

Bhanwari Devi Rape Case: A Brief Reflection

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One of the first things that come to our mind when we talk about India is Hinduism. This may be because despite the presence of a number of religions in India the most popularized one is Hinduism. Although Hinduism is a religion characterized by diverse religious beliefs and practices; what remains at the core of this religion is the caste system, arising from the concepts of Karma and Dharma, and maintained through the ideas of purity and pollution. The enthusiasts of this system argue that caste system is a scientific system of division of labor. However, one cannot ignore the discrimination and oppression of certain groups of society that this system has enabled and facilitated throughout generations. Such discrimination and oppression, interestingly, has never been questioned or punished by the country's legal system; instead, what one finds is that more often than not, the caste system surpasses the legal system of India. One of the best examples for this may be the rape case of Bhanwari Devi.

Residing in a small village in Rajasthan called Bhatari, Bhanwari Devi belongs to a low caste family of potters. An illiterate Dalit woman, Bhanwari was married off by her family when she was only a child. As a result of her upbringing and social environment she never saw any evil in social practices of child marriage, female illiteracy, domination of upper caste, preference of male child and the likes. It was only after she met Ms. Sharma, a pracheta (a block-level worker) of the WDP (Women's Development Project), that she became conscious of the evils of such social practices. However, this transition did not come naturally to her. She joined the WDP mainly because of the shortage of money and sources to acquire them, which was mainly because of her low-caste social status.

Caste system not only dictates the occupation, norms and rules to be followed by a caste but also facilitates oppression of low-castes by denying them access to resources, like land, education etc. Add to this the system of patriarchy prevalent in the Indian society and one finds that low-caste women in India are suppressed not just by upper-caste but also by the men of their own caste. They (low-caste women), in a way, form a marginalized group within a marginalized group. This was the social status of Bhanwari Devi when she took the bold step of joining the WDP in order to provide financial support to her family. Under the WDP Bhanwari Devi's main job was to report any illegal social practice taking place under her area of purview in order to curb such practices and raise consciousness of the ills of such practices in order to make India a better society.

Initially, this decision of Bhanwari Devi to be a 'saathin' (a grassroots worker) under the WDP was accepted and encouraged by her family, along with the members of her village. When she reported an attempt to rape in a nearby village she was appreciated for her bold and much needed efforts to stop oppression of women by men. However, all this changed when she voiced her concerns regarding the child marriage of the daughter of Ram Karan Gurjar that was about to take place in her own village. Bhanwari Devi's courage to stand up to the upper-caste family was interpreted to be her arrogance. Things worsened for her when police barged in on the marriage proceedings of the infants. Even though the Gurjar family bribed the police and the marriage of the infants took place the very next day; the involvement of the police was looked at as an attack on the honor and authority of the Gurjar family, and by extension, the Gurjar caste of the village.

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Since the Gurjars formed the highest caste group in the Bhatari village, questioning of their authority by Bhanwari Devi resulted in the social boycott of her and her family by the entire village. Also, since the entire village shared resources like milk and water, Bhanwari Devi was denied access to them and she had to struggle and find the means to provide for her family. Her efforts to provide for her family troubled the Gurjars as they wanted Bhanwari Devi to suffer and not find ways to survive in the village. As a result, in order to re-establish their power, four Gurjar men along with a Brahmin man raped Bhanwari Devi and physically assaulted her husband in 1992.

Bhanwari Devi, being the bold and courageous woman that she is, approached Ms. Sharma to inform her about the gang-rape. Bhanwari Devi, with the help of her husband and Ms. Sharma, started her never-ending struggle for justice. First, they reported the incident at their area's police station, where she was demanded a medical examination to confirm the rape. Though the Indian law requires a medical examination of a rape victim to be conducted within 24 hours of the rape, Bhanwari Devi's medical examination was conducted after 52 hours of the gang-rape because of the inadequacies of the medical and the legal systems of India. Her medical examination could not take place at the Primary Health Center (PHC) due to the denial of the only male doctor to conduct such an examination. Being left with no other choice, Bhanwari Devi was left with no option but to travel to Jaipur, where her medical examination was further delayed due to the unavailability of the Magistrate as he was approached past his working hours.

The legal system of India too failed to provide Bhanwari Devi with justice or even a just trial. The trial of Bhanwari Devi's rape case saw a change in the Judge five times and the sixth Judge ruled in the favor of the five accused men, clearing them of all charges. Surprisingly, after the declaration of this judgement a victory rally was organized by the then state MLA and the women wing of his party also joined the rally, calling Bhanwari Devi a liar. This incident is not just sadistic for a believer of a just society, but also proves how politics in India is primarily concerned and controlled by the upper-caste groups of the society. This may be evident from the following main points or 'facts' on the basis of which the judgement was passed:

1. It is not possible in Indian culture that a man who has taken a vow to protect his wife, in front of the Holy fire, just stands and watches his wife being raped, when only two men, almost twice his age, were holding him.
2. There are three brothers and an uncle among the accused, and so, it is preposterous to believe that an uncle and his nephew would commit rape together.
3. Bhanwari Devi neither immediately informed anyone (for instance, her in-laws) about the rape nor did she immediately file an FIR for the same.
4. Among the accused is a Brahmin while the rest are Gurjars. Since gangs in rural areas are almost never multi-caste, the charge that members of two different castes acted together is highly improbable.
5. The Indian rural society could not have sunk so low that a villager would lose all his senses of age and caste and pounce upon a woman like a wolf.
6. Since Bhanwari Devi is a Dalit woman and all the accused men belong to upper-castes, it is ludicrous to believe that the latter would ignore the caste hierarchy and put themselves at a risk of being polluted by coming in contact with the former, let alone rape her.

The above statements mirror the complex nexus between the Indian culture, caste system, legal system, patriarchy and the state. Also, the fact that such were the primary reasons for the Judge to declare the accused as innocent indicates how the caste system overpowers the legal system in India. Though there was a lack of evidence to prove Bhanwari Devi's story as her medical examination was conducted after 52 hours of the rape and the semen collected from her clothes did not match the samples collected from that of the five accused men; to declare an alleged rapist as innocent on the basis of the reasons discussed above mirrors the biases of our legal system. What is interesting to note here is the fact that Bhanwari Devi has been recognized internationally and awarded compensation of 10,000 rupees by the then PM Narasimha Rao. In other words, despite PM Rao's belief in

Bhanwari Devi's story, the legal system of the same PM's country doubts her story and has, till date, not granted her the justice for which she has struggled almost all her life. Moreover, the biggest irony of all is that it is because of Bhanwari Devi that the Vishakha Guidelines, that protect women from sexual harassment at their workplace, is a reality in today's India. Even though Bhanwari Devi has yet not gotten justice for herself, her efforts have resulted in the justice being provided to other women as a result of the Vishakha Guidelines.

Today Bhanwari Devi has built herself a 'pukka ghar' and suffers from ill health due to her old age. But still after providing her voice and efforts to the cause of women's safety, her case and justice remains pending. However, she has not struggled alone in this fight for justice. Her husband, after coming to terms with his new reality, has stood by her side throughout. Even her children had to suffer physical violence and name calling by the Gurjars. Moreover, Bhanwari Devi's in-laws, along with her brother and the first son and his wife cut all the ties with her after she refused to accept the monetary compensation offered by her rapists in order to shut the legal case.

Bhanwari Devi's courage has also been recognized through a movie called 'Bawander', based on her story, which is directed by Jagmohan Mudhra. Though the quality of the movie is not the same as that of the mainstream movies, the very fact that there exists such a movie indicates the level of popularity and appreciation Bhanwari Devi's efforts and courage have achieved over the years. This is also evident from the fact that Bhanwari Devi's rape case has become a milestone in Indian feminist movement as her courage created a ripple effect in making other women speak up and fight against the injustice and atrocities that they face purely because they are women.

Therefore, after looking at the rape case of Bhanwari Devi, one may conclude that in India, the Hindu culture not only overshadows other religions but also the legal and the political systems of the country. To be a Dalit woman in India is one of the worst things to happen to a person as they are oppressed by almost every section of the society. Moreover, if a Dalit woman attempts to rise above her social status she is punished cruelly as her such efforts are looked at as questioning of the authority and honor of the upper castes and gender (male) of the society. What is surprising here is how the legal as well as the political systems of the society have the honor of the upper-castes as their priority and not the justice of a victim of a heinous crime.

Hence, one may say that Bhanwari Devi's rape case does not only bring out this overpowering nature of the caste system but also makes one question the state and ideas of secularism, equality and justice, on the basis of which the Indian constitution and by extension the Indian society is molded and maintained.

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