

Who Will Wipe the Tears of Indian Rape Victims?

Svati Chakravarty-Bhatkal

The sad truth is that society in general tends to judge the rape victim, not the rapists. It is she who has to hide her face in shame, not the criminals. And those who are shocked by it believe rape is a closet issue best kept locked in the social cupboard. How does one judge the level of civilization a society has attained? Arguably, the level of bestial crimes to which women are subjected and the quality of justice they obtain could be a realistic parameter. How does our country India fare on this front? Miserably, of course.

The repeated gang rape and sexual abuse over several months of a woman student in a Jaipur hostel that came to light recently makes this evident yet again. The fact that she and her family are being pressurised and threatened by the political big shots involved in the crime to withdraw the charges against them also clearly indicate what justice will be meted out to her. The recent case of the Jaipur student is only one among thousands of such heartrending and heinous crimes committed daily. Rapes in custody, especially in police stations or government shelters for destitute women, are commonplace. Lower caste Dalit and tribal women are routinely raped by powerful upper caste men, as a show of strength in caste wars. Rape is also seen as an excellent political weapon to quell progressive movements. Rapes and gang rapes are regularly committed by military and para-military forces in regions under their control. Politically well-connected goons and slum lords never fear the legal consequences of rapes and gang rapes.

Rape and molestation of minor girls by family members is rapidly increasing. And the lucrative business of duping, threatening and blackmailing girls from poor families into prostitution and commercial sex rackets is thriving. The cases of rape that actually come to light are a tiny percentage of those that take place. The majority of rape incidents go unreported, for reporting a rape is no minor matter. If you pursue a rape case, you are sure to be violated, exploited, bludgeoned, terrorised, doubly traumatised, humiliated in every possible manner, ostracised and forced to face a lifelong stigma.

It will mean taking on the police and the judicial system, fighting politically and economically powerful rogues, it sometimes even means being abandoned by family and friends whose 'sane' advice of giving up the fight you ignore. It means being psychologically raped all over again by a barbaric and voyeuristic social, judicial and criminal system. And what is the end result? The rapists either get a mild punishment or, in most cases, go scot-free, while the doubly victimised victim bears her scars all her life. And yet there are some lion-hearted women who take on this challenge bravely and fight. One such woman was Mathura, whose very name became symbolic of the fight against rape. Though old, her story is historic and therefore bears repetition.

Mathura was a 16-year old defenceless tribal girl. On March 26,1972, she was raped by two policemen in the compound of the Desai Ganj police chowky in Chandrapur district of Maharashtra.

Mathuras relatives were waiting outside the chowky when this crime was being perpetrated by the law-keepers.

Two years later, on June 1, 1974, the sessions judge at Chandrapur acquitted the accused policemen, Tukaram and Ganpat, on the grounds that the girl was a 'shocking liar', that she was habituated to sexual intercourse and that only sexual intercourse with the accused had been proved, not rape.

On appeal, the Nagpur bench of the Bombay high court reversed the sessions court order and sentenced Ganpat and Tukaram to five years and one year of rigorous imprisonment. The bench opined that rape had indeed occurred, because passive submission due to fear induced by serious threats cannot be construed as willing sexual intercourse.

The matter however did not end there. The accused appealed to the Supreme Court, where a bench overturned the high court judgement and set the rapists free. However, the fact that Mathura's complaint was registered with the same police chowky where she was raped and that the investigations were conducted by the rapists' colleagues, even while the accused continued to work at the police chowky (station) - which created great doubts about the investigation process did not even figure anywhere in the judgement. And yet Mathura became a symbol of hope. Eight years later, her case became the fulcrum around which the anti-rape movement in our country was built. By 1980, the government was forced to make several amendments in the rape law, which were hailed as

milestones. But for rape victims, these milestones have been as effective as millstones around their necks.

Close to three decades have passed since the Mathura rape case and eighteen years since the amendments in the law on rape. Yet the ranks of the 'Mathuras' of India only continue to swell. If Mathura was a symbol of the 1970s and '80s, the '90s have their own symbols Aruna Shanbag, Jalgaon, Bhanwari Devi, Jaipur hostel, Vithura... In the last mentioned case, Sakina, a 16-year old girl from rural Kerala, in South India, living in an area near the Vithura police station (from which the case gets its name), came from an abjectly impoverished family. The girl was lured to the city of Ernakulam by a woman neighbour, with the promise of a good domestic job. Once in Ernakulam, she was sold and forced into prostitution. Her procurer repeatedly told her that refusal would mean death. For one and a half years, this helpless young girl was raped by dozens of "customers", many of whom came from the upper echelons of Kerala's bureaucracy and society.

A chance complaint of disorderly behaviour made by a neighbour brought the police to the flat where Sakina was housed. She was found there in a locked room. The girl was taken into custody and immediately thereafter gave a statement about her eighteen-month ordeal of forced prostitution. Her statements were strongly corroborated with substantial evidence and they revealed a sordid tale of brutal exploitation involving police officials, doctors, government engineers, top bureaucrats and a film star. Forty-five accused were implicated by name and sixty-five by description.

As the investigations proceeded, the big-shots began running to the courts for anticipatory bail. Despite the overwhelming load of evidence, the high court quashed the prosecution and dismissed the charges against the accused who had used Sakina as unbelievable. The judgement does not deny that the accused had sex with Sakina, but it refuses to admit that the sex was forced.

The judgement states: "It is improbable to believe that a man who desired to have sex on payment would conic to a reluctant woman." What is more, while letting the rapists off the hook as men paying for sex, the judge assassinates Sakina's character, and says: "The version of a woman of this disposition is not so sacrosanct as to be taken for granted."

The Vithura judgement is a fitting successor to the Mathura judgement. It has ceased even to shock, for it comes from a judicial tradition (barring the rare

honourable exceptions) in which a 17-year-old, who was gang-raped by five men while sleep - walking, can be asked how she felt when the first rapist inserted his organ and whether or not she felt the warmth of seminal discharge of all five accused (Kunihimon alias Sainudeen and Ors v/s State).

Or where a high court bench allows a rapist to go scot-free because there is no injury to his penis, therefore indicating there was no struggle put up by the victim. The victim here incidentally is a seven-year-old girl who was raped near a bus stop before witnesses, who have appeared before the court, had suffered a ruptured hymen and had bite marks on her body (Mohammad Habib v/s State).

The only hope of winning exists if we fight and those who are fighting today are examples of hope and valour for the entire nation. But all the fighting will have been in vain if we do not look beyond our hopeless police and judiciary to society at large.

Are rape victims victimised by their rapists, the politically powerful, the moneybags and the state machinery alone? Can society as a whole - family, friends, neighbours, employers, people unknown to the victim - absolve itself of all blame? The sad truth is that society in general tends to judge the rape victim, not the rapists. It is she who has to hide her face in shame, not the criminals.

Rape is considered sensational and even the 'responsible' mainstream press links it with terms like 'scandal'. The most inhuman dregs of society find rape titillating. And those who are shocked by it believe it is a closet issue best kept locked in the social cupboard.

How can rape victims ever get a better deal unless we see a change in these deeply ingrained social attitudes towards this crime? Rape is a crime against all humanity.

We have the power to change the lives of our Mathuras. Let us transform ourselves to take up the challenge. (Third World Network Features) About the writer: Svati Chakravarty-Bhatkal is a writer based in Mumbai. This article is an abridged version of one earlier published in VOPA, The Voice of People's awakening.

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Source: Corporate Watch

Kerala - On the Road to Justice

Backed by the Women's Commission. Wayanad's unwed tribal mothers may finally get their due. Tirunelli in Wayanad district of Kerala, is home to over a hundred such unwed tribal mothers: Wayanad and neighbouring Palakkad district together have about 400 of them; all victims of sexual exploitation - some of them as young as 11 - struggling to survive along with their fatherless children. And over the years, as thousands have converged on Tirunelli hoping to cleanse themselves of their sins with a dip in the adjoining holy Papanasini river, these woman have simply watched, wondering what justice is all about.

Finally, it seems, there's hope for them. The Kerala Women's Commission, which have been tracking down unwed mothers over the past year and fighting for their cause, has made some headway. The commission which has received 103 complaints -85 from tribals and the rest from Dalit women - is now getting DNA tests done to establish paternity of the children. Of the eight cases it has taken up, three of the alleged fathers who were summoned for blood tests have owned up their paternity even without going in for the tests. Of them, two have agreed to marry the victims while the third, who is already married, is willing to pay a monthly allowance. In four of the cases, however, those summoned have gone to court against the commission.

Says commission Chairperson B. Sugathakumari: "Ironically, a good number of the culprits are petty government officials sent to these areas to work for the welfare of the tribals". Besides police and other government officials, the commission has also received complaints against landlords, contractors, farmers and other settlers in the area. In almost all the cases, the accused have been non-tribals. The large-scale immigration of non-tribals to Wayanad is seen as the root cause for the tribal's woes, which are invariably linked to their economic deprivation. At least 50 percent of the 6.72 lakh population of Wayanad, traditionally a tribal pocket, comprises non-tribal immigrants. According to Kunhaman, the controversial Tribal Bill, passed by the state Assembly in 1997, effectively legalised the encroachment. Much of transfer is believed to have been done by duping the tribals by offering them a pittance or by sheer force. "Equally abominable," says activist C.K.Janu, "is the tendency to view the sexually exploited tribal women as morally loose and attaching a stigma to those babies born out of wedlock."

To make matters worse, past experience in rehabilitating the tribal women has largely been a failure. Following an uproar by women's organisations, officials of the Commissionerate of Scheduled Castes and Tribes Development, under the Central Social Welfare Ministry, visited Wayanad in 1991 and prepared a list of 160 unwed mothers. The Kerala Government then launched a Rs. 37 lakh rehabilitation package, under which tribal women could avail financial assistance to build houses and undertake farming.

Source: Corporate Watch

Nepal : 2.6 Million Child Workers in Nepal

Of 6.2 million children between the age of 5-14 in the country, 2.6 million are child workers, says a recent report. According to the report entitled "Child Labor Situation in Nepal" published jointly by International Labor Organization (ILO) and Central Department of Population Studies (CDPS) of Triubhuvan University, 15 percent of the children were engaged in non-economic work and 1.7 million are involved in economic activities. Of the 2.3 million working children, 61 percent went to school whereas only 36 percent did not have the chance. The report said that the incidence of child labor reduced with increased level of household head's education and a shift in occupation from agriculture to non-agriculture. The report is based on the findings of the Migration and Employment Survey of 1996 conducted by the CDPS. Leading dailies report.

Afghanistan: International Community silent on plight of Afghani Women

Around 300 people, mostly Afghan women and children, held a rally on 28 April, 1999 demanding an end to fundamentalist rule in Afghanistan. The demonstration was organised by a human rights group called the "Revolutionary Association of the Women of Afghanistan (RAWA)."

In the 90 percent of Afghanistan ruled by the Taliban, women are banned from working outside the homes and girls are not allowed to go to school. Health care is segregated and there are complaints of insufficient doctors, beds and medicines for women.

In December in North-western Pakistan, men saying they were Taliban threatened to break the legs of women who went ahead with an anti-Taliban march. The march was cancelled.

The women today also criticised UN peace efforts that offer radical Islamic group a share of power. However, the UN has had very little success at negotiating a peaceful end to the protracted and bitter conflict. Like previous UN negotiated accords, the latest agreement reached in Turkmenistan in March quickly fell apart. A UN is in Pakistan to determine how civilian monitors being sent to Afghanistan can assess human rights.

Source: [www.women's rights](http://www.women'srights)

Nepal: Lawmakers Debate Abortion Legalization

Public Radio International's 'The World' reported on abortion policy in Nepal: "Abortion rights, in a nation where there are now absolutely none, has not yet become a big issue, but a growing movement of doctors and women's groups is fighting to change that." "This is largely conservative Hindu society, and that is the main reason abortion is still illegal here. Nepalese women who want abortions,

especially those living in rural areas, depend largely on the services of unlicensed birth attendants."

'The World' interviewed a top gynaecologist in Kathmandu who provides safe abortion services, even though they are illegal. "I'm saving the lives of thousands of women who have come to me from distant places, close to death. They did not receive help anywhere else. People might say, 'You shouldn't be doing this'. I don't agree. I've always said that if saving my women patients means that I will have to go to prison or be hanged, then I am prepared for that. It's my duty to save them first," the doctor said. "The law also affects women in another way. About two-thirds of all women currently in prison in Nepal have been arrested for 'garbaphat', the Nepalese term for abortion." Rey added that for many of these women, who are often poor and illiterate, "life after prison is not easy."

The president of the Family Planning Association of Nepal serves in Nepal's parliament and introduced a bill to permit safe, legal abortion in the first 12 weeks of pregnancy in the cases of rape, incest and endangerment of the mother's health. "Nepal has a very high maternal death rate, which is due in part of unsafe abortions. Those who are literate and know about the abortion law manage to get safe abortions. It is the poor and illiterate in the rural areas who get caught. This is why I decided to put forward this private bill in parliament," the legislator said. Critics of abortion "cite social and religious reasons for opposing the bill." One critic, a social worker in Kathmandu, said: "It may be a very simple thing to talk about, a woman's right on her body, whether she wants to get into pregnancy or not, it is her individual choice. ...She has absolute human right to decide whether to conceive or not, but once she has conceived, it is a potential human being." Rey: "The Nepalese parliament is currently debating to legalize the bill on abortion. Though some conservative members have spoken out against the bill, a poll last year showed that nearly 75% of parliamentarians were in favour of it".

Source: (The World, PRI, 3 May).