

# FACT FINDING REPORT

## GANG RAPE OF DALIT GIRL BY THE DOMINANT CASTE YOUTH – SUICIDE OF THE GIRL'S FATHER DABRA VILLAGE OF HISAR DISTRICT – HARYANA

*That the Hindus most often succeed in pulling down Untouchables is largely due to many causes. The Hindu has the Police and the Magistracy on his side. In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police or justice from the Magistrate. The Police and the Magistracy are Hindus, and they love their class more than their duty. But the chief weapon in the armoury of the Hindus is economic power they possess over the poor Untouchables living in the village.*

—Dr. B.R. Ambedkar in 1943

On 1st October 2012, National Campaign on Dalit Human Rights (NCDHR) facilitated a fact-finding visit to Dabra Village of Hisar District in Haryana where a Dalit man committed suicide after his minor girl was gang raped by the dominant caste youths.

The fact-finding team comprised Seema Misra Adv., MARG; Adv. Ambalika; Dr. Ajitha WSS ; Ms. Pradnya Deshpande, PUCL; Ms. Sunitha Thakore, Jagori; Mr. Sanjeev Kumar, Delhi Forum; Ms. Asha Kowtal, General Secretary of AIDMAM; Ms. Sumati, JNU; Ms. Abirami, NDMJ; Ms. Savitha, State Secretary, AIDMAM-Haryana; Mr. Rajesh, State Secretary, NDMJ-Haryana .

The team members met the Victim, the family members of the victim, civil society Committee and SP of Hisar.

### **The key findings of the fact-finding team are:**

1. Dabra Village, Police Station – Sadar Hisar, is just around 15 Kms. from District Hisar Head quarter. The common opinion amongst the civil society groups; the people of Daabra and the SP was that the accused were known bad elements. It is surprising that they were not under the radar of the police or any preventive measures were taken.

2. A committee consisting of 21 members including activists, local leaders, 2 advocates has been formed to support the rape survivor by providing legal assistance and monitoring the case till its conclusion to ensure that she gets justice.
3. The victim has been provided 24-hour security by the police and 2 lady constables from 8am to 8pm and two male constables outside the house at night. In spite of this the fact finding team feels that there is likelihood of the family being pressurized into settling the matter. The family and neighbors of the family revealed that well known local politicians had come to tell them that it was a matter of the village and should be resolved in the village. They also said that outsiders and media should not be allowed to discuss this case. We were also informed that some days ago some people belonging to the Jat community had broken cameras of a well known television channel's crew who came to cover this incident.
4. The arrest of the accused was a result of brave and insistent protests of the Dalits group and Women's group of the village who refused to cremate the body till the immediate arrest of the accused.
5. Dalits of this village are still under fear. The relatives of the rape survivor said that after the incident many people had stopped sending their daughters to school even in the village and the older girls to college in Hisar.
6. The community people informed us that the village panchayat met on 20th Sept said that outsiders and media will not be allowed to intervene in this case. The panchayat will take the required actions. They said that outsiders were ruining the atmosphere of the village. The SP, DDPO were present in the panchayat meeting.
7. The rape survivor is 16 and half years old and is a bright girl interested in further studies. She informed the team that her favourite subjects were Economics and Sanskrit.

### **About Dabra Village**

Dabra Village is located about 15 Kms of Hisar District Head quarter. It is populated with more than 6,000 people, comprising about 800 Jat households, 150 Chamar households, 150 Dhanuk households, 10 Nai households, 5 Valmiki households, 8 Baniya households, 10 Khati households, 6 Lohar households and other communities. The Chamar community is largely economically dependent on the Jat population in their village for their regular livelihood based on farming.

### **Brief of incident:**

1. On 9<sup>th</sup> September when the Dalit girl namely XYZ (16) D/o Kishan, belonging to Scheduled Caste (Chamar) community, r/o Dabra village, Hisar, was on her way to her uncle's house, she had been kidnapped by around 8 dominant caste youths to a nearby field situated on Tosham road. A youth gave her some tablets and later seven persons raped her while the other five were guarding the area. Due to fear the girl didn't disclose this matter to her family members on the same day.
2. On 18th September, 9 days after the incident, the victim XYZ revealed this unpleasant incident to her mother after her mother continuously enquired why she was so subdued and quiet. Her mother who then informed her husband Krishan, a labourer. Krishan raised the issue with the elders of the village who then started questioning the boys allegedly involved in the incident. The accused allegedly threatened the family that they would make the girl's objectionable pictures public if the matter was reported to the police. Apprehending public humiliation, Krishan allegedly consumed poison and died on 18th September.
3. An FIR has been registered under section 376-G, 506 IPC and u/s 3(1)(x), 3(1)(xii), 3(2)(v) SC & ST (PoA) Act against accused Sonu, Ajay, Pawan and Vikas, residents of Dabra village and eight other unknown persons.
4. As the police officials did not arrest any accused till 21st September, the angered residents of Dabra village who on 22nd September staged a protest demanding the immediate arrest of all the accused. It was only after assurances by Deputy Commissioner Amit Kumar Aggarwal and SP Mr. Sateesh Balan did the protesters allow the body of the girl's father to be taken for post-mortem. The body was cremated at his native village on 23rd August 2012.
5. Till now the police department has arrested 11 accused. The family informed us that a cheque of Rs. 65,000/- was received. We were informed, by SP that Police Security has been provided to the victims and it will be continued until needed. The Administration has assured free education till she completes her higher studies and also assured job. SP informed us that a Child Psychologist visits the victim regularly and is providing counselling. The accused have been arrested through the active support of the villagers including a few people from *Jat* community.

### **Our Demands**

**We urge you to make use of your good office to initiate intervention to provide justice and protect the Dalit victim. Hence forth, we pray that;**

1. Charge sheet should be filed immediately as per S. 167 CrPC and Rule 7 (2) of SC/ST (PoA) Rules 1995.
2. Ensure that the relief and compensation money is put in a bank account in the rape survivor's name or in a fixed deposit to be used after she becomes an adult.
3. Proper Compensation of Rs. 3,00,000 /- be paid to the rape survivor. as per Rule 12(4) r/w Annexure I S.NO.10, 12, 20 of SC/ST (POA) Rules 1995. [ 3(1)(x) – 60,000, 3(1)(xii) – 1,20,000 and 3(ii)(v) – 1,20,000 ]
4. The case be tried in the courts set Exclusive Special Court to be set up for Speedy Trial.
5. An experienced criminal lawyer be appointed as special public prosecutor for this case as provided under the SC/ST (POA) Act.
6. The rape survivor be provided a legal counsel of choice to her throughout the trial as per the decision of the Supreme Court in Delhi Domestic Workers Case.
7. Ensure that a conducive atmosphere is created in the court while the rape survivor is deposing so that she can do so without fear and pressure. During examination and cross examination of the girl in court a screen is provided so that she does not have to see the accused.
8. That the economic support promised by the administration to the family that is job for the brother and higher education and job for the rape survivor be given. Besides this to provide rehabilitation to the family as per their wishes.
9. Take steps to ensure the girl's security so that she is able to attend school regularly as per her wishes.
10. Take all necessary steps to ensure that the family is not pressurised into a compromise . The National Commission for Women should appoint an observer for the trial.
11. Provide adequate protection to the victim's family and prevent from appraisal.
12. TA/DA to be given to the victim as per Rule 11 of SC/ST (PoA) Rules 1995.
13. As the number of rape cases in Haryana are increasing day to day the State and the police must take proactive steps to create an atmosphere and environment to ensure that girls and women are safe. One suggestion is creating awareness and spreading the message, through posters, wall writings and radio and television messages that any sexual harassment and assault on women will be an offence and strict action will be taken.
14. To establish State level SC/ST commission in Haryana
15. NHRC should conduct a Haryana State level public hearing and include the cases of violence against Dalit women to depose before the jury.