



# National Dalit Movement for Justice

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## Press Statement

Date: 31<sup>th</sup> May, 2021

### **National Dalit Movement for Justice condemns the incidence of Rape and physical violence committed upon a Pregnant Dalit woman in the district of Chattarpur, Madhya Pradesh.**

National Dalit Movement for Justice (NDMJ)-NCDHR is spearheading a nation-wide movement for asserting the civil and political rights of Dalits and Adivasis in India. It is a democratic, secular, non-party movement of Dalits survivors, defenders, academics and lawyers headed by Dalits to initiate, advocate and involve in action to address the issues of caste-based discrimination and violence primarily untouchability and atrocities to ensure dignity, equality and justice. NDMJ works with executive, judiciary, policy makers and communities for protection and promotion of human rights of Dalits and Adivasis. The primary objective of NDMJ is to ensure effective implementation of the Schedule Caste and Schedule Tribe (Prevention of Atrocity) Act, 1989 along with existing policies and related legislations for protection of rights of Dalits and Adivasis against discrimination and violence.

National Dalit Movement for Justice strongly condemns the atrocious incident which took place against a pregnant Dalit woman and her family. Although, on papers, untouchability and caste based discrimination has been abolished but the harsh realities speaks volume of a totally different situation. One such incident took place on 19.05.2021, at village – Bandergarh, P.S -Rajpur ,Chattarpur of Madhya Pradesh, where a pregnant woman, belonging to the Dalit community, has been physically as well as sexually assaulted in front of her children and mother-in-law as per the information received from Media Sources and information gathered by a team of human rights defenders after visiting the place of incident. The victim further alleged that she along with her two children and mother-in-law were abducted, thrashed and tortured for four days by accused namely, Hriday Patel, Vinod Patel and Akash Patel. As per the information available after the National Dalit Movement for Justice team intervened, all this happened because the husband of the victim, Mr. Baijnath Ahirvar, who belongs to Dalit community and is also a daily wage labourer, refused to work for the accused, who belongs to Dominant Patel Community. Baijnath further ensured the accused that he will come back and finish up the work. After his refusal, Baijnath was thrashed by the accused after which he ran away from the spot. Later on, all the accused entered his house and abducted the family and committed rape upon his pregnant wife. Although the prime accused has been arrested and the case has been filed under Indian Penal Code and Schedule Caste and Schedule Tribes (Prevention of Atrocity) Act, 1989 but still the section related to the offence of sexual violence have not been added. Immediate compensation has not been provided to the victims and the victims are being constantly threatened and pressurized to come to a compromise.

We, the undersigned therefore urge an immediate inquiry and formation of special investigation team in view of the seriousness of the matter. We would further like to keep our following demands before the state as well as the concerned authorities so that the victims from the Dalit Communities have proper access to Justice:

- a. Addition of Section 376 of Indian Penal Code, 1860 to the present First Information Report.
- b. Action shall be taken under Section 4 of SCs/STs (PoA) Act 1989 against all the police for their willful negligence of their duties who have invoked incorrect section in the First Information Report.
- c. The medical examination of the survivors has still not been done and hence the MLC process shall be done without any further delay.
- d. As per Rule 7 of SC/STs (PoA) Rules, 1995, the matter shall be investigated by the officer not below the rank of Deputy Superintendent of Police. In furtherance of the same, the matter shall be taken up in expedite manner and the charge sheet shall be filed in the special court within 60 days as mandated under SCs/STs (PoA) Rules 1995.
- e. Forensic evidence and other evidence be seized from the police station.
- f. Ensuring the trial of the case is conducted in Exclusive Special court as per Section 14 of the SCs/STs (PoA) Act 1989 on day-to-day basis.
- g. Ensuring that the victims get access to Senior Special Public Prosecutor of their own choice as per Rule 4 (5) of SCs/STs (PoA) Rules 1995 to assist the family from now on itself to ensure that all steps are taken as per the provisions of the Cr.P.C to ensure that all necessary legal steps are adhered to at every stage for the successful investigation, successful prosecution assistance, victim and witness protection.
- h. Ensuring immediate relief to the victim family. The victims shall be provided Compensation as per Rule 12 (4) of the SCs/STs (Rules), 1995. Along with the compensation, the victims shall also be rehabilitated to a safe place and proper protection shall be provided to them as they are being pressurized and threatened to compromise the matter. They shall be provided land, a house and a family member employed in government Job as a part of state compensation.
- i. The state shall ensure that the investigation into the F.I.R is conducted by police from outside the district, preferably by an SIT comprising of senior officers with impeccable integrity;
- j. Apart from SCs/STs (PoA) Act Rules 1995, NHRC shall also take cognizance of the matter and awards an interim compensation in accordance with its powers under the PHRA 1993.

With Warm Regards,



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