

4 August 2014

On 24th August, a 20 year old Dalit girl was brutally raped and murdered in Jind, Haryana, while she was on her way to write an examination. Her body was found near a canal the next day by the police. There were cigarette burn marks on her body and significant indications of sexual violence. It is **clear** that she was kidnapped, raped and then murdered.

However, at the time of the fact finding, even after four days the culprits had not been identified or arrested, and there was no progress on the investigation beyond sending the body for post mortem. In fact, the parents of the girl, members of her village and various Dalit activists refused to cremate the body and were sitting on *dharna* in front of the Jind Civil Hospital to protest against police and administrative apathy and callousness. It was very clear that the Haryana police and administration was exhibiting gross negligence in this case, ignoring the law and evading established investigative procedure.

It is at this point that the All India Dalit Mahila Adhikar Manch (AIDMAM) decided to put together a fact finding committee to visit the area, meet the key people involved and ascertain the facts of the case.

The Fact Finding Team

The fact finding team was led by Asha Kowtal AIDMAM. She was accompanied by Kalyani Menon-Sen (WSS) , Nisha Kumari (Action Aid), Jenny Rowena, (SAVARI), Rajat Kalsan, Dalit activist and lawyer from Haryana, journalists from Tehelka, CNN IBN, The Hindu, Times of India and Dainik Jaagran.

Report of Meeting with the Protestors

The fact finding team arrived in Jind town at around 10:30 am. The team proceeded to the Jind

civil hospital to join the protestors who had been staging a dharna with the body of the girl. When the team arrived there, they found about 300 persons including men and women from the nearby villagers who had assembled and were peacefully demonstrating. The team also was informed that a 22 member committee was formed by the community to lead the agitation and also to negotiate with the authorities.

The protestors were raising slogans demanding justice for the girl and against the police inaction in conducting proper investigation. Another concern raised by the protestors was with regard to the police lathi charge on them, false cases and the arrest of four young men.

Adv. Rajat Kalsan and Asha Kowtal from the fact finding team addressed the protestors and informed them about the plans of the fact finding mission.

Report of Meeting with the Father (at the site of the Protest)

The team met the father of the girl at the site of the protest.

□ The father met with us along with the uncle and the grandfather of the girl. The father appeared extremely distraught and could hardly speak.

□ He told us that he had received a call on his mobile, from an unknown person around 4 in the noon on August 24th, the day the girl had disappeared. The person told him that he had a polythene bag containing the girl's college papers near a canal. The call got cut and the father was busy with his work and did not think too much of it at that time.

□ The girl didn't come back home even after 6.30 and so they went to Pillukhera police station to complain. The police officer made them call the man who had called the father. They found out that he was from Amarheri Gaon. So the father and other relatives were sent to the police station there. From here they were sent back to Pillukhera police station and the police refused to look for the girl.

- At last the father and relatives set out for Amarheri Gaon to look for the girl. There they conducted a thorough search for the girl. However, they found nothing and went back home around morning

- Next morning, they received a call from the police that a body was found in the bushes near a canal in Amarheri gaon

- The father also told us what most others did, that the girl's salwar (pants) was red with blood and that the women folk had found her body marked with cigarette burns and other wounds. (More of this in the mother's account)

- The father then told us about how the police delayed conducting the post-mortem, the whole of August 25th, the day the body was found. After this delay there was further delay again on the next day, August 27th, to conduct the post-mortem

- The father also told us about how the police had beaten up the protestors and even kicked the dead body of the girl.

Report of the visit to the site from where the body was found

The team also visited the spot in Amarheri Gaon where first the girl's polythene bag and later her body was found. We found it a very deserted place. We saw the spot on the side of the road where the polythene bag with papers was found was found. This spot is about 5 km from the examination centre. Leading off this road is a *kachha* path alongside an irrigation canal. The other side of the path slopes down to agricultural fields. The slope is thickly covered with undergrowth and thorny *kikar* bushes, with a few tracks leading to the fields.

We were told that this path is usually deserted.

We walked down the *kachha* path to the spot where the body was found.

We were told by a relative of the girl who had rushed to the spot when informed about the body being found, that the body of the girl was lying face down with the head at a lower level than the legs, which were sprawled closer to the path. This seemed consistent with the suggestion that the body was thrown down from a vehicle on the path. The body was fully clothed but the *dupatta* was missing and the clothes were dishevelled.

We spoke to the man who discovered the body, who was sleeping in a shack near the fields to guard the crops. He said he found the body when he went into the bushes to relieve himself in the morning. He could not confirm whether any vehicle passed by on the path during the night.

He confirmed that the path was little used. This man, and the others who collected at the spot, appeared intimidated and did not give us much information.

A neighbour of the girl who had joined the protest had come along with us in the car to this spot. He now talked to us about how the police had brutally beaten up the protesters, how there were no women police men present even though many of the protesters were women. He also showed us bruises and welts on his back that he said was because of the *lathi* blows. He said that he was afraid of the police now and was trying not to come face to face with them.

Report of the meeting with the Mother (in the village)

The team met the mother, in the Baniyakheda village. This village lies far away from the main town in Jind and the villagers have to cover a long distance on foot or cycles and tractors to reach the nearest bus stop. We could clearly see the aspirations of the raped and murdered girl who had travelled all this distance to gain higher education. Later we also came to know that most girls of her age and her own sister had stopped studying before completing their 10th standard and were married off early.

We met with the mother in an upstairs room along with a number of women (about 15) All of

them were angry and enraged and talked to us with great emotion and power. The mother was broken by the tragedy, but unlike the father, spoke about it quite articulately and in greater detail. The women in the room kept agreeing with the mother and also filling out the details. All of them looked worried and anxious but also seemed determined to expose the truth and fight the injustice.

A summary of the points emerging from the interview with the mother and sister of the girl and women from the village is given below.

□ The mother said that they had run to the local police station on the day the girl had disappeared. However, instead of helping them, the police refused to lodge a complaint and asked them to go to Jind town. The search for the girl was delayed by several hours because of police apathy. The mother feels that if they had begun the search immediately, they could have saved her daughter from being murdered. The mother and several women from the village rushed to the morgue after being told that the body had been found. The body was lying on a stretcher with no refrigeration and no supervision, and there was no reply to their queries on when the post mortem would be conducted.

□ The mother and the women with her examined the body carefully. They found that the salwar was drenched in blood. There were scratches and wounds on both of the girl's thighs and calves. There were cigarette marks on her upper torso.

□ The mother also said that the girl's hands looked like they were broken and that the girl's neck was also tilted to one side as if it was broken. Her feet were badly injured and the toes seemed to be broken.

□ The mother and the women with her told us that they had observed her salwar and lower body parts and found them covered in blood.

□ The women then took the decision to carry the body outside and sit in a *dharna* in the middle of the road, blocking the traffic so as to protest the delay in identifying and arresting the perpetrators.

□ Many of them were brutally beaten up by male police officers and 3 men were arrested.

Report of meeting with DC, SP and Deputy SP

The team met the DC and SP at the DC's camp office in Jind.

□ Both officials were extremely hostile and reluctant to enter into discussion with the team. They flatly refused to share anything about the progress of the official investigation or even indicate the lines of enquiry that were being pursued, claiming confidentiality. Even direct questions, such as whether statements had been taken from key informants (such as the people who had recovered and identified the body and the women who had seen it

before it was sent for the post mortem), were evaded by the duo.

□ When asked about the lathi-charge on the protestors sitting with the body, the SP initially denied that any such an action took place. Instead, the team was told that it was the protestors who had resorted to violence, breaking the windows of a State Transport vehicle and attacking the police with brickbats and stones. Four young men have been arrested and charged with rioting and damaging public property. The SP stated that all four of the arrested men are well-known local criminals. On being told of the villagers' assertion that at least two of the boys are from Baniyakheda village and do not have any previous criminal record, he refused to discuss the matter further.

□ When told that both local and national channels (including NDTV), had aired video footage of the lathi charge, clearly showing a DSP in plain clothes kicking the body and beating up women protestors, the DC said that he had asked his deputy to conduct an internal inquiry into the incident. No timeline has been defined for this exercise, the scope of which was described as "identifying the causes for the violence resulting in damage to public property".

□ When asked whether the ADC conducting the enquiry would visit the village and take statements from women injured in the lathi charge, the DC stated that anyone with any information relevant to the enquiry was welcome to come and give their statements to the ADC.

When asked whether there had been any public announcement in this regard, he said that the decision to mount the enquiry had only been taken on the previous day and the process had not yet started.

□ The SP added that any claims of being injured in the lathi charge would have to be supported by a medical report from a government doctor. On being asked whether the District Hospital would carry out a medico-legal examination without an order from the administration, he insisted that this would be done.

□ When asked why the administration was not talking to the protestors or giving them any assurances, the DC stated that he had held several meetings with the girl's father to "find out his wishes with regard to the investigation". When asked whether it was usual to conduct a murder investigation in accordance with the wishes of the family rather than in accordance with the legal procedure, he declined to reply.

□ The SP repeatedly referred to the murdered girl as "*hamari bitiya*" and claimed that it was his bounden duty to deliver justice to her family

When asked why, if he really felt '*in loco parentis*'

to the girl, he had not gone to the protest site to assure the family of his efforts to identify and arrest the culprits and request them to cremate her body, he had no answer.

Additional Concerns

□ The investigation team is concerned that this case is following the usual pattern in cases of unnatural death of young girls. Our experience shows that in all such cases, the authorities follow their casteist and patriarchal biases and try to find ways to make the girl responsible for her own death. Suicide is the default option, and all efforts are made to establish this scenario, if necessary by concocting evidence and producing unlikely witnesses.

□ In this case also, we are concerned that the police have made an *a priori* assumption that the girl committed suicide, and the investigation is focusing on establishing this scenario rather than on carrying out a scientific and unbiased examination of the material evidence. The team is also

concerned that labelling this as a case of suicide is an effective strategy that totally excludes the caste factor. This is not the first such case in Haryana. More than 22 such cases of brutal rapes of Dalit women have been documented and are in various stages of legal battles for justice, even as we write this.

□ Our apprehensions are heightened by a news item in the *Indian Express*, on 30th August, the day after we conducted our fact finding visit. This says that the administration claims this to be a case of “suspected suicide” based on the autopsy carried out in AIIMS, which supposedly found “traces of poison” in the viscera. However, Dr Sunil Gupta of AIIMS (who was among the doctors who conducted the autopsy) was contacted in this regard, and was categorical in stating that no such assertion was made in his report.

□ This press report, also quotes the SP as saying that several witnesses had seen the girl “roaming about alone” near the spot where her body was found. It is a matter of concern that the authorities, who refused to share any details of the investigation with the fact finding team, were able to make such a categorical statement only hours after telling us that they did not have any clear leads.

□ The team suspects that these “witnesses” were not mentioned during the meeting because of the risk of their being identified and questioned by the team. It is more than likely that these individuals will be well tutored before recording their statements which, like all concocted statements, will be identical in every respect and will be designed to support the suicide theory.

□ It is also very disturbing that that the girl’s father has been summoned to the DC’s office without the knowledge of the lawyer who is supporting the family. It is significant that these meetings were not mentioned by him during his interactions with the team. We should not be surprised if the father, a landless agricultural worker from a Dalit community, is intimidated or persuaded into agreeing with anything that is proposed by officials who present themselves as all-powerful and offer inducements such as cash, employment or housing.

Conclusions

From our preliminary investigation, we strongly feel that this is a case possible rape and murder that deserves to be rigorously investigated.

As in several other cases of unnatural death of young Dalit girls in Haryana, the district administration and the police appear eager to close the investigation by declaring that the girl committed suicide. The suicide theory is questionable on several grounds.

□ The first post-mortem was clumsily and incompetently

conducted, probably by a member of the mortuary staff. This is corroborated by the report of the second post-mortem, which records that the organs were not cleanly or completely removed, and a segment of the large intestine was left hanging outside the body. Any conclusions based on the first post-mortem are therefore completely unreliable and must be rejected.

□ The first post mortem report states that the 'hymen' was ruptured and the second one done at Rohtak states that the hymen was intact. . The fact finding team is **angry at the callousness which has resulted in** such serious lapses and **we have** ample reason to doubt the procedures that were conducted, and we believe that vital evidence was lost due to the callous attitude of the police and medical officers.

□ The post mortem was delayed and was conducted with a shocking lack of rigour or care, probably by an unqualified member of the mortuary staff. The two botched post-mortems have destroyed valuable evidence in the case. The degree of carelessness shown by the police leads to the suspicion that the authorities are more interested in closing the case than in carrying out a proper investigation.

□ The fact that rape has not been confirmed in the AIIMS post-mortem is irrelevant, since the body was in a fairly advanced state of decomposition and the uterus had been removed in the first post-mortem. The report of the second post-mortem does in fact record significant bruising and two haematoma inside the vagina, indicating an attempt at forcible intercourse.

We feel that the police and administration has failed on many counts to ensure the rights to safety and bodily integrity of the Dalit community, particularly Dalit women.

- The police failed to register a “missing person” complaint and refused to conduct a prompt search for the missing girl on August 24th, when the incident was first brought to their notice by the mother and relatives.

- They failed to ensure a proper and rigorous post mortem and thus the dead girl’s body had to be moved from Jind to Rohtak and AIIMS.

- No one has been arrested even after a week of the girl’s death and in spite of all the protests

- No official has either visited the spot of protests or the girl’s village. There has been no statement from the concerned officials and there is a general apathy to the protests.

- Instead of using the State machinery to provide justice to the raped and murdered girl, the police have been hell bent on attacking those who are demanding justice. They have brutalized the protestors and even women protestors were attacked by male police officers. Shockingly, in a show of utter contempt to Dalit lives and personhood, the police is said to have kicked the dead body of this girl. This only reveals the really violent attitude of the dominant castes to Dalits in Haryana society.

- The villagers sat with the dead body of the girl for 6 days and had to cremate the body on the 7th day. This is a harrowing and tragic situation for all, compounded by the fact that they have yet to get any kind of justice

Before we conclude we want to bring attention to an important issue.

It is not only the police and the administration in Haryana that has been exhibiting a callous apathy regarding this gross violence on a Dalit woman. The national media and other national activists have also been keeping a chilling silence, which is leaving the villagers at the mercy of the regional police and the State, without access to any national solidarity and support. Till the day of our fact finding visit, there was no substantial coverage of this issue in the National

English media. In fact, the only report about it was in TOI where the paper described the protestors as a ‘mob that went on rampage.’”

The villages had been sitting on a protest with the dead body for more than 5 days and there were reports in the Haryana media about this. However, the Delhi media, in spite of the fact that Jind is so close, failed to make it a national news, thereby bringing attention to the violent situation in which Dalits and especially Dalit women are caught in Haryana. This is in spite of the huge number of such brutal gang rapes reported in this area in the past few months. In fact, more than 22 such cases of brutal rapes of Dalit women have been documented and are in various stages of legal battles for justice at present. Dalit organizations like All India Dalit Mahila Adhikar Manch (Haryana and Delhi) had also conducted a protest against these gang rapes in 2012 which travelled to 10 districts of Haryana.

Further, we also need to see that this national apathy and silence is happening at a time when there is a loud outbreak of protests and statements against the gang rape of the Mumbai 8 journalist. More importantly this is also happening after India gained international recognition for having witnessed the largest urban protests against the brutal gang rape of Nirbhaya in Dec, 2012.

We need to seriously think of the reasons behind such apathy and device ways to resist and change it.

In conclusion, the Fact finding team would like to reiterate the demands that have been put forward by the family of the raped and murdered girl and the many groups and organizations that are protesting this brutal atrocity on the young Dalit woman.

Our recommendations:

The Fact finding team has listed the demands that have been put forward by the family of the raped and murdered girl and the many groups and organizations that are protesting this brutal atrocity on the young Dalit woman.

1. Transfer the case to CBI or constitute an independent enquiry into this case.

2. Proper investigation and immediate arrests of culprits.

3. Invoke the relevant sections of SC/ST PoA Act on the accused, including Section 4 of the Act on the negligent officials.

4. Immediate legal aid and support be given to the family

5. Remove the false cases on the protesters and immediate release of the four boys who have been arrested

6. Take action against the police who beat up the protesters and the official who kicked the body of the raped and murdered victim.

7. Constitute a special enquiry team to prepare a report on the status of all the rape cases that have been reported in Haryana in the past one year. This process should include collaboration with Dalit and women rights activists.

8. Minister – Social Justice and Empowerment, Ms. Selja Kumari, should call for a Round Table discussion with all the concerned officials from Haryana and review the situation.

9. All the National Human Rights Institutions (NHRC, NCW, NCSC) should have a joint meeting to discuss the recent crimes against Dalit women in Haryana and release a plan of action to address these issues.

<http://www.indiaresists.com/fact-finding-report-dalit-girl-rape-jind-haryana/>