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Rapists Roam Free While Victims and Activists Are Jailed

Peasants, agricultural workers and women of Mansa district, Punjab observed New Year's day this year with a protest gathering at the police headquarters in Mansa. Braving a severe cold wave, thousands of people gathered to protest a shocking situation where the rapists of a dalit minor girl roam free, while the woman activist who prevented the cover up of the rape case is in jail on false charges of 'attempt to murder.'

In mid-December, a 17½ year old girl from a poor Dalit family was lured by a havildar in Mansa to his house on the promise of employment, and subjected to gang rape by him along with three others including a local advocate, a trader, and a financier. When neighbours heard her cries and called the police, however, the police deliberately suppressed the rape case and instead booked both the victim and her rapists on charges of 'loitering.' Cases of rape and SC/ST atrocity were registered only two days later, after intervention by CPI(ML) and AIPWA activists. However, three weeks after the incident, the accused (apart from the havildar) were yet to be arrested, and, being influential locally, were bringing to bear all sorts of pressures and threats on the victim. Two other of the rape accused were arrested only on 4 January, following the protest rally at Mansa and the intervention of the central team of AIKM and AIPWA leaders, while the financier accused of rape is still at large. Worse still, the very same activists including AIPWA National Council member Jasbir Kaur Nat and National President of the All India Kisan Mahasabha Ruldu Singh, who helped book the rape case are now behind bars along with several other peasant leaders, on a patently false charge of 'attempt to murder.' The pretext for this was the fact that they raised slogans in Court against the main accused in the murder of a popular peasant leader, leading to a minor skirmish when police assaulted them.

In the same area of Punjab some years ago, the dalit activist and singer Bant Singh had his limbs chopped off for supporting his daughter to pursue a rape case. The recent instance of rape of a dalit girl and victimisation of activists who pursued justice highlights the continuing strength of feudal survivals in Punjab. It also underlines the increasingly repressive response of the Akali Government in Punjab where every mass movement – of agricultural workers for homestead land, of peasants against debt – is met with mass arrests of leaders, activists and masses. What is happening in Punjab is also not very different from what is being seen in the rest of India – where scamsters, rioters and rapists roam free while activists like Binayak Sen are jailed.

Punjab is no exception. Just recently, in BSP-ruled Uttar Pradesh, a 17-year-old OBC girl who

accused the BSP MLA Purushottam Narain Dwivedi of rape is in jail on charges of 'theft.' The incident exposes the reality behind Chief Minister Mayawati's claims of social justice.

Meanwhile in Bihar, the BJP MLA from Purnea was stabbed to death by a woman who had filed charges alleging rape by the MLA and his associates some months ago. Police had taken no action on her complaint, and she had been pressured into withdrawing charges later. It is apparent that the woman was driven to take the desperate step because the chances of securing justice against a ruling party legislator were bleak. It is shocking that the BJP MLA's supporters lynched the woman, critically injuring her, and that BJP leaders including the Deputy CM of the state have aggressively slandered the woman's character while defending their MLA as a man of impeccable morals!

The recent instances in Punjab, UP and Bihar are a reminder of the sorry state of affairs in India when it comes to justice in cases of violence against women in general and women from oppressed communities in particular. According to NCRB (National Crime Records Bureau) figures, the conviction rate in rape and molestation cases in India is a mere 27 per cent - about one in four cases. Likewise, the conviction rate for cases of atrocities against SCs and STs is abysmally low - less than 30 per cent against the average of 42 per cent for all cognisable offences under IPC.

The national capital itself is witness to horrifying cases of rape, gang rape and other forms of violence on women. According to official figures, a rape takes place every day in Delhi, and 400 rape cases were registered in Delhi in 2010. The prevalent police attitude to such crimes can be gauged by the comment of celebrated police officer K P S Gill after the Dhaula Kuan rape case some years ago: Gill blamed women's 'provocative' clothes for the rise in rape crimes in Delhi! The low conviction rates, trials that drag on for years, and insensitive police investigators who blame women themselves for such crimes, all empower rapists and molesters with a sense of impunity, the more so if the woman are from marginalised and oppressed communities, such as dalit and tribal women, or women from the North Eastern states.

The CBI's closure report in the case of murder of a teenage girl Arushi Talwar is yet another reminder of the apathy that marks investigations in cases of violence against women. The CBI had been called in after the Noida police botched up the investigation, but the CBI pursuit of the case also relied more on 'confessions' obtained from domestic servants through third-degree methods like narco tests than any professional investigative practices, and now the CBI has attempted to close the case file itself. If justice is so elusive for urban girls from reasonable well-off families like Arushi and Ruchika, whose cases got great media attention, one can only imagine what happens to cases of women from socially and economically weaker backgrounds. And if this is the state of affairs in rape cases where politically powerful people are not implicated, what of the cases where police and army forces are implicated in rape and violence against women? The young Manipuri woman Thangjam Manorama, raped and murdered by Indian army personnel in 2004 is yet to get justice. The rape and murder of two Kashmiri women — Asiya and Nilofar — in Shopian, Kashmir, last year had been subjected to a spectacular cover-up by the CBI, with the latter claiming that the two women 'drowned' in a stream six inches deep. In Chhattisgarh where Binayak Sen has been sentenced to life on no evidence, adivasi women who filed charges of gang rape against top Salwa Judum personnel live in terror, because their rapists are free while the women themselves along with their kith and kin are threatened that they will be branded as 'Maoists' and arrested or killed in fake encounters.

Justice in violent crimes against women is non-negotiable. We must demand speedy passing of the Sexual Assault Bill, as well as fast-track courts to ensure speedy justice in such cases. Above all, we must build more and wider struggles to challenge the impunity and apathy that has become the hallmark of cases of rape and violence against women.

Central Team Probes Rape and Repression in Mansa, Punjab

Prem Singh Gehlawat, Vice President of the All India Kisan Mahasabha (AIKM), and an AIPWA team comprising Kavita Krishnan, National Secretary, AIPWA, Uma Gupta, National Executive Member of AIPWA and Comrade Sharmila visited Mansa district of Punjab to investigate a recent instance of gang rape of a dalit girl in Mansa and repression and wholesale arrests of CPI(ML) leaders and peasant activists.

On 12 December, a 17½ year-old girl from a poor Dalit family had been lured by havildar Tasvir Singh to his house (in front of the city thana, Mansa) on the promise of employment. Since her uncle had been killed by extremists, he assured her that he would be able to find her employment under a scheme for survivors of extremist attacks, and asked her to come to his house with certificates. There she was raped by him along with Surendra Joga (advocate), Surendra Singh Siddhu, and Satish Kumar (financier). When her cries attracted the attention of neighbours who alerted the police, however, no rape case was registered; rather cases of 109 IPC (awaragardi) were booked against the men as well as the victim.

Subsequently, on 14 December, it was only due to the efforts of CPI(ML) activists including Jasbir Kaur Nat, National Council member of AIPWA, that the victim was able to make a charge of rape in the presence of a magistrate two days later. Medical investigation established the rape charge. Yet, only the havildar was arrested and all the other accused remained 'absconding' for 3 weeks, bringing to bear all sorts of pressure tactics on the victim to force her to retreat from the case. Two other of the rape accused were arrested only on 4 January, following the protest rally at Mansa and the intervention of the central team of AIKM and AIPWA leaders.

Worse still, AIPWA activist Jasbir Kaur Nat who blew the whistle on the rape case (which for two days had been covered up as an 'awaragardi' case), has herself been victimised and jailed on a false charge of 'attempt to murder' (Section 307 IPC) along with other leaders. She along with other CPI(ML) and kisan leaders raised slogans in Budlada court on 20 December when the main accused in peasant leader Prithi Singh's murder appeared in court. The police came down heavily on this peaceful protest, and a minor skirmish ensued, following which 13 leaders including Jasbir Kaur and AIKM National President Ruldu Singh, as well as several peasant leader of the BKU (Dakonda group) were booked under Section 307 IPC on charges of "attempt to murder," even though the medical report shows that the alleged 'victim' suffered no injuries and was discharged from hospital after medical examination. In this case, where no injuries were sustained, the arbitrary imposition of Section 307, especially on a woman leader, is nothing but a deliberate attempt to victimise the people responsible for preventing cover up of a gang rape of a dalit girl. Rapists roam free while uncovering the rape case and raising slogans against the accused in the murder of a peasant leader invites jail on charges of "attempt to murder"!

The AIPWA team along with AIKM VP Prem Singh Gehlawat visited the dalit girl's family and village, as well as several of the jailed leaders in Bathinda jail, and submitted findings and demands to the State Commission of Women, the State SC/ST Commission and the National Commission of Women in Delhi. The demands included that the rapists are speedily apprehended and prosecuted; and the AIKM, AIPWA and other peasant leaders be freed from jail and charges of Section 307 withdrawn without delay.

Anti-Repression Rally at Mansa

On New Year's day, the Punjab Kisan Union and Mazdoor Mukti Morcha held an 'Anti-Repression Rally' in Mansa on January 1, 2011. The rally was held in front of the SSP's office at Mansa, and was attended by around 2000 agricultural workers, peasants and women from nearby villages. The protestors raised slogans demanding justice for the rape victim, arrest of all the rape accused, and withdrawal of Section 307 charges from the peasant leaders and AIPWA leader.

The protest was addressed by Bhagwant Singh Samao of Mazdoor Mukti Morcha, Gora Singh of BKU Ekta, Bhola Singh of PKU, Hasmeet Singh, Secretary, RYA Punjab, Kanwaljeet, member of the CPI(ML) Punjab state committee, Kavita Krishnan, National Secretary, AIPWA, Prem Singh Gehlawat, VP, AIKM, and Swapan Mukherjee, Central Committee member of the CPI(ML). Addressing the rally, Swapan Mukherjee called upon the protestors to take a new year's resolve to intensify the struggles for the rights and dignity of the labouring agricultural workers, peasants and women, and to resist and defeat state repression. The Rally resolved to conduct a Save Democracy campaign from 20 January onwards culminating on 26 January (Republic Day) against repression in Punjab as well as the rest of the country, raising not only the false charges and arrests of activists in Punjab but the travesty of justice in the Binayak Sen case and other such cases all over the country.

Protests against Dr. Binayak Sen Verdict

Tamil Nadu: On January 3rd, CPI(ML) Madurai district unit organized a protest meeting in Madurai (Justice VR Krishna Iyer Hall). The meeting was attended by a large number of people representing civil rights organizations, teachers, advocates, women's groups, journalists, students, and activists of different left organizations. The meeting was presided by Com. Mathivanan of the CPI(ML), Madurai dist. Committee.

The meeting started with unveiling the portrait of KG Kannabiran, eminent civil liberties activist who recently passed away by leading advocate Mr. Lajapathi Roy, and two minutes silence was observed in his memory.

Senior Advocate Com. Rethinam demanded suo motu intervention of Supreme Court to restore justice in the Binayak Sen case. Prof. Murali (State Vice- President, PUCL), Advocate Rajini, and Henri Tiphagne (Executive Director, Peoples Watch), Advocate Com. Rajendiran, and Comrade Simpson (Oppressed Peoples' Right Movement) were among those who analyzed the verdict against Dr. Sen and spoke about the struggle to defend civil liberties. Com Balasundaram, State Secretary, CPI(ML) noted that fighting for Dr.Sen is also battle against the corporates and multinationals looting and plundering our country's resources, and called for greater solidarity and unity among civil right organizations and struggling political forces as the need of the hour. He also called for scrapping the sedition law. Usha, General Secretary, AIPWA TN and SCM-CPI(ML), Divya, State Committee Member, AISA, Chandra Bose, and Emanuel Peravai also participated.

The meeting condemned the ruling DMK Governments denial of permission to organize protests by the civil rights groups. Participants of the meeting contributed to the 'Binayak Sen Support Fund' and planned to continue the struggle for his release. The meeting decided to meet the Registrar of Madurai Bench of Madras High Court to present a memorandum addressed to CJ of India on 4th January. Comrade Srinivasan, CPI(ML), Madurai City, proposed vote of thanks.

Uttar Pradesh: Protests continue all over UP against the Binayak Sen verdict. RYA and AISA held a dharna at the district HQ of Gazipur on 27 December, while the two organisations held a dharna at the Matryr's Memorial, Lucknow on 30 December. On 2 January, Jan Sanskriti Manch organised a

protest at the Martyrs' Memorial in Lucknow, in which writers, cultural activists and social and political activists participated. JSM, RYA and PUHR participated in the protest at the Gandhi statue, Town Hall, Gorakhpur on 2 January, and announced the plan for a large protest demonstration on the same issue on 10 January. AISA, JSM, PUHR along with other social and cultural organisations protested at Subhash Chouraha, Allahabad on 27 December, while on the same day, AISA held a march in Banaras from the Lanka Gate of BHU to Ravidas Gate culminating in a mass meeting. In Banaras, intellectuals and social activists of the city held a well-attended march from Lanka Gate till Assi Ghat on 31 December.

Rajasthan: CPI(ML) activists and members held a protest meeting and dharna in Jhunjhunu on 3rd December demanding justice for Dr. Binayak Sen.

Banda Rape Case : CPI(ML) and AIPWA Initiatives

CPI(ML) severely condemned the gang rape of a minor girl from a backward community in Banda in which the BSP MLA is implicated. The party has demanded the immediate arrest and scrapping of Assembly membership of the accused BSP MLA from Naraini, Purushottam Das Dwivedi. The party has also demanded strict action against the police which instead of arresting the rape accused, jailed the victim on a fake theft charge. Holding that the ruling party is protecting the rape accused who is an MLA from its party, CPI(ML) will hold a state-wide protest against the incident on January 7.

It is shameful that no FIR was even registered in the case of this minor girl subjected to gang rape, neither was any medical examination made until several days after the incident in spite of the fact that she was bleeding continuously. The police therefore deliberately destroyed evidence. Instead of jailing the rape accused, the victim herself was jailed. The police blindly took the side of the rapists – this is the reality of Mayawati's regime. Mayawati's gesture of belatedly suspending the accused MLA and ordering a CB CID enquiry is eyewash. Under the dalit woman Chief Minister, crimes against women, especially feudal assaults on women from oppressed communities, has become a veritable flood. Apart from the Banda case, there are two other major rape incidents in Kanpur. The failure to speedily prosecute the accused has emboldened perpetrators.

The CPI(ML) and AIPWA sent a fact-finding team to Banda to investigate the rape case. The team includes the party's Bundelkhand in-charge Ramesh Singh Sengar, Vijay Kumar, K S Rana and AIPWA State President Vidya Rajwar. The team sought to meet the rape victim who is still in jail but were denied permission by the Banda Jail administration. The team concluded that the state government and jail authorities are seeking to cover up the facts by preventing the victim from meeting a fact-finding team. There are reports that the father and relatives of the victim are receiving threats by the accused MLA and his supporters.

The girl was subjected to gang rape for four days (between 8-12 December) when she was in the custody of the MLA, but the matter came to light only recently. To suppress the incident, the MLA accused the girl of stealing his rifle, mobile phone and Rs. 2 lakh cash and had her jailed with the collusion of the police on 15 December. The girl kept telling the police that she had been gang raped but the police ignored it. The girl is a resident of Shahabazpur village of the Naraini Assembly constituency and is now in Banda jail.

CPI(ML) and AIPWA Protest in Patna Demanding Protection for Rape Victim

In a recent incident, a school teacher who had accused the BJP MLA of Purnea and his PA of rape and molestation some months ago only to withdraw the case on the eve of the elections, stabbed the MLA to death. The woman was then lynched by BJP activists and is at present in a critical condition, fighting for her life in hospital in Katihar.

In the wake of the incident, the Bihar government has chosen to follow the attack on the woman's life by BJP activists, with a personal assault on her character. While the Chief Minister has spoken of the problems of providing adequate security to legislators, the Deputy CM, Sushil Kr. Modi of the BJP, has accused the woman of being a blackmailer of poor moral character, while hailing the MLA who was killed as a man of great moral stature. In reality, the issue is not so much one of security of legislators but one of security of women in Nitish-ruled Bihar.

The incident raises the most serious questions about the Nitish Kumar Government's much-touted claims of 'women's empowerment.' Why, when the woman filed charges of rape last May, were the charges not investigated and accused not arrested or questioned by the police? What pressures were brought to bear on the woman to make her withdraw her charges on the eve of the Bihar Assembly polls?

It is likely that the woman was driven to take the extreme step of stabbing the MLA because she despaired of ever securing justice against a legislator from the ruling party, having already experienced first-hand how the police would refuse to investigate and the victim herself would be forced to withdraw her charges. There are reports that another woman had also made rape charges against the MLA which were also withdrawn.

The attitude of the ruling coalition and the government displays the most shameful gender bias and protection towards a rape-accused. Why was the rape accused fielded as a candidate in the Assembly elections? Why has no action been initiated against those in the MLA's office who lynched the woman nearly to death? In a situation where the Deputy CM has already given his biased character certificates to the woman and the rape accused BJP MLA, can one expect any unbiased truth to emerge from the police enquiry announced by the state government?

The CPI(ML) and AIPWA have demanded a judicial enquiry into the entire incident, protection for the woman since her life is in danger, medical care in Patna Medical College Hospital (PMCH) for her, and attempt to murder charges to be filed against those who lynched her. The CPI(ML) held a protest march in Patna yesterday culminating at Dak Bangla crossing, and has sent an team of its leaders to investigate the incident. The AIPWA has planned state-wide protests in Bihar on the incident and will approach the NCW in Delhi to pursue the case and ensure protection and justice for the woman.

CPI(ML) Condolences the Passing of Veteran Civil Liberties Fighter KG Kannabiran

At a time when civil liberties and people's movements are under unprecedented attack, the loss of KG Kannabiran will be deeply felt. For the past more than 40 years, K G Kannabiran was a fearless and tireless voice challenging state repression and struggling to defend and expand democratic rights. His personal role in visiting scores of encounter sites in Andhra Pradesh and challenging the police's impunity to commit fake encounters was remarkable, and in the process he braved threats

to his own life and family. As a civil liberties lawyer, President of the Andhra Pradesh Civil Liberties Committee from 1978 to 1994 and National President of the People's Union for Civil

Liberties since 1994, he served on the Tarkunde Committee and the Bhargava Commission, which had been constituted to inquire into encounters by the police.

Right till the end of his life he never ceased to raise his voice against assaults on life, liberty and freedom of expression by the state. He was vocal against the growing trend of communal witch-hunt in the name of curbing terrorism. He also helped found the Concerned Citizens' Tribunal that investigated the communal genocide in Gujarat in 2002.

K G Kannabiran's legacy is a lasting one that is a source of strength and inspiration for civil liberties movements, people's movements and the revolutionary left movement for times to come.

P.S.

* ML Update, The Weekly News Bulletin of the Communist Party of India (Marxist-Leninist) (Liberation), Vol.14, No. 02 04-10 Jan. 2011.