



LANDMARK CASES OF CASTE-BASED SEXUAL VIOLENCE FROM 1985-2020

**National Council of Women Leaders
September 14, 2021**

On the first anniversary of the Hathras gangrape case, which led to the death of a young Dalit woman in September 2020, we take a look at twelve landmark cases of sexual violence against Dalit women and girls from ten states across the country spanning across 35 years, from 1985 to 2020.

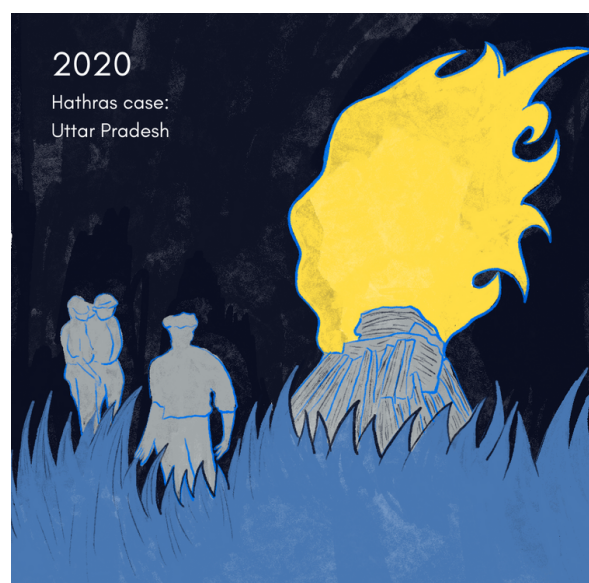
WHAT HAS CHANGED FROM THEN TO NOW?

The Hathras case brought the issue of caste-based sexual violence to the national spotlight, but still, the first question on the lips of the majority is why are we talking about the caste of the victim?

We also see an **invisibilisation of caste** across these cases by the public, government, and courts, despite the clear caste-based nature of these atrocities, with rape being used as a weapon by dominant caste groups to silence Dalit women and girls, to retaliate against them for asserting themselves and their rights, and to maintain the prevailing caste, class, and social hierarchy.

WHERE IS JUSTICE?

If justice was unachievable even in cases which drew national public, media, and political attention and widespread protests, what does this mean for the Dalit women and girls who are raped every day across the country and who receive minimal attention or support?





KARAMCHEDU MASSACRE - 1985

On July 17, 1985, a large group of Kammas (a dominant caste) armed with deadly weapons attacked an unarmed Dalit colony in Karamchedu in Andhra Pradesh. The attackers killed six Madiga (Dalit sub-caste) men and raped at least three women. A month later, the accused also killed a woman, who was a witness to the massacre.

The massacre was misleadingly labelled as a riot by many sections of the media and society. Even the prosecution's case, instead of highlighting the caste discrimination and oppression which clearly motivated the attack, stated that: "Members of Kamma community

were having grievances against the Madigas as they were not giving due regard and not extending courtesy to them which was being extended since time immemorial."

The incident had sparked outrage and triggered a widespread movement by Dalits, for Dalits. A lower court in Guntur in 1994 sentenced 46 people to 3 years in prison and 5 people to life imprisonment for murder. The case was then appealed in the High Court, which struck down the verdict in 1998, following which the victims appealed in the Supreme Court.

In 2008, the Supreme Court convicted 29 persons of "rioting, armed with a deadly weapon" and awarded a life sentence for murder to **one of the accused. Nobody was convicted of rape.**

By the time the verdict of the Supreme Court was issued, over 20 years after the massacre, many of the accused had already died.

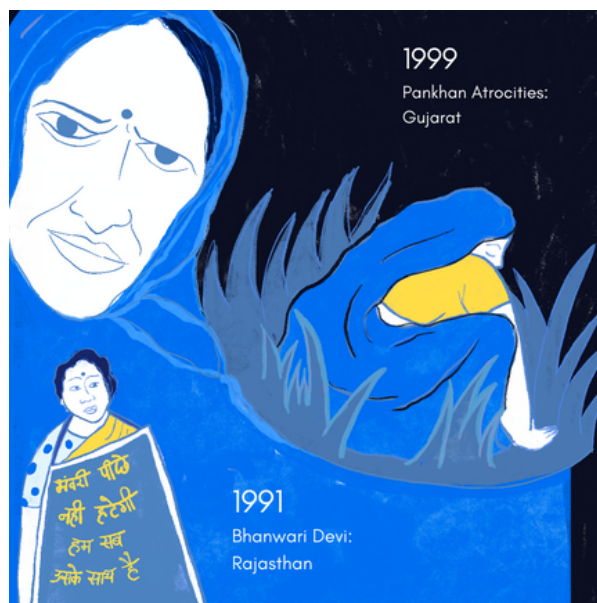
BHANWARI DEVI - 1991

In September 1991, Bhanwari Devi, a social worker from Rajasthan, was working in the fields when 5 Gujjar men beat up her husband and gang-raped her, as retaliation for preventing the child marriage of a 9 month-old girl. Bhanwari Devi's case is well-known across the country; it mobilised Indian feminists to file a Public Interest Litigation which led to the formulation of Vishakha Guidelines against sexual harassment at the workplace. However, the law continues to exclude the unorganised sector from its ambit (where Dalit women are largely employed).

Further, despite being the source of inspiration to so many, Bhanwari Devi herself has been unable to obtain justice for her case. **A Jaipur court acquitted the accused, implying that she was lying about the rape** and remarking that "an upper-caste man could not have defiled himself by raping a lower-caste woman". The appeal against this verdict is still pending.

Bhanwari Devi continues to live in

Bhateri, in close proximity to her rapists. Despite threats, she spreads awareness among women and was part of a 2-month-long march of rape survivors in 2019, to change people's attitudes from shaming victims to supporting them.



PANKHAN ATROCITIES - 1999

In November 1999, Hati Darbars (an upper caste Rajput community) in the Pankhan village of Junagadh district, Gujarat carried out a brutal attack against 100 Dalits who were clearing thorny bushes to make the land cultivable, wounding 40 people. One Dalit woman was gang-raped by 13 men and brutally assaulted, with crow-bar and axe. Despite the brutal nature of the atrocity, State authorities were slow

to react. **Almost 80 accused were named in the FIR.** Though most were arrested immediately, they were released on bail after hardly a month.

3 main accused in the gang-rape case were released in 2 months. The accused tried to bribe the survivor, hoping to force her into compromise, but she did not succumb to their pressure. Though over 140 witnesses have been heard, the case has failed to move in the trial court since 2004. It was recently moved from the Junagadh court to Keshod court, where it has been **pending for the last 3 years.**

BANT SINGH'S DAUGHTER - 2002

In 2002, the daughter of Dalit singer and activist Bant Singh, who was studying in 9th standard, was gang-raped by Jats of her village in Mansa, Punjab. The rapists, supported by Panchayat, threatened Bant Singh to keep silent about the case and offered money.

This was a rare case in which a Dalit man defied the sarpanch to seek justice for his daughter, and had succeeded in having the culprits sentenced to life imprisonment in 2004.

In retaliation for obtaining justice, Bant Singh was ambushed in 2006 and brutally beaten by Jat men armed with iron rods and axes. He lost both his arms and a leg in the attack.

Over the years, Bant Singh has become a symbol of Dalit resistance. He has been going across villages in Punjab and talking about the rising number of rapes in the country. The survivor herself leads several protests in the village in Haryana she is married in. "Even the sarpanch of her village is wary of her."





KHAIRLANJI MASSACRE - 2006

On 29 September 2006, a mob of dominant-caste attacked a Dalit woman and her 3 children in Maharashtra's Khairlanji village. She had been fighting for her land rights against the dominant castes who had encroached on her small piece of agricultural land. Enraged by a Dalit woman's assertiveness, dominant castes dragged her, her daughter, and two sons out of their home, paraded them naked, raped the woman and her daughter, and lynched all of them in public.

It took more than a week for the news to appear in print media. Protests against the incident slowly swelled, with over 20,000 people

marching to the Chief Minister's office on 14 November 2006 in protest. However, a rape charge was never brought by the government which claimed lack of evidence.

When the verdict in the murder case was announced by the Bhandara Special Court in 2008, it held 8 people guilty of murder and acquitted 3. The court refused to invoke The SC-ST (Prevention of Atrocities) Act and held that the murder was based on revenge and not motivated by caste. This led to huge protests by Dalit rights organisations and the lone survivor, Bhaiyalal.

Bhaiyalal had long since left the village, working as a peon, a job given to him as "compensation" for the butchery of his family. He died on 20 January 2017. The convictions of the 8 accused persons for murder were affirmed by the High Court and the Supreme Court in 2019. But the **institutional failure to recognize the rape of the victims**, the invisibilisation of caste by courts and government authorities raises the question of whether justice was in fact achieved.

PATAN GANG RAPE - 2008

In February 2008, a 17-year-old Dalit girl registered a case of gang rape by 6 professors of Primary Teacher's Certificate college in Patan. The aftermath of the incident witnessed large scale protests. The survivor was gang raped 14 times at various places on the college campus including the principal's room. The survivor used to collapse during the ghastly ordeals by the six accused.

Due to the pressure from the activists and Dalit rights groups, there was a magisterial inquiry and departmental inquiry. A female public prosecutor and judge were also appointed. However, there was a lot of political pressure on the survivor to accept an out-of-court settlement. She was forced to move out of her home and a Dalit rights organization was granted custody by District Judge.

In March 2009, the **special fast-track court convicted all the accused**, sentenced them to life imprisonment, and ordered them to pay compensation. However, the court acquitted them under the



SC-ST (Prevention of Atrocities) Act. On appeal, the Gujarat High Court upheld the life sentence of five accused professors, but reduced the punishment of one of the accused persons to ten years. Through the efforts of a Dalit rights organization, the survivor was given job as a school teacher in a primary school after she completed her education.

PIPLI GANG RAPE - 2011

In November 2011, Babina, a 19-year-old Dalit girl was found unconscious and semi-naked in a paddy field after being gang raped. Babina was a key witness in a molestation case which took place in 2008, and her family believes that she was targeted in order to silence her.

What followed was complete dereliction of duty by numerous state officials. **The police failed to file an FIR for over a month**, and only did so after intervention from the State Human Rights Commission.

It was only after the Odisha High Court's intervention that Babina was given proper treatment at a government hospital, free of cost. But it was not enough to save her life. After spending months in a coma, Babina died in June 2012.

Seven years later, a Bhubaneswar Additional District Judge acquitted both the accused due to lack of evidence. An appeal against the acquittal is pending before the Orissa High Court. State-wide protests against the incident had resulted in the dismissal of a police inspector.

A powerful BJD Minister had to resign from his Ministry after it was alleged that he gave shelter to the accused. Ironically, he was reinstated before the judgment of the trial court was released and was then forced to resign again after making remarks in support of the accused and the acquittal verdict.

BHAGANA GANG RAPE - 2014

On 23 March 2014, four minor Dalit girls belonging to the Dhanak community were abducted, drugged, and raped by a group of upper caste Jat men in Bhagana, Haryana, as retaliation to Dalit resistance to Jat takeover of communal lands. The case led to widespread protests by the Dalit community and the families of the survivors conducted sit-in demonstrations in front of Jantar Mantar in Delhi.

The sarpanch threatened the survivors and their families and pushed them to stop pursuing the case.



Though the survivors defied these threats to file the police complaint and identify the accused, they were **unable to continue co-operating in the criminal case** due to the unrelenting pressure from dominant caste communities in the area. In August 2015, a fast-track court in Hisar had **acquitted the accused for lack of evidence**. The appeal against the acquittal is currently pending before the Punjab and Haryana High Court.

After the incident, many Dalit families have shifted to neighbouring villages due to their isolation and boycott by the Jats in Bhagana. They are still waiting for justice all these years later.

DELTA MEGHWAL CASE - 2016

Delta Meghwal was a bright 17-year-old Dalit girl studying to become a teacher at the Jain Adarsh Teacher Training Institute in Rajasthan. In March 2016, the warden of her hostel (who is a Brahmin), sent Delta to PT Instructor Vijendra Singh's room, asking her to "clean it".



Vijendra Singh, a Jat, raped Delta in his room. The Institute did not take criminal action against him. Instead, they engaged in victim-blaming, made her sign an "apology" jointly with her rapist, saying that the sex was by mutual consent. The next morning, Delta was found dead in a water tank on the college campus.

5 years later, Rajasthan govt has named a revenue village in Delta's name. However, Delta's family is still waiting for justice. The **final hearing in the trial before the special court under the POCSO Act in Bikaner is still pending**.

After Delta's death, her father has been fearful of sending his younger daughter to school.

He says, "I would hesitate before sending another daughter away to study... it is better to have her alive than educated." However, his two sons are pursuing MBBS in Maharashtra.

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JISHA RAPE AND MURDER - 2016

Jisha, a young Dalit student was raped and killed in her one-room house in Perumbavoor, Kerala on 28 April 2016. Her mother had mentioned that Jisha had complained to the police for more than a year about being harassed by the accused person, but her complaints were ignored.

Jisha's friends started campaigning on social media after their enquiries fell on deaf ears. The campaign was later taken up by the entire state as



the 'Justice for Jisha' campaign. However, activists have pointed out that no investigating officials were punished for their inaction. In December 2017, the lone accused in the case was pronounced guilty on 3 counts of forcefully entering the victim's house, rape, and murder.

In May 2019, **12 activists, including transgender persons, who demanded a fair investigation into this case, were summoned** by the magistrate court. They were charged with IPC Sections 332 (voluntarily causing hurt to deter public servant from his duty) and 353 (assault or criminal force to deter public servant from discharge of his duty).



NANDINI GANG RAPE AND MURDER - 2016

Manikandan, a young man from the Vanniyar community pursued a relationship with Nandini, a 17-year-old Dalit girl from the Ariyalur district. When Nandini became pregnant, Manikandan refused to marry her due to her caste and pressured her to have an abortion. When she refused, Manikandan and three other Vanniyar men gang-raped and murdered her.

On 29 December 2016, Nandini's parents went to the police when she could not be found, and stated their suspicions that Manikandan had kidnapped her. But, the police filed a missing persons case instead of an

FIR for kidnapping (which is mandatory since the victim was a minor). They also **shamed Nandini's family, implying that Nandini had tried to elope with Manikandan**, and was not really missing. On 12 January 2017, Manikandan tried to commit suicide by ingesting poison, admitting he had done so because he was afraid of being caught for his crimes.

Nandini's dead body, stripped naked with her hands tied, was finally found in a well on 14 January, over two weeks after she was reported missing.

Manikandan confessed to the rape and murder; and he was arrested along with his accomplices. Outraged by the delays in investigation and their treatment at the hands of the police, Nandini's family sought a transfer of the investigation to the CID. The Madras High Court finally decided on the request to transfer the investigation of the case to CID in April 2019, over two years after the crime, and refused the transfer since it "would serve no purpose" at this time.

The High Court also directed the trial court to complete the trial within six months. However, the trial court has yet to issue a verdict to this date.

HATHRAS GANG RAPE AND MURDER - 2020

It has been a year since the Hathras gang rape case when a 19-year-old Dalit girl was raped by four upper-caste men on a farm near her home in Bulgarhi village. She died from her injuries two weeks later and was forcefully cremated by the Uttar Pradesh Police in the absence of and against the wishes of her family. Upper-caste villagers and family of the **accused tried to pass off the death as an “honour killing”**, and the Uttar Pradesh **police claimed initially that no rape had taken place**. But in December 2020, the CBI completed its investigation and concluded that the victim had been gang-raped and murdered. People took to the streets and there was widespread media attention. But what is happening now? There are 2 cases going on - the criminal trial at the special SC/ST court in Hathras;

the second at the Allahabad High Court, which is looking into her forced cremation and the role of state officials in botching the investigation.

When the special court convened to hear the testimony of the victim's brother, local lawyers abused and threatened the victim's family and lawyer. They were forced to file a petition in Allahabad High Court after which the court hearings are being conducted strictly in camera. After delays caused by the pandemic, as of September 2021, the evidence of the prosecution witnesses continues to be heard by the court.

The victim's family and lawyer have received numerous threats to their safety, including death threats. However, the Allahabad High Court has refused to transfer the case out of Hathras. Meanwhile, life has changed irrevocably for the victim's family. They now live under 24-hour protection of CRPF, with 4 personnel assigned to each family member. Within Hathras, they can only travel using transport arranged by the CRPF while being escorted by security personnel.

2020

Hathras case:
Uttar Pradesh



ABOUT US

The National Council of Women Leaders (NCWL) is a coalition of women leaders who belong to marginalised communities across India working at the grassroots to support and empower marginalised women and girls in their communities.

NCWL, in collaboration with Dalit Human Rights Defenders Network, Equality Now, and Equality Labs, launched a national campaign in July 2021 focusing on caste-based sexual violence against Dalit women and girls.



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Cover page illustration was conceptualised and created by Rollie Mukherjee.

Illustrations of the landmark cases were conceptualised and created by Shrujana Niranjani Shridhar.

For more information, contact the National Council of Women Leaders :

Bodakdev, Ahmedabad

T: +91-9974220720

E: ncwlindia@gmail.com

W: www.ncwl.org.in