

Women Against Sexual Violence and State Repression (WSS)

Fact-finding Report on the ragging of a Dalit student in Kalaburgi, Karnataka

In the last week of June, the case of Ashwathi, a nursing student from a poor Dalit family being forced to consume toilet cleaner by her seniors came to light. The incident had occurred a month earlier, on May 9, 2016 in the hostel premises of Al Qamar College of Nursing in Kalaburgi, Karnataka. Al Qamar College of Nursing is affiliated to Rajiv Gandhi University of Health Science, Bangalore. It was reported in the media on June 21, 2016 after Ashwathi's lawyer, Shafi, alerted the media in Calicut. According to the complaint made by Ashwathi and various news reports, she and her roommate were subjected to ragging, which included derogatory comments on her caste and complexion. While the ragging that she describes as "physical and mental torture" in her complaint had been going on for five months, on May 9, after another episode of ragging, she was forced to drink toilet cleaner by one of her seniors in the College Hostel. She was admitted to Basaveshwara hospital after the episode - she was in the ICU for four days, and one day in casualty. Subsequently, she was shifted out of the hospital against medical advice by her seniors. Although the police came twice to take Ashwathi's statement, she was not in a position to talk and hence could not make a statement. Ashwathi also writes in her complaint about how other senior students pressurized her during her stay in the hospital to say she consumed toilet cleaner herself, so that the studies of the accused would not be affected. College authorities did not inform the family or the police at the time of the incident. It was only after the student was admitted to the hospital, that the hospital authorities informed the police that there had been a medico-legal case.

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Find below a translated version of her statement as communicated to her lawyer, Advocate Shafi:

“Respected Sir

My name is Ashwathi, I am a first year nursing student at Al Qamar Institute of Nursing in Gulbarga.

I have a complaint to bring to your notice.

I could study only for 5 months from 2015 December 1 to 2016 May 9 due to strong harassment from senior students there.

In the beginning we had to wish them whenever we see them (Morning - good morning, afternoon - good afternoon, evening - good evening). Not just once but several times. inside the hostel or outside and in College bus. If wishing is not done they wouldn't even let us drink tea after coming from College and we will have to stand in their room.

From 8 to 10 is study time and after that till 12 we have to tell them what we studied. Would never get time to prepare dinner. Time to use phone is from 8 to 10. Since we have to stand in their room at that time we were not able to call home. This could be normal but these rules were only for me and my room mate Sayinihita. These rules were not there for other first year students.

Many times when I called home and cried they threatened that they won't let me use the phone anymore. Beyond all this what happened on May 9th was something I couldn't bear. I was tortured mentally and physically.

That day when we were preparing food for dinner we were called to Lakshmi's and Athira's room. They asked us to lock the door. At that time 3rd year bsc students Lakshmi from Kollam, Athira from Idukki, and Shilpa, 4th year student Krishna and Jo who came for exam were there. Athira and Lakshmi

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asked who were going home on 17th. They said that nobody should go and if we are not there to help them they wouldn't be help for exams. When I said that I will learn and write they said that we should leave the next day itself and to not stay there anymore. When I said that the train is early morning and we were afraid to go alone and we didn't have money they said that still we have to leave the next day. After that they made us sing and made fun of us and laughed. Then they asked us to write names of favourite seniors and seniors we don't like. When we both wrote favourite senior as hridaya Lakshmi and Athira got angry and when we wrote Lakshmi's name for senior we did not like they started abusing us very badly. Then when other seniors asked us to go to our room they asked us to keep door and windows open and not to close it. Then they started mentally harassing me by saying things like "No wonder you are black, when seeing you itself we get scared, because of this only your father left". Then Athira and Lakshmi entered our room and forced me to drink toilet cleaner. When i fell on the floor not able to breath other seniors came and put finger in my throat and made me vomit blood.

After that I was admitted to hospital (Basaveswara hospital)- 4 days in ICU and one day in casuality. Police came to enquire but since I couldn't talk they couldn't take statement. Other seniors came and asked me to say that I did this myself to protect the studies of the seniors. Then without permission from hospital they got me discharged. They injected remaining glucose at hospital. Since they knew the police will come again in two days they sent us home on 15 05 2016.

I am lying in this state for last 39 days, from 2016-5-9 to 2016-6-18 without being able to drink water or eat food and moving from one hospital to other. Please help bring Athira and Lakshmi before law for doing this to me.

Ashwathi"

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Fact-finding in Kalaburgi

On July 5th, 2016, a team from Women against Sexual Violence and State Repression (WSS) comprising of Gowri, Dalit feminist and activist, Savitha, Research Scholar, and Greeshma, Advocate visited Kalaburgi to understand the situation better.

College administration in denial

In a visit to the College, administrative officials claimed that ragging had not taken place in the College, and the student had consumed the toilet cleaner due to “personal problems”. The student had been here for only 5 months, and according to her account, she has faced ragging from the first day. But she had not spoken to faculty, staff or students about it, they claimed. She insisted on going home against medical advice, they claimed. On being asked questions about whether the College has a functional anti-ragging cell as mandated by the directives on ragging set out by the Hon’ble Supreme Court of India in Civil Appeal No.887 of 2009 dated 8th May 2009, they replied in the affirmative. They admitted, however, that there were no posters or visual material to make students aware of the existence of the cell. They also claimed to have attempted to contact the family of the affected student, but said they had not been able to reach them. Principal of the College, Esther, also maintained that the student had consumed toilet cleaner due to “personal problems”. She mentioned that Ashwathi and other nursing students had participated in a zonal level sports and cultural meet the previous day, where Ashwathi’s room-mate was also present. Next day, her seniors informed the Principal that Ashwathi was unwell and had consumed toilet cleaner due to some troubles. The Principal insisted that the College authorities weren’t

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aware about Ashwathi being ragged and got to know about the complaint of ragging only through the media. She said there are language issues with students from Kerala. Although she understands a little bit of Malayalam, she cannot converse in the language.

Interacting with students: “no ragging happens”

In the interaction with students of the College, even before we could pose a question about ragging, the students unequivocally chorused “No ragging happens in our College”. Further conversation including attempts to elicit their understanding of what constitutes ragging led to bewilderment. When asked whether they are aware of an anti-ragging cell, many seemed to be confused though few nodded that a cell does exist. On being further questioned about members of the cell, and who was to be approached in the event of ragging, we were faced with a stony silence. A couple of students finally threw some names of students from the final year.

The team also asked questions about Ashwathi and her friends. The students, majority muslim and urdu speaking, said that none of them knew much about Ashwathi or any malayalam speaking student as they hardly communicated because of the language divide. They also further told us that all the students of the College stayed in the hostel and cooked together but the malayalees cooked separately. Ashwathi’s classmates and her professors further mentioned that she used to come to class with her roommate, they used to keep to themselves and not interact too much with others. Her classmates didn’t know much about her as they also seemed to say that they couldn’t interact much with her other than wave when they saw her. Rather strangely, when the team visited the campus, there was not a single malayalee speaking student who was present to be interviewed. They had all gone home or weren’t present.

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It is safe to say that only the malayalee students of Al Qamar College of Nursing have the answers to what transpired in those five months or on the 9th of May. The malayalee student community seemed to have a separate group by themselves and did not interact much with other students or the administration.

To get a better sense of how ragging practices in Kerala are often fuelled by casteist prejudices, the team spoke to Rekha Raj, Dalit feminist and writer who has lived, worked and studied in Kerala. She was of the opinion that in the context of Kerala, caste often functions in more subtle and insidious ways as compared to more direct ways, unlike in the instances one might have seen in Tamil Nadu or Karnataka. In most cases, caste is implied through indirect references to different caste markers. In this case, the reference to skin colour strongly points to casteist overtones in the ragging that Aswathi has faced, Rekha believes. The team would have had more insight into the caste dynamics amongst the malayalee students studying in the College if they had the opportunity of meeting them, but as mentioned previously, all of them were absent when the team visited the College.

The hierarchies and existent caste based prejudices thus leading to the younger most bearing the brunt of it seems to be one of the explanations to this incident. Even if the other students had a whiff about what Ashwathi might have faced, none of them were forthcoming. Whether or not the administration had managed to influence them was difficult to determine.

Holding the College accountable

It is important to mention that the administration did not deter us from talking to the faculty or the students. Out of the seven batches, we were allowed to interact with all and speak to the students individually/collectively without the

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presence of the faculty or members of the administration. The members of the administration were very forthcoming. Their fear was palpable. Being a minority institution could possibly explain some of their fears.

Having said that, we cannot discount the institution for its lapses. It is really shocking that the institution did not help further the criminal processes which must have followed after knowledge of a student alleged to having been forced to consumed toilet cleaner in their premises. The efforts of the perpetrators to cover up their actions seemed to have been adopted by the institution too, merely to save their back. College authorities also claim that they were totally shocked when the news about her being ragged came to their notice. Instead of helping and supporting their student vocalise her experience, the institution instead preferred to be defensive and deny any possibility of ragging.

They suggested to the team that they believed she had consumed toilet cleaner due to personal problems. "Personal problems" do not exist in a vacuum. College authorities claiming that this was personal need to recognise her experiences were indeed personal- but were a product of the nature of treatment she was subjected to, within the institution's premises, by her peers. Her inability to communicate about the treatment being meted out to her by her peers to members of the administration further strongly point that the institution had failed to create necessary support structures for students.

Police Investigation and Judicial Process

After being forcibly discharged from Basaveshwara Hospital, Ashwathi was immediately sent home by her seniors with her roommate. Ashwathi didn't inform her mother or her relatives about what happened on the 9th of May. Only when her health started deteriorating severely did she talk about her ordeal. Her uncle then got in touch with Advocate Shafi who immediately

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approached the Calicut Police with Ashwathi's statement. An FIR was registered at Medical College Police Station, Kozhikode with four accused: Athira Reji, Lakshmi A Pillai, third year nursing students, Krishnapriya, a final year student and Shilpa Joe as the ones who ragged her and forcibly made her consume toilet cleaner. The FIR mentions that the accused belong to upper caste community and subjected Ashwathi to ragging knowing that she belongs to a backward caste community. They were charged under Section 341, Section 506 (i), Section 307 read with Section 34 of the Indian Penal Code, Section 3 (ii)(v)(x) and Section 2 (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of Kerala Prohibition of Ragging Act, 1989. The same was transferred to Roza Police Station, Gulbarga- Division A Police for further investigation. Three of them namely Athira, Lakshmi and Krishnapriya were arrested shortly, Shilpa Joe has been absconding since.

DySP Jahnavi informed the team that the process of investigation was on. However, she mentioned that the College authorities had not come forward to lodge a complaint when the incident happened. Police officials went to take Ashwathi's statement twice but on both occasions, she was not in a condition to speak. On the third visit, the police officials were informed that that she had been discharged from the hospital. In the last week of June, the DySP had travelled to Kerala to record Ashwathi's statement. The DySP seemed to suggest that there is still apprehension about the occurrence of ragging and further investigation is required for a clearer picture to emerge. On being asked how then the arrests were made, she mentioned that there was nothing substantial to disprove the charges either.

Athira and Lakshmi's bail pleas have been dismissed, Krishnapriya was granted bail only due to ill health/medical reasons. The dismissal of the bail pleas confirms that a prima facie case has been established.

Medical condition of Ashwathi: seriousness of injuries, current status

Medical superintendent of the hospital where Ashwathi was admitted said that she was discharged against medical advice. He asked our team, “Why would she have gone back to the hostel had there been any ragging?”. On it being pointed out that she wouldn’t have had other options in Kalaburgi, he remained silent. Dr. Sagar, the duty doctor who first attended to the student in Basaveshwara Hospital said although the history given at the time of admission was that she had consumed phenyl, it seemed like a different substance. It had a pungent odour and was yellow in colour. A forensic report is required to determine what the liquid was. However, he was confident that the liquid was not phenyl as patients who are admitted with phenyl poisoning are usually discharged within a day. This was far more serious. His analysis of Ashwathi’s condition was that in all likelihood, the liquid was acid. The grade two corrosive injuries in the stomach and oesophagus he observed through endoscopic procedure seemed to establish this. He mentioned how in such cases, strictures are formed eventually which make consumption of any kind of solid food impossible, Survival beyond a few months is highly doubtful in such cases, he seemed to suggest. Dr. Sagar further added that she was discharged against medical advice after her female-attenders said her father was in town to take her back to her home-town. What also needs to be noted here is that Ashwathi’s father had left the family when she was an infant. She was brought up by her mother. This further strengthens the point that her seniors wanted to get Ashwathi out of the hospital before her statement could be recorded by the Police. But what the team failed to understand is if the hospital authorities were aware that Ashwathi's condition was in fact serious, how could they allow her seniors - who are not her legal guardians, and who did not have any authorisation from the College management to discharge her?

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Ashwathi- the person, and the need for justice

While this report was being prepared, Ashwathi continued to be under observation in the ICU in Calicut. A team of specialized doctors continue to monitor her condition as the injuries are severe and complex. Though the team couldn't speak to Ashwathi or her mother, we were able to have a conversation with Advocate Shafi, Ashwathi's lawyer and her uncle, Chandran. After understanding Ashwathi's socio-economic background and her struggles as a child, it is hard for one to believe the administration's 'suicide due to personal problems' version. Hailing from a Dalit family, Ashwathi was abandoned by her father when she was an infant. She has been brought up by her mother who is a coolie worker. They do not have a dwelling of their own and live with her uncle. Ashwathi was strong willed and in fact took a loan to pursue her studies which she intended to pay back by herself. She left her hometown for the first time to pursue her studies in order to be able to earn well and support her family, knowing the kind of hardships her mother had to face to bring her up. To assume and jump to the easiest possible conclusion of 'suicide due to personal problems' without looking into Ashwathi's background is an attempt by the College to absolve themselves of their liability. The intention also seems to be to invalidate Ashwathi's statements about the casteist and racist treatment meted out to her.

Advocate Shafi also informed the team that he spoke to Sahinitha, Ashwathi's roommate immediately after taking Ashwathi's statement. She agreed to everything Ashwathi had mentioned in her statement and further elaborated on how they were routinely ragged by her seniors. But he also mentioned that she did not want to come forward and record a statement or be a witness. All attempts by the fact finding team to reach Sahinitha failed.

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Before our team visited Al Qamar College of Nursing, a team constituted by Rajiv Gandhi University of Health Sciences (RGUHS) had suggested that no ragging had taken place. This probe is highly questionable as the team submitted its findings without taking into account the victim's version or even trying to contact her family or her roommate. RGUHS Circulars No.AUTH/427/2009-2010 and No.RGU/GRC/16/2013-14 make it mandatory for all Colleges affiliated to RGUHS to implement the directions set out by the Hon'ble Supreme Court in this regard. Didn't the team from RGUHS first check whether the College has adhered to these guidelines? It was evident to the team that they hadn't, in fact, they agreed to it themselves. Instead of charging the College with disciplinary action for non-compliance of the directions, they seem to want to willingly partake in the College's wrongdoing. The Karnataka state government needs to penalise RGUHS too as in addition to trying to aid Al Qamar College of Nursing in covering up what transpired, the University is also in contempt of the Hon'be Supreme Courts guidelines on ragging.

Even if, as the College claims, this was an attempted suicide, not informing the family of the student is a serious lapse. Relatives of Ashwathi state that they haven't received a single call from the College. After Ashwathi was admitted to the hospital, College authorities not taking responsibility for her safety, and allowing other students to discharge her, shows dereliction of duty by the institution. For a College that receives students from various regions speaking various different languages, the absence of institutional mechanisms to facilitate interactions among peers is a serious concern.

Being a nursing institution that is training future health-care-workers, the lack of seriousness with which the issue has been addressed by the College is disconcerting. Casteist attitudes among any section of the population is harmful. But in a set of people who are being prepared to care for the physically and possibly mentally vulnerable, it is alarming. Apart from

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instituting an anti-ragging cell seriously, this College and other higher educational institutions must put in place mechanisms to fight systemic forms of discrimination. The National Commission for Scheduled Castes, and the Karnataka State Commission for Scheduled Castes must investigate the treatment of Dalit students within the College, and ensure a safe and democratic space for all students.

The Karnataka state government also needs to take responsibility for this tragedy. The lack of seriousness with which the case has been handled, and the general apathy to constitute anti-ragging cells reflects poor regulatory mechanisms of the state. **While the Kerala government has come forward to take care of Ashwathi's medical expenses**, it is important for the Karnataka government to reflect more seriously on the tragedy, and take corrective steps to ensure incidents of this kind do not re-occur. Most importantly, both Rajiv Gandhi University of Health Sciences and Al Qamar College of Nursing must face disciplinary action.

Taking serious note of Ashwathi's condition, and the institutional lapses leading up to it, we as WSS demand that:

1. Al Qamar College of Nursing and Rajiv Gandhi University of Health Sciences face disciplinary action for serious lapses in preventing ragging.
2. Al Qamar College of Nursing must take responsibility to ensure Aswathi's educational career is not compromised in any way, and create a conducive environment for her to continue her studies. Though the Kerala Government has already come forward to take care of all her medical expenses, the College must compensate her, be it in the form of educational expenses or in whatever way Ashwathi and her family thinks is befitting.

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3. Anti-ragging cells must be constituted in all colleges in compliance with the directions of the Hon'ble Supreme Court of India, and their functioning monitored rigorously.
4. Systemic interventions are necessary to ensure students are sensitised. The governments of both Karnataka and Kerala must introduce orientations on caste and gender for all medical and para-medical students. Prior to this, leadership and faculty of educational institutions must also receive orientation/sensitisation programmes in caste and gender. These programmes must be held with serious rigour on a regular basis (annually/once in two years).