



Crime in Kathua

Attempts to undermine the investigation into a little girl's rape and murder must be resisted

The 15-page chargesheet filed by the Jammu and Kashmir Police's Crime Branch on the abduction, rape and murder of an eight-year-old girl in Kathua district is chilling. An unspeakably horrific crime has been overlain with an ugly form of communal politics, which has heightened the feeling of vulnerability among the Bakherwal nomadic community. Asifa Bano had been missing in Rasana village since January 10. On January 17, her mutilated body was found, bearing the marks of gang rape. This week, local lawyers tried to prevent the police from filing the chargesheet, and the Jammu High Court Bar Association called for a bandh on Wednesday demanding that the investigation be handed over to the Central Bureau of Investigation. By all accounts, the demand owes less to any faith in CBI impartiality, and more to the ongoing attempt to influence the police's investigation that has led to the arrest of eight men, including some policemen charged with destroying evidence. The chargesheet lists as the main conspirator the caretaker of the temple in Rasana where Asifa was allegedly held, and threads together the sequence of events. The insinuation that a local police force that reflects the multi-religious composition of the State cannot be entrusted with a case in which the victim is a Muslim and the alleged accused are Hindus must be strongly resisted.

It is a shame that the State government, a coalition of the J&K Peoples Democratic Party and the BJP, has been so feeble in criticising the sectarian undercurrents. Protests in Kathua have been going on for months, amidst allegations that innocent people are being framed and demands that one of the arrested police officers be released. An organisation called the Hindu Ekta Manch too populated the protests and two BJP ministers from the State government were present at a rally in support of the accused. The Gujjar-Bakherwal community's sense of isolation, as the dead eight-year-old is sought to be defined by her ethnic and religious identity, is especially heightened given the backdrop of drives to evict them from what they say are their traditional camping sites in forests. One line of inquiry is that the motive for her abduction and assault was to instil fear among the nomads in pressing for their rights to the forests and commons. But while it is understandable that the nomads are feeling the brunt of the intimidation and it is vital to address their larger anxieties, to superimpose the crime on the tussle over forest rights would be to diminish the brutality brought upon the little girl. The investigation must be pursued for the hate crime it is. It does not just lie in with her community's rights – along with the Unnao rape case in U.P., in which the victim's father died in police custody this week, it shows how loaded the system is against those seeking justice.

Chennai loses out

Without shifting IPL out, the rights of fans and protesters could have been protected

The shifting of Indian Premier League cricket matches out of Chennai reflects poorly on the Tamil Nadu administration. It is misleading to see the development as a victory for protesters espousing the Cauvery cause or as the inevitable result of the current political mood in Tamil Nadu. By conveying its inability to give adequate police security to the remaining matches to be held in the city, the State government, which had adopted a wishy-washy attitude towards holding the IPL in Chennai, simply capitulated. It is undeniable that there were aggressive protests around the Chepauk stadium just before the season's first match in the city. Road blockades, frayed tempers and scuffles between the police and protesters suggested it would be a challenge to hold more matches. But governments exist to maintain public order and are expected to stand up to threats made by a fringe, whether it is calling for the ban of a book, a film or a cricket match. If cricket is a victim of such protests, it is because of its very success. It is a soft, high-profile target for those who want to raise their visibility and profile. This is why the sheer irrationality of singling out one tournament – which has no connection whatsoever to the Centre or the State government or the Cauvery crisis for that matter – was lost on those leading the call for a ban.

Instead of going weak and ambivalent on assurances of safety, the State government and the police should have worked out a solution under which scheduled matches and the right of the protesters to voice their grievances were both protected. As for the IPL management, it may have felt there was sufficient reason to drop Chepauk as a venue because of the State government's attitude. While cricket stadiums are now securely protected, there was no mechanism to screen ticket-buyers and – as the last match in Chepauk revealed – very little that can be done to stop protesters from flinging shoes and other objects on to the ground. There is legitimate and widespread concern in Tamil Nadu over the Centre's inexplicable delay in framing a scheme to resolve the Cauvery problem, over which there has been more than one protest over the last few days. But the fact that the Chennai Super Kings' 'home' matches will now be played in Pune is a blow to the game's fans in Chennai. That the IPL is a commercially driven extravaganza bordering on entertainment does not justify it being fair game for protesters. It may be true that sport cannot remain completely divorced from politics and there is no denying the dominant political mood on the Cauvery issue. However, rarely has this principle been extended to threaten a sporting event that has no link whatsoever to the political cause – in this case a water-sharing crisis that principally involves two States.

No place for young girls

In Kathua and Unnao, the common feature is the blatant support given by BJP leaders to those accused of rape



BRINDA KARAT

The child was just eight years old. The beautiful image showing her wide-eyed innocence, a semblance of a smile caught by the camera, is widely shared on the Internet. She looks even younger in the photograph. She belonged to the Bakherwal nomadic community, and went missing on January 10 from the camp site in Rasana village in Kathua, Jammu where she stayed with her family.

Grim chronicle

Her father registered the missing child case with the police on January 12. Her battered body was found on January 17. Six men were arrested, among them a special police officer, a retired revenue official and his family members; later two policemen were arrested for connivance and destruction of evidence. Three months later, on April 9, the Crime Branch of the Jammu and Kashmir Police, which took over the investigation, filed a chargesheet in court. Its contents have been widely reported.

Can any human being remain untouched, unmoved by the horrors the child had to face, depicted so graphically in the chargesheet? Is there anyone who will not be shaken with rage and anger against the extreme brutalities committed by the accused? They are accused of abducting her, sedating her, raping her in turn, inviting an associate from Meerut to "satisfy his lust," postponing the moment of her death because one of them "wanted to rape her" again.

But there are such people who are not only unmoved but who are straining every nerve and it would seem muscle to sabotage and prevent the processes of justice.

These are not ordinary men. They are men who are Ministers in the State government, they are men who lead organisations, they are men who wear the black robes of lawyers, those who are supposed to serve the ends of justice.

For two months, ever since the arrests were made the area has been witness to mobilisations and agitations. These have been organised by the Hindu Ekta Manch, a platform set up by affiliates of the Sangh Parivar. What is their agitation about? One may have thought they were agitated because the horrific crime took place in the prayer room of the local temple. Were these men on the streets because they wanted more stringent punishment against those who defiled a temple prayer room with their dastardly acts?

Far from it. The Hindu Ekta Manch has been pursuing just one aim, to prove that the investigation is wrong, the arrests are wrong because all those arrested happen to be Hindus whereas the child victim belonged to a Muslim family.

It is not just the fringe elements involved. Two Ministers of the coalition government belonging to the Bharatiya Janata Party (BJP), Forests Minister Lal Singh and Industries Minister Chandar Parkash Ganga, had joined an agitation against the arrests. Lawyers, or a section of them, went on strike to prevent the police officials from filing the chargesheet. Yet none of them have been arrested. They have the patronage of their leaders in the BJP.

This blatant communalisation of cases of sexual assault has very serious implications for India. Imagine if 'Nirbhaya' had happened to be Muslim, would the streets of Delhi have been filled not with young people demanding justice, but with Hindu Ekta Manch supporters protesting against the arrest of Hindus?

In Kathua, it is not only the processes of justice post the rape and murder which are being communalised and sought to be subverted. But shamefully, according to



the chargesheet, communal considerations determined the selection of the victim too.

A deliberate plan?

The rape was a deliberate plan to terrorise the Bakherwal community to leave the area. The Bakherwals and the Gujjars, recognised as Scheduled Tribes, are Muslim by belief. The child was raped, going by the chargesheet, because she was a Muslim.

While the Gujjar communities do own land and a substantial section are involved in the dairy industry, the Bakherwals are a nomadic tribe who migrate along with their herds of animals to the Valley and Ladakh in summer and return to the forests of Jammu in winter. They have been camping in these forests for decades.

The resurgence of Hindutva ideologies and politics in Jammu led to a campaign against the presence of the Bakherwals and Gujjars and any permanent settlement for them, it was said, would alter the demography of the region to benefit Muslims. This utterly warped understanding of citizenship rights also led to another hypocrisy. Whereas in every other case the Sangh Parivar has been campaigning for the abolition of Article 370, in the case of the Bakherwal and Gujjar communities the Sangh Parivar has taken shelter under Article 370 to deprive these communities of their rights on forest land under the Forest Rights Act (FRA) of 2006. Thus whereas under the FRA the rights

of the Bakherwals on forest land would have to be recognised, Article 370 prevents its automatic applicability in Jammu and Kashmir.

The Mehbooba Mufti government has rightly been criticised for not acting swiftly enough. Nor did she take any action against the Ministers of her coalition cabinet in spite of their objectionable role in supporting the wholly unjust communally triggered demonstration against justice for the child. Ms. Mufti has now publicly stated that her government will ensure that the case is followed up and that the guilty brought to book. One can only hope that considerations of power do not interfere with this public commitment. She should also ensure that the Bakherwal communities are given the land, implementing the spirit of the FRA.

As far as her Sangh Parivar partners are concerned, she should know that they have double standards as far as women's security is concerned. A communal reading of women's "izzat" is a potent weapon in the armoury of the Sangh Parivar. A typical method of the RSS mobilisations to further communal divisions is to use cases where the perpetrator of the crime happens to be a Muslim and the victim a Hindu, and to mobilise against the entire Muslim community. Where there are no such cases, rumours are spread. The dreadful communal violence in Muzaffarnagar started on a rumour deliberately spread of Hindu girls being harassed by boys who were Muslim. In Jamsheerpur the same thing happened although there was no such case, as the police later confirmed. But in the large majority of cases, where the perpetrator and the victim belong to the same religion, what then is the role of the Sangh Parivar?

Over in Unnao

What is happening right now in Unnao in Uttar Pradesh? A 17-year-old had tried to file a case of rape against an MLA who belongs to the ruling BJP government. The al-

leged rape took place last June, but in spite of all her efforts, the police refused to file an FIR against the MLA. She was forced to stage a protest before the Chief Minister's house, but even that made no difference. On the contrary, the girl and her family were harassed. Her father died in police custody.

What would that young woman have faced – traumatised, humiliated and then to see her own father being arrested and killed because she had dared to make a complaint against a powerful man, backed by the Chief Minister. This is enough to discourage any complaints of sexual harassment against men with powerful connections. It was only after mounting public outrage that the MLA's brother has been arrested for her father's death and an FIR filed against the MLA. However, he has still not been arrested and has the freedom to make outrageous and defamatory statements against the girl and her family.

In the Kathua and Unnao cases, the common feature is the blatant support given by BJP leaders and their Sangh Parivar partners to those accused of rape. India has seen the results of the marauding violence of "gau rakshaks". Now a new brand of politics has appeared of "rapist rakshaks". When Union Minister V.K. Singh tweets on the Kathua rape victim that "we failed her as humans", he should clarify that the "we" in his tweet means all his colleagues in Jammu and U.P., who are even today standing not with the victim but with the accused – whether they can be considered human is an open question.

The *Beti Bachao Beti Padhao* campaign and the Prime Minister's words on "women's empowerment" get exposed as mere rhetoric when perpetrators of such horrific crimes are protected by those in power and he remains silent.

Brinda Karat is a member of the CPI(M) Polit Bureau and a former Rajya Sabha MP.

Why we should trust science

When societies take positions against the consensus of science, for economic or ideological gains, they risk failure



SADIQ RANGWALA

It has been a time of crisis for science over the past several years. In cases where society and policy need inputs from science, there is now a widely prevalent view that the conclusions of scientific inquiry can be challenged for economic or ideological reasons. Here I briefly discuss the process and practice of science, establishing where conflicting views are germane and where they are a futile denial of evidence.

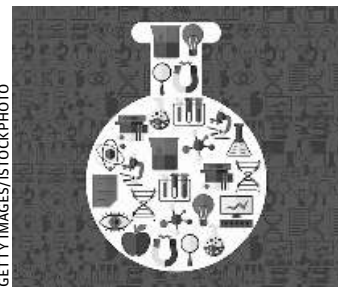
On three pillars

In essence, science is the organised method developed to understand nature. The method has developed over centuries and the knowledge gained has proved to be so effective that human history and the human condition over the past several centuries have been dominated by the knowledge and mechanisms made available by science. However, it should be recognised that while scientists and

society may have strong moral and ethical bases, the scientific understanding of nature has none. It is just our collective, common understanding of what nature is.

Science and academics rest on three pillars, which are an interdependent set of facts, logic and reason. Facts relate to the patterns we observe and the evidence we collect. Logic stitches together observations and determines the rules to understand the evidence. Also, the latitude logic allows for the determination of rules is very constrained, which in turn makes the rules robust. Reason constructs hypotheses and these are tested for consistency against logic and fact. While logic is an aspect of reason, it is but one part. Reason encompasses imagination, creativity, mathematical thinking and other abilities of the human mind, which also helps understand facts. Without this triangular structure, the method of understanding nature falls apart.

Both logic and reason allow us to acquire more evidence. This evidence hones the logic and reason which advance our understanding. Very often, major advances result out of seemingly minor inconsistencies because this triangular structure holds. Mi-



nor inconsistencies which amplify into significant discoveries hang on this tight constraint, which has stood the test of centuries of inquiry. This triangular structure lies at the heart of the scientific method. When the application of the method disagrees with the consistency required by the triangular structure, it signals the need for new ideas and evidence.

The scientific understanding of nature represents the truest explanation of nature at any given time. To ignore or argue against this explanation, outside of the method above, is disingenuous. When societies take positions against the consensus of science, for perceived economic or ideological gains, they put themselves at risk of certain failure in the course of time. The only way to challenge the scientific consensus of the day is to apply the method above with

higher standards and evaluate the validity of the existing consensus. This cannot be done by being selective about the evidence but by expanding the class of evidence that is relevant to the problem. For example, it is for this reason that the relevance of the theory of evolution is not a matter of debate because those who argue against evolution are not engaging with the evidence on the topic. To question scientifically established frameworks we must educate ourselves on the issue and work within the triangular structure to show up inaccuracies or deficiencies. Other reasons for disagreement with science will not survive scrutiny.

Faith and science

So what about faith? If one believes in the divine origins of things, is there an irreconcilable difference with science? The answer is no, if one accepts that nature and its rules are the expression of the divine. However, it is not possible for science to be in literal or metaphorical agreement with immutable words of religious origin. This is so because science is always transforming our view of the world. The contradiction is in the impossibility of the constant to be

the same as the ever transforming.

Finally, one may still wonder why scientific consensus should be trusted. It is true that the consensus is transforming and evolving continuously. So why is this consensus the better bet? For those unfamiliar with the process of science, this consensus can appear as an alternate belief system. However, this is absolutely not the case. Working scientists are always challenging each other about ideas, facts and results. This is the everyday job of a scientist. When contradictions arise the issue is settled based on other independent work by unrelated parties. Finally, at some point, the contradiction is resolved and the reasons for the contradictions understood. Errors do occur and at times the prevailing consensus can run counter to its future revised version, but this is a self-correcting mechanism. The structure of the method is so rigid that in time the errors are found out. This is the strength of the method of science and the reason why it is virtually impossible to discredit scientific consensus, unless it comes from application of the method.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Fair and federal

For several years, the States of the Indian Union have relied heavily on the revenue accrued from sales tax to finance their infrastructure, economic and social development projects. Considered to be a 'kamadhenu' tax, unlike other taxes, it was an elastic source of revenue for States whose rates they could also tweak according to their requirements. Now that the Central government has introduced the GST with the objective of ensuring uniformity throughout the country, States have lost this elastic source of revenue. Income from other taxes is quite disproportionate. Though the Centre has promised to compensate States for losses suffered, the fact is that States are largely dependent on the Centre when it comes to

development. This can be especially tough on those States which do not have an adequate resource base or the capacity to generate adequate revenue. Given that one of the greater responsibilities for States is in ensuring human development, the arguments put forth by Kerala Chief Minister Pinarayi Vijayan for a fair and just allocation of resources by the Finance Commission appear to be reasonable (Editorial page, "Heed the federal framework", April 12). But will the Commission listen? A. MICHAEL DHANARAJ, Coimbatore

No restrictions

The unprecedented win of the BJP in 2014 explosively released a repressed saffron chant that was kept subdued to enable the "development rhetoric" of

the party's chief campaigner to dominate the narrative. Two years of crusade were then zealously pursued, selectively defining nationalism in the form of a beef ban and love jihad and wielded in a crude manner. The reassertion now of the government in toning down cattle sale curbs is too late (Editorial - "End to cattle curbs", April 12). The fringe has since shifted focus to the fractious caste divide. The BJP has fallen between its two main planks – development and governance. R. NARAYANAN, Navi Mumbai

worse off when they are up against people with political connections ("HC takes up Unnao rape case", April 12). The principles of natural justice never seem to apply to the victim if they are less privileged. The Unnao case would never have received media attention had not the father of the minor rape victim died in judicial custody. G. B. SIVANANDAM, Coimbatore

Cauvery and cricket

The events of April 10 when protesters were trying to disrupt the IPL cricket match (CSK versus KKR) in Chennai in the backdrop of demands for a Cauvery water management board were disturbing. The need for constituting a management board as stipulated by the Supreme Court has been expressed in so many ways, in Tamil

Nadu and in Delhi, in the form of demonstrations, bandhs, stopping rail movement, filing a contempt petition in the Supreme Court and even disrupting parliamentary proceedings. Those behind the events on April 10 are well aware of these details and I am amazed why they are agitated now. What has the game of cricket to do with this? One has to compliment top police officials for the way they deftly handled the situation. In my capacity in the police force in the past, including as the former

DGP, and having handled such matches before, I am sad that a situation has arisen in Chennai where the future of sporting events being conducted is now in doubt despite strenuous efforts by the police to keep the peace. I would appeal to the BCCI to reconsider its decision to shift the IPL venue. I am sure that the police will be more than able to guarantee the safety of viewers, officials and fans. V. VAIKUNTH, Chennai

MORE LETTERS ONLINE: www.hindu.com/opinion/letters/

CORRECTIONS & CLARIFICATIONS:

The graphic that accompanied the front-page report, "IPL matches shifted out of Chennai" (April 12, 2018), wrongly listed *Rajkot* as one of the four alternative venues suggested by the Board of Control for Cricket in India. It is *Lucknow* – as given in the text.

In the Op-Ed page article titled "A promise falls short" (April 12, 2018), there was a reference to the *Suresh Koushal v Union of India* case. It is *Suresh Koushal v Naz Foundation*.

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