sexual violence by oppressor caste men on the bodies of oppressed caste women is deemed to be an act of caste entitlement not meriting legal redressal. This institutionalised casteism in the delivery of justice is also evident of the stark contrast in the way the Delhi gang rape case and the recent Hathras case were dealt with. While the overall conviction rate is 25 percent, it is a mere [2 percent](#) in cases of caste-based sexual

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The recent Hathras verdict also reminds us of the [Khairlanji](#) case where the three accused were acquitted by the court on the charge of sexual violence and under the Atrocities Act. Additionally the court refused to invoke the SC/ST Act and held that the murder was based on revenge and the caste was not at work here. There has been consistent and systematic miscarriage of justice in cases caste based sexual violence for the whittling down of the Atrocities Act. This can be evidenced from the NCRB report which has consistently shown that atrocities against Dalits have been on the rise in recent years.

We are enraged by the incessant violence perpetrated on our caste-oppressed communities. Like in every caste-based sexual atrocity, this judgement reveals the depth and the scale of the systemic oppressor-caste hatred and disregard towards Dalits and their human rights. This depraved indifference has claimed hundreds of thousands of lives, so much so that it amounts to an ongoing genocide. In the case of Hathras, the state machinery, made of police personnel, politicians, and government officials, have not only failed to implement the rule of law, but it has also inflicted more violence against the victim's family.

In the wake of this unjust judgement we collectively demand the following:

First and foremost we demand that the state should file an appeal without any further delay before the High Court.

Additionally, a senior woman criminal lawyer, preferably from the DBAV community, should be appointed as the Special Public Prosecutor under section 15 of the SC/ST Act.

- All four Thakur men named in the victim's statement must be appropriately prosecuted under the IPC and SC & ST Prevention of Atrocities (PoA) Act.
- An inquiry must be set up against the District Magistrate and the Superintendent of Police involved in the foundational miscarriage of justice.
- The Investigating Officer from the State police must be proceeded against for willful neglect of duty, under section 4 of the SC/ST Act.
- We demand implementation of the SC/ST Act in letter and in the spirit of the Constitution.

Going beyond our demands is also for the implementation of preventive measures to keep a check on such rampant caste-based atrocities. Further, we demand that the psycho-social support through social workers and psychologists be offered to the family of the victim given the immense trauma they have been subjected to since the time of the incident and during the course of the trial.

We also want to underscore the need for working towards collectively building practices of restorative justice and transformative justice within an anti-caste feminist framework for dismantling Brahminical patriarchy.

Several observations to this effect have been made in our previous [statement](#).

We, as women and queer persons, from DBAV communities, remain firm in our demands. We hold the value of social justice close to our lives. We are committed to the eradication of all forms of caste and gender-based sexual violence. We invite all wo

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and equal rights and those who envision Just futures to sign in solidarity and widely circulate this statement.

Footnote:

1. We would like to honour the victim by saying her name instead of giving her a patronising pseudonym, but that option is legally not available. We therefore refrain from giving any pseudonyms to respect and humanise her in her death. We believe this sort of name-giving puts the burden of 'heroism' and dehumanises the victim.

2. DBAV women, trans and non-binary people's Collective is an autonomous group and made up of three generations of Dalit-Bahujan-Adivasi and Vimukta activists, many of us are engaged in national regional, and grassroots activism, many are research scholars, academics, artists, poets, writers, journalists, lawyers, and other professionals. This engagement in anti-caste activism, knowledge production, and praxis spans across five decades. As a group, we strive for horizontal and inclusive collaborations. We acknowledge the strength and challenges our diversity brings and we aim for utmost respect and dignity for members that face multiple marginalities and are the most marginalised even within this space of oppressed communities. Our fight for the annihilation of caste and gender Justice is intersectional, we believe for all oppressed to be free, the most marginalised should be free.

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