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Hathras Case: Dalit-Bahujan-Adivasi-Vimukta Womxn Condemn State Complicity, Demand Action



The Wire Staff

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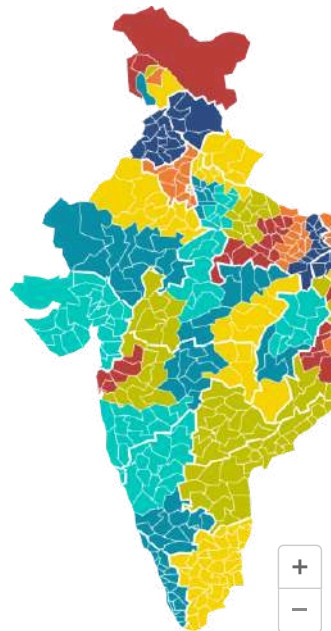
"...the state machinery, made of police personnel, politicians, and government officials, have not only failed to implement the rule of law, but it has also inflicted more violence against the victim's family."



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| | April 19 | April 26 | May |
|----|----------|----------|-----|
| 7 | May 13 | May 20 | May |
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New Delhi: A group of women and queer persons from the Dalit-Bahujan-Adivasi-Vimukta communities have issued a statement condemning the gang-rape and murder of a 19-year-old Dalit woman in Hathras, and the state government and police's actions after that appear to shield the accused.

The womxn talk about historical atrocities against marginalised bodies in India, and how the Hathras case is the latest example of this. "Like in every caste-based sexual atrocity, the brutality of the Hathras incident reveals the depth and the scale of oppressor-caste hatred and disregard

Latest

towards Dalits and their human rights. This depraved indifference has claimed hundreds of thousands of lives, so much so that it amounts to genocide," the statement reads.

The state machinery, in this case, "has also inflicted more violence against the victim's family", the womxn argue. Their demands include holding officials responsible for their actions as well as bringing the perpetrators to justice.

Read the full statement and list of demands below.

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We, women, and queer persons from Dalit-Bahujan-Adivasi-Vimukta communities adhering to Phule-Ambedkarite ideology, strongly condemn the brutal sexual assault on 19-year-old Valmiki woman, by four dominant caste Thakur men, in the Hathras district of Uttar Pradesh. Along with diverse like-minded groups, living across India and overseas, we are deeply disturbed, saddened, and enraged by the incessant violence perpetrated on our caste-oppressed communities. Like in every caste-based sexual atrocity, the brutality of the Hathras incident reveals the depth and the scale of 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 genocide.



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This caste-based sexual violence has a long oppressive history, right from the religiously sanctified and undignified tradition of Devdasi, breast tax, exoticising paintings of tribal women's bodies for oppressors' gaze, and amusement, to stripping and naked parading assertive DBAV women. Between 2006 and 2016, data suggests that crimes against Dalits were on the rise. Owing to long-standing anti-caste struggle and leaders within this movement, we have constitutional guarantees such as the Untouchability Offences Act (1955) and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989), which seeks to extend all three forms of justice to Dalits: punitive, preventive, and restorative. But despite the strength of these laws, their efficacies have remained poor, owing to India's caste impunity culture. This caste impunity is institutionalised in all sectors and government and judicial bodies. People from oppressed castes experience state apathy and outright caste discrimination in their everyday life.

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. Several observations point to this:

- A significant delay in the police registering the case, delay in collecting samples amounts to tampering with evidence and

shows the state and judiciary complacency in denying justice to the victim's family.

- The manipulation of evidence in the case of the victim's parents' statement over the cremation of her body and filing of the first information report.
- Misleading police statements regarding the post mortem report claimed "no rape" based on the delayed pathology report, despite the woman's dying declaration.
- Threats issued to the family by the DM amounting to intimidation.
- Deliberate attempts to derail the efforts of groups protesting against caste-based sexual violence.
- Derailing of legal proceedings by the government of Uttar Pradesh to eliminate all possibilities for justice.
- Cases filed against Dalit leaders and activists attempting to visit the victim's family based on violating Sec 144. -No action was taken against Thakur men, who were openly issuing threats to Dalit leaders and had gathered in Hathras in support of the perpetrators.

All of the above shows clear complicity of the state, law enforcement agencies, and dominant castes.



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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 eliminating all forms of caste and gender-based sexual violence.

We collectively demand the following from the state administration and the police department of Uttar Pradesh in the Hathras case. Going beyond, our demand is also for preventive justice to keep a check on such rampant caste-based atrocities, and restorative justice, to ensure a dignified life for the victims of atrocities and their families.

1. An independent Special Investigation Team should be set up and monitored by the Supreme Court in the Hathras case.
2. A senior woman criminal lawyer, preferably from the DBAV community, should be appointed as the Special Public Prosecutor.
3. As per the family's demand, the case should be moved out of UP. The state hostility is affecting the family and further victimising them.
4. Y+ security should be provided to the victim's family.
5. All the four Thakur men named in the victim's statement must be prosecuted under the SC & ST Prevention of Atrocities (PoA) Act.
6. Police officers and the district magistrate must be proceeded against as per the SC/ST (PoA) Act provisions.
7. An independent inquiry must be set up against the District Magistrate and the Superintendent of police for their willful neglect

- of duty, under section 4 of the SC/ST (PoA) Act.
8. The first information report (FIR) must be immediately registered against all the officials involved in the hasty cremation of the victim's body, especially those who passed the orders and made elaborate arrangements, including lights, Firewood, tractor, etc. to facilitate the cremation. This is a destruction of crucial scientific evidence.
 9. FIRs must be filed without any delay against members of the upper-caste community, especially the Thakur community, who are creating and sharing threatening videos on social media to undermine Dalits' demand for justice.
 10. The UP Chief Minister Yogi Adityanath (Ajay Mohan Bisht) must resign for the failure in convening State Vigilance and Monitoring Committee meetings for the last three years, as required under the SC/ST PoA Act.
 11. Section 15 of the SC/ST PoA Act, on the rights of victims, must be implemented to provide the victim's family with proper and immediate rehabilitation, in addition to substantial compensation.
 12. Security must also be provided to other Dalit families in the village, who might now be soft targets of casteist backlash.
 13. A contingency plan for the rehabilitation of victims in caste-based atrocities in the state of Uttar Pradesh must be implemented immediately.
 14. Rule 16 and Rule 17 of the PoA Rules provide for setting up of the State Level Vigilance and Monitoring Committee under the Chairpersonship of the Chief Minister and the District level Vigilance and Monitoring Committees under the Chairpersonship of the District Magistrate to review the implementation of the provisions of the PoA Act. NCDHR status report on the implementation of the SC/ST PoA act suggests that these meetings did not take place in Uttar Pradesh in past years (Annual report NCSC September 2016). This also emerged in the parliamentary proceedings, 25 states, and Uttar Pradesh among these have not conducted the twice a year review meetings for the past three years. Despite reporting the highest number of caste atrocities in India, the state of Uttar Pradesh failed to review the status of caste atrocities to prevent them. We demand the resignation of authorities responsible for failing to implement these state and district level meetings for criminal negligence and indifference towards the atrocities committed against Dalits.
 15. We demand that spaces like fields, homes, and construction sites where the marginalised communities work be included in the sexual harassment at the workplace. This demand emerges from the fact that the sexual-violence against the victim was committed in the field when she was there to gather fodder for the cattle, which incorporates the idea of a workplace.
 16. We demand that the accused be tried and convicted based on the dying declaration of the victim of Hathras caste-based sexual violence victim. We demand justice from the State of Uttar Pradesh and India in the case of Hathras, and preventative justice to keep a check on rampant caste-based atrocities, and restorative justice to ensure a dignified life for the victims and their families through the SC and ST, Prevention of Atrocities Act.
 17. Lastly, there should be a nationwide review of atrocity-prone districts. These districts should be declared as 'atrocity prone,' and preventive mechanisms under the SC-ST PoA act should be strictly followed.

Footnote:

1. *We use womxn here to reflect the value of inclusivity and diversity and to foreground transgender, nonbinary, and other marginalised women in our intersectional politics and praxis.*
2. *We refrain from giving any name to the victim of caste-based sexual violence in Hathras for ethical reasons to respect and humanise her in her death. We believe this sort of name-giving puts the burden of 'heroism' and dehumanises the victim. We would like to 'say her name' to visibilise and humanise her but legally it is not possible.*
3. *DBAV women, queer and transgender 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.*

The Wire has the complete list of signatories, but is holding the names back at their request.

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