

Attacking Pubs and Birthday Parties

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HINDUTVA
OUTFITS**

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A Joint Fact Finding Report

By

**People's Union for Civil
Liberties Karnataka, PUCL-K**

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**Forum Against Atrocities on
Women, Mangalore**

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INTRODUCTION

On January 24, 2009, Pramod Muthalik's men belonging to the Sri Ram Sene in coordination with Subash Padil (then of the Sri Rama Sene) stormed into a pub in Mangalore and violently attacked girls, on the ground that drinking was against Hindu culture. Three years later on July 28, 2012, Subash Padil (now with the Hindu Jagarana Vedike) and his men, in a cruel imitation of Sri Rama Sene's act, stormed into a birthday party in Padil, a locality in the heart of Mangalore, and attacked both boys and girls. While these two attacks captured national and even international attention, unfortunately they were not exceptional in what they set out to do. They were only exceptional in the share of media attention they received. In the time span between these two attacks, there were at least one hundred and twelve such attacks on young persons found socializing together, and on young women in particular. The attacks were not captured by the electronic media and were reported in small columns in newspapers, mostly in the local press, and on a few occasions, made it to the national news.

This Report will first document what happened in the attack on the birthday party through the eyes of the victims and media, and then document the responses to the attack by the Hindutva groups as well as by state institutions such as the State Women's Commission. The Report will then place the attack in the context of the breakdown of law and order in Dakshina Kannada¹ and then make out a case for the changes that need to be brought about.

1 'Dakshina Kannada' here refers not only to the administrative entity called by this name but also to the area of coastal Karnataka historically known as the Dakshina Kannada region, comprising the talukas of Mangalore, Puttur, Belthangady, Sullia and Bantwal, Karkala, and Udipi, which is also collectively known as Tulunadu (land of Dravidian Tulu-speaking people.)

The objective of this Report is not only to ensure that the truth about this incident emerges and proper action is taken in this particular case, but also to point to the fact that the state must take its responsibility seriously to see that such incidents do not recur.

On the earlier occasion of the attack on a pub, the PUCL-K had produced a Report titled, *Cultural Policing in Dakshina Kannada: Vigilante Attacks on Women and Minorities, 2008-9*. The present Report attempts to update some of the information and analysis about what we then called 'cultural policing', and have now decided to call 'communal policing', for reasons that will be clear in the following sections.

This fact finding investigation is a collaborative venture between Forum Against Atrocities on Women, a coalition of concerned women, based in Mangalore as well as the People's Union of Civil Liberties-Karnataka (PUCL-K).

The members of the Fact Finding Team were :

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- 3) Suresh Bhat, Peoples Union for Civil Liberties- Karnataka, (PUCL-K)
- 3) Ramdas Rao, Peoples Union for Civil Liberties- Karnataka, (PUCL-K)
- 4) Arvind Narrain, Alternative Law Forum (ALF)

THE BIRTHDAY PARTY ATTACK

'Morning Mist' is a homestay which is located within ward no. 51 (Padil North) of the city. On 28 July 2012, five girls and eight boys were celebrating a birthday in this guest house at 7 o'clock in the evening when a group of men belonging to the Hindu Jagarana Vedike stormed into the guest house and assaulted them. The members of the Fact Finding Team met the victims of the attack and the members of their family to gather from them what had happened. What follows are accounts of the incident in their own words.

Testimonies of affected persons

Vijay Kumar

I have been living in Urwa for 23 years. I am an event organizer. I make all the arrangements necessary for a party and provide the music. On that day we did not have the intention of organizing a party. I did not have sufficient money with me. A girl I know who had her birthday on the same day said to me, "I will host the party. You can share the place with me." She said, "I will have my party from afternoon to evening, you can celebrate your party in the night." On that Saturday afternoon at 1 p.m. we went and hired the place. They said, "You will have to pay Rs 5000 as the rent for a day and also a deposit of Rs.1000. We will give you the receipt and return Rs.1000 tomorrow." She said, "Let us share this rent." At around 2 p.m. we went to Padil. The workers made all the arrangements for us. Till around 3 or 4 p.m. we spent our time talking. We finished cutting the cake. Then

we went home, cooked some chicken, and returned at 5 p.m. I kept the cold drinks and the chicken in the fridge, and went upstairs to the bathroom to freshen up. Since we did not have drinking water, Guru went out to get some water. At that time I heard loud noises downstairs. The girls were screaming in confusion. I came outside. There were men hitting the girls. By the time I started going downstairs, around 5 or 6 people were behind me. I ran upstairs and shut the door behind me. They broke open the door, pulled me out, stamped on me, pulled off my T-shirt and gave me a good beating. Then they brought me down. All this is not shown in the video. Even downstairs they gave me a good beating. I said, "This is my and her birthday. This is not a rave party." They said, "You are celebrating a rave party", and started abusing me, using bad words. They pulled off the girls' clothes and fingered their bodies.

The camera man was familiar by sight. I asked him, "Don't you know me?" He did not say anything. Three or four more people came and started beating me. "Do you need only girls to celebrate your party?" they asked me. They locked me up in the room to the right and took photographs of me. The girls' dresses were torn. I did not have my T-shirt. They made me sit on the bed and took photographs of me. Till then no policemen had arrived there. They beat us for 10 to 15 minutes. Then the policemen arrived and told us, "You needn't feel any tension, we are with you." Then they started giving us protection. They took our addresses and started their investigation. They asked us, "What is there in the house?" We had only five to six beers and some chicken.

Those who beat us also stole our things. They stole chains belonging to my friend Guru, and of one of the girls in the party. They have given the girl celebrating her birthday a good beating and dragged her around. They have scratched her leg with a blade. They have touched the girls all over. In the TV footage of the incident, you might have seen a dark chap in a jacket. He is wearing the jacket of one of the girls. They stole my purse and mobile and some gold from the girls. I can recognize them. I may be able to recognize most of them. I will be able to recognize Subash Padil and Munna. There are a few others. I do not remember their names.

The names given in the FIR are of those who were identified by the police after looking at the video. We too have given information. All the friends who live in my neighborhood have provided information. We were altogether five girls and eight boys. Among the eight boys two hid themselves in a room. They tried to call the police. The call went to Bangalore. So they called some friends and asked them to call the police. The girls' parents had given them the deadline of 6 o' clock to return home.

Is it wrong to have parties? Come to that, I have played as DJ at more than fifteen parties organized by members of the Bajrang Dal. At our party we did not even play music. All of us were above 19 years of age. We were wearing decent clothes. One of the girls was wearing a jacket and they pulled it off. The birthday girl is in a state of shock.

When we went to the Pandeshwar Police Station on Sunday to give our statements, the police scolded us very badly. Instead of comforting us, they abused us with bad words.

My friend told me that the police appeared shortly after the goons arrived on the scene. The police came inside and asked the goons to go away without taking any action against them. The corporator Mohan Padil also came into the house with a second group. As a corporator, it was his responsibility to stop the attacks, instead he was encouraging others outside to shout slogans against us.

During the attack, there were two or three camera men covering it and some other persons were using their mobile to take videos. Sharan of Sahaya TV knew beforehand of the attack and came with the group. Sharan was also there in the pub attack. Sharan was with the goons for a long time. During the attack they shouted slogans like 'Bharat mata ki jai'. I did not know who the attackers were, but the police told us that they were Hindu Jagarana Vedike activists.

If the media had not been there, the goons would certainly have raped the girls. After the incident we gave a statement to the police. My signature was taken on a blank sheet of paper and then an FIR was prepared some of whose points I don't agree with. Those arrested were the ones who attacked us.

After the attack, two of the cops got hold of me and hit me. One policeman slapped me hard for not giving my name immediately. We were kept in the police station till 1.30 am, while those who attacked us were let off immediately. They arrested the attackers later only after seeing their pictures on TV.

Gurudutt and I have been active in protesting what happened in the attack and have spoken in a number of meetings and participated in rallies against this form of attack.

Gurudutt Kamat (Vijay Kumar's friend)

I had gone to the Morning Stay Guest House at 2.30 p.m. for Vijay's birthday and my other friend's birthday. The caretaker had come there. After completing all the work in the house, he went away. At around 3.30 p.m. after the cake had been cut, Vijay and I went out. My mummy had prepared chicken. We went to fetch it. We reached the home stay at 5 p.m. After keeping the food inside, we chatted for a while and at around 6 p.m., I went to Padil to fetch some Bisleri water because we had no drinking water. When I returned the police jeep was also there. I went and asked what had happened. Suddenly 4 to 5 people caught hold of me. They pulled my chain and beat me up. "That is my chain" I said. They shouted at me, "Why do you need that chain?" and took me inside. I didn't know what was happening. "Sir, he was in that party", they said. The police were there at that time. "Yes, my friend's party", I said. When I went inside everyone was shouting, "he is a Muslim, he is a Muslim". "I am Gurudutt Kamat" I said. All the young people were crying inside. The inspector came, the commissioner also came. They took all our names. At around 7.30 p.m. they put us inside the van and took us to the police station. When they brought us outside the room, the police asked us to cover our faces. "We have not done anything wrong, we will not cover our faces". I said. They abused me, forcibly made me cover my face and made me enter the van. We were in the police station till 1.30 a.m. in the night.

They took us to Wenlock, put medicines on our wounds and sent us home. When the police arrived the attackers were beating us. But the police did not catch them.

Jaison Lobo

It was around 6.30 p.m. and we were chatting. My friend said, "Around 30-40 people are coming this way, they are carrying cameras." When we went to see who they were, they started chasing us. We ran and hid in a room. We heard sounds of beating and shouts like, "Beat them, don't let them go." They latched our room from outside. We called the police control room. The call went to Bangalore. It is a very long process. I cut the call, phoned my friend and asked him to call the police. I heard a girl crying, "Don't hit me. It is my birthday party." I also heard the sound of beating. After half an hour the police came and opened our door. They kept us in a room. I did not see those who had been beating my friends. After I came out, the attackers asked us, right in front of the police, "Are you Hindu or Muslim?" "I am Christian" I replied. The attackers had blades in their hands. When my friend raised his leg to protect himself, his leg was hurt. At the police station they made us wait till 11 p.m. Then they asked us for our addresses and names.

Avron (A friend of the victim)

I had been invited by my friend Vijay for his birthday party. I started off late from my home and I was also not sure about the place. However I was able to find it. When I went there I took some Pepsi and Coke with me for the party. When I reached the place, an Alto car and a Scorpio arrived there. Some people climbed out of the car but I did not know them. They did not look like they belonged to my friends' group. I was a little alarmed when I saw them. They directly entered Morning Mist. By then I saw one of my friends come running out of the house. He was so frightened that he dashed against the neighboring compound wall, jumped over it, hit against an Omni car and ran out of sight. In a short time (within three minutes) a police jeep arrived there and stopped by the gate of the house. There were five to six police men inside. The police jeep (car) had been shown the way by an YBX Yamaha black bike. The bike was in front of the jeep. They stopped the car and entered the compound. The youth on the bike told them in Tulu, "They are inside", and he entered Morning Mist. With none of the anxiety normally shown by those who are going to rescue somebody, the police casually went and stood outside. Then they slowly entered the building.

I was outside the house, my friends were inside. I was scared and alarmed. But if they knew that I had come for the party, that big group would attack me as well. I stood outside helplessly. After half an hour another group of police arrived in a Tavera. They too did not enter the house immediately to give their help. They were standing outside. Then they slowly entered the house.

The members of the Hindu Jagarana Vedike who were inside the house came out once to shout cries of victory, 'Jai Jai!' The police was also with them. The police was quiet as if

they were supporting them. They were shouting as if they had won some victory. Then two more police vehicles arrived there. Hearing their noise and shouts of victory, the people of the neighborhood started gathering there. It was getting dark but I did not see any of my friends coming outside. But when the police commissioner arrived, everyone there said, 'Give way, give way' and led him inside. By then the Jagarana people inside started running helter skelter. I could not see them bringing my friends outside.

I did not see the police arresting anyone. I also did not see them taking action on anybody who was there. Then I got on my bike and went home. I felt bad about the fact that I could not help my friends who were inside.

The police did not seem to be either controlling those Vedike people, nor did they seem to be interested in regulating those over- excited people. I did not see what was happening inside. To my eyes it seemed as if the police was supporting the Vedike people. It's very sad, very depressing.

Kumuda Kamath (Gurdutt Kamath's mother)

Gurudutt is my son. That morning my son told me, "Today is Vijay's birthday. He is holding a party and I am going to the party." I gave my consent. I know my son very well. I know how I have brought him up. He has completed his MBA. When he said that he is going to the party, I said that I myself would drop him there. I went and dropped him at the party. I observed the situation there. There were girls there. The time was between two and two thirty p.m. I am not too sure as to the exact time. But those girls were wearing jackets and trousers. They were not dressed in the way the TV depicted them. Wasn't the girl who was slapped dressed in a proper manner? The girl who was wearing a red dress on TV had an overcoat when I saw her. The dress also had a strap which must have been cut or pulled by the attackers. (Reference is to the TV footage of the incident)

My son told me, "I will return by 7 or 7.30 p.m. At the most it might be 8 o'clock." By then we got the news. My son does not have the habit of taking drugs or alcohol, nor does he smoke cigarettes. He does not drink. I will vouch for that. That the girls were molested by the Jagarana Vedike deeply grieves me. I have no tension with regard to my son. He is a boy. But the fact that the girls were molested deeply pains me. All my son's friends are good people. All of them come from good families. Some of the friends are in business. Some are students—all are known to me. They come home and have tea. If I had met them only a few times I would not have known them well. But these are very good people.

When I went to the commissioner, he said, "Going to the media is your personal matter. But we will continue with the investigation. We will give you justice. We will definitely catch those attackers. They have done a big mistake."

The parents of all the children were there. They said, "We must pursue this. The girls have not done anything wrong." I said, "It is for your sake that we have appeared on TV. Mine is a boy. Appearing on TV created a lot of problems for us. I have no fear. Everyone has to die

one day. Let me die for having done something good. I am not afraid of any accusations. I have not done anything wrong.” The opinions of others were also similar. They said that if the girls appear in public, it will create problems. If necessary we will appear in public. Let us call the men from the newspapers and hold a meeting. We will not expose the children to the public. But we will come.

A parent of one of the victims (Vijay Kumar’s mother)

I am an anganwadi teacher. Vijay is my second son. He has completed his PUC and is a DJ now. On that morning he went to the Marigudi temple and after returning, he told me that he was giving a birthday party. I asked him, “Where?” He said “We are celebrating in a room booked in a house”. I agreed. You know that anganwadi people have a lot of work. In the evening when I was cooking, an acquaintance came over and said, “Look, someone is hitting your son. Go and get him released.” I went and switched on the TV. I saw my son being beaten. The person who had come said, “Aunty, it is better if you go to the police station and get your son released.” I said, “Only if someone has done something wrong he can be punished. He has not done anything like that. He is saying that it is birthday. Yet they are hitting him.” I did not know what to do. When I tried to call him, his phone was switched off. I called others. The calls were not reaching anyone. Under the force of the thrashing, his mobile must have flown somewhere. As I was wondering what to do, another son of mine came home. At the same time Vijay telephoned me. He said, “Mummy, do not worry. They have left us now. They hit me thinking that I was a Muslim.”

Only I and my younger son were at home. It was late when my husband returned home. We could not go to the station. Finally, Vijay came home. Thinking that we would be frightened, he did not tell us anything. But they had badly beaten him up.

Parent of “A” (female victim)

Even last year she had gone somewhere and celebrated her birthday. This year too she said that she would celebrate it outside. I was not sure where. I had always taught her to live boldly. She is very daring.

That day a family friend telephoned me with the news of the attack. I immediately ran to the police station. If anybody else had been in my place, they would have hanged themselves. She said that she had jumped from the balcony. Then she even jumped over two or three compound walls. Then she ran down. They dragged her and brought her inside. Her feet have been injured by the stubs of plants. She has been hurt in a hundred different places. I am trying to forget this. Everything is being done to save the BJP.

“If anybody comes to your house, bring it to our notice”, the Commissioner of Police has told us. The girls are all known to us. They are like innocent flowers. My daughter always tells the truth. Now she is going to college. She needs a little change. I have brought up my daughter to be open. The boys at the birthday party did not do anything to the girls. Everything was done by the Hindu Jagarane Vedike. Now we do not watch television. She

faints every time the TV is switched on. When she hears the telephone, she is frightened. Therefore I have disconnected the phone. Even now she is running a temperature.

The birthday party of the girls was separate from that of the boys. My daughter has got 60 to 70 certificates. Such a talented girl has been beaten by men who have studied only up to the third or fourth standard, Who gave them this authority? Even parents do not hit their children nowadays. I feel like giving up this religion. This kind of incident should not happen in future. If her life had been in danger, who would have been held responsible?

Parent of B (female victim)

We have brought her up to be a bold person. She had gone to her friend's birthday party. "Give her a gift", I had said. She had telephoned from college and said, "I am not feeling well. I will not go to the party." I had said, "It is close to the college, finish the birthday party and come home." Otherwise she would have to go again on Monday to give her a gift. She agreed to that. She said that it would get over by 6.30 or 7 p.m. I said OK to that. We were waiting for her call. Her father was waiting with the car keys in his hand, watching cricket. By then we received a call from her friend's house. "Your daughter, problem, problem" they said in fright, "Do you know anything?" By then someone else called and asked us to switch on TV-9. We switched on the TV. We were shocked. Our daughter had gone after having informed us. She had told us that she would return by 7 p.m. "Why should I have run away? I have not done anything wrong" she said. "They were dragging back those who had run away. That is why I did not try to escape." They brought every one inside. She asked them what is happening. That is why they slapped her. They tore off some of their jackets and did all sorts of things to them. The girl celebrating her birthday and my daughter were classmates in Sharadha college. That is why I insisted that my daughter should attend the birthday party even though she was not very keen on it.

The girl and the boy celebrating their birthdays are friends. My daughter returned home and said, "I have not done anything wrong. I cannot bear to see my father's face. My brother is there for you, give me some poison."

Because of the force of the slap her ears are still hurting. They have said that it needs four months care. The doctor's certificate says, "left ear mild to moderate conductive hearing loss." She continues going to college. The entire college has supported her. She is comfortable in college. They have said that they are on her side. Her principal had even come home.

They will all definitely come out on bail. Everything isailable. You must try for speedy trial. Children go to all sorts of places. We do not hit our children. Who are these people to hit our children? Is it cultured to undress somebody?

Testimonies of Media Personnel

In this incident the media has played a crucial role. Media personnel were present at the time of the attack and in fact recorded most of the incident. There were at least three media persons at the scene of the incident. Two of them were there due to a tip off while the third person was there due to a direct call from the perpetrator, Subash Padil. The following section documents the way the media persons perceived the event that they recorded.

Naveen Soorinje, Reporter, *Kasturi News 24* (Kannada News Channel)

On the 28th of July, 2012, at 6.50p.m in the evening, a youth who is my news source called me. He is a resident of Padil. All that he told me was, “Naveen anna, near the timber yard at Padil Junction around 30 men have gathered. They were asking the group members to keep their motorbikes ready. I think they are planning to attack the guest house located in the hill at Padil. I heard them saying ‘Muslim boys and Hindu girls.’” I asked him to find out to which organisation the men belonged. All he knew was that they belonged to some Hindu organisation though he was not sure as to which one. The immediate thought that crossed my mind was- “Should I inform the police right away or not?” I had no information as to which organisation was making the attack. I also did not know who was going to be attacked for what reason, and the place at which the attack would take place. The information I had was very basic. If the members of the organisation themselves had called me, I could have informed the police. As I had been given the information by my news source, I thought I would inform the police only after confirming it. Coming to this decision, a cameraman and I set off to the guest house at Padil on our bike. In a very short time my cameraman and I reached the guest house/homestay named ‘Morning Mist’ located on the hill in Padil. None of the assailants were present at the spot then. We stood outside for five minutes unable to understand why anyone would plan to attack that particular Home Stay which is located half a kilometer away from the Highway cutting through Padil. The building is surrounded by a tall compound wall on all four sides. It has only one gate and the bungalow is located about sixty meters inside the gate. I stood near the gate and scanned the bungalow and its premises. There was nothing happening there and there seemed to be no reason for an attack. A girl was sitting outside on a chair in the veranda and two boys were standing at another corner absorbed in playing on their mobiles. They were not indulging in any activity which could be considered illegal. There was nothing there which could provide a reason for the assailants to attack. That is the reason why even at that point of time I did not think it was necessary to inform the police. If the information I had received was wrong, then I would be giving this wrong information to the entire police force. It might also lead to the harassment of those within the home stay by the police. It was because of these doubts that I did not contact the police at that time. As I was thinking of these things, I saw a group of over 30 people marching towards the homestay. It was around 7.05 p.m. at that time (we did not record it on our camera). Out of curiosity I asked them, in Tulu, “What

is the matter? What is happening here?” Immediately one of the youth replied “Muslim men have brought our Hindu girls to this place. We should not let them go scot free.”

I asked, “Are you from the Sri Ram Sene?”.

They replied, “ No, we are from the Hindu Jagarane Vedike.”

By this time some of the other young men in the group were pointing to the girl sitting outside and saying, “Look there is the girl and there are the guys...”. Saying this they started running towards the girl readying themselves for attack. The girl, who realized that the group was going to attack her, ran inside the bungalow and tried to close the door, unsuccessfully, for the group of around thirty had managed to run to the door and open it before the girl could close it completely. The time was exactly 7.12:38.

At that point I became fully alert. Immediately I made a call, from my official number (+91 9972570044), to Ravish Nayak, Inspector, Mangalore (Rural) on his number +91 948085330. That must have been around 19:15 hrs, but Ravish Nayak did not receive my call. The assault had just begun. Not knowing what was happening, the girls started running helter skelter in fear failing to make any sense of the situation. The police personnel were not receiving the calls that I was making. Not knowing what else to do, I asked my friend Rajesh Rao, correspondent of TV-9, to call police Inspector Ravish Nayak. However Ravish Nayak did not receive the call made by Rajesh Rao.

While I was trying to get in touch with the police inspector, the cameraman started running behind the assailants and recording the action. By then we were joined by the cameraman of a local TV Channel, Sahaya TV, named Sharan and a photographer named Vinay Krishna. I was a mute witness to all that was happening there, feeling guilty at not being able to do anything. Over 50 per cent of the assailants had consumed alcohol, and were not in a position to listen to anything that I said. Many types of violence might have been perpetrated in this world. But never in my life had I seen such violence. My cameraman was running wherever the group was attacking individuals. I was watching it and screaming and requesting, “don’t hit the girls.” My request could only be recorded by the camera but could not touch the hearts of the assailants. The only response of the attackers was to tell me to focus the camera on the girls and not on them.

The boys who were attacked were pleading, “Please leave us. We are only celebrating a birthday party, Please...” and were falling at the feet of the assailants. But the minds of the cruel assailants did not melt. If it were to be limited to just this, probably I could have forgotten the incident. But I saw something more disgusting and more horrible.

The girls who saw four of the boys being trashed were shocked at the sight and ran in all directions. Some of the assailants started chasing these girls inside the bungalow. You may not believe me but one of the girls jumped down from the first floor. She was caught by nearly 20 assailants who began to pull off her clothes. They slapped her and pushed her to the wall. By then another girl started running. The assailants who caught her literally stripped her. Leaving her with only one piece of clothing the assailants deliberately molested her body. This sight sent a chill down my spine. Never in my life had

I seen something as horrific as this, though I had heard of such things. These scenes could not be made into visuals for the news. Very little of what happened there could be shot on camera. However, the way the assailants were manhandling the girls, if the news cameras were not present, I shudder to think how much further they would have gone. Some of the assailants were shooting the scene of the rampage with their mobile phones. Afterwards, all the boys and girls partying in the house were locked up inside one room. All this happened at lightning speed. At the most it must have taken about 15 minutes.

Shocked by the events inside, I had stepped out for a breather. I saw Mohan Padil, the area Corporator, talking to others in the group of aggressors in the compound, right in front of the house. After the assailants had completed one stage of their planned action, Police Inspector Ravish Nayak, Police Sub Inspector Munikantha Neelaswamy and their police constables arrived at the spot. The time then was 7.25 p.m. Whenever the police is called to attend to a group that is unruly, it arrives carrying lathis. But this group of policemen did not carry a single lathi. It appeared as though the police had had previous contact with the assailants. For over half an hour the police were immersed in conversation with the assailants. I was surprised that the policemen instead of arresting the attackers were conversing with them. Even the Corporator Mohan Padil was part of the group, apparently taking pride in the actions of the assailants. While they were conversing, one of the boys who had been present at the party tried to escape but was caught by the police. The assailants thrashed this boy in the presence of the police.

By then many more cameramen had arrived at the spot. My cameraman and I returned to the office and uplinked all the visuals to the Bangalore office. At 7:45 p.m., the visuals were ready and the news was aired. Within no time the visuals on our channel were being aired by national channels, and thus the incident became national news. Angered by this, the city's Commissioner of Police Seemanth Kumar Singh called my friend Rajesh Rao of the channel TV-9 who then was with me. Rajesh put the call on loud speaker and I could hear what Seemanth Kumar Singh was saying, "Why should Naveen report the incident? Doesn't he have sisters? Does he not hit them? Does anyone show that on TV? I will teach him a lesson. He has said that there is Taliban culture in Mangalore. He compared this incident to the Assam incident. This time I will not leave him. We will fix him. He may have any number of influential friends. But I will definitely fix him." It was clear from the words of Seemanth Kumar that to him, there was nothing wrong about attacking the boys and girls, but recording it on camera and reporting it was a crime.

On the morning of July 30th, I received yet another shock. Those whom I tried to support through my reporting had given statements against me at the Mangalore Rural Police Station. I knew for sure that the boys and girls who had been attacked had not given those statements out of their own volition. I believe that the boys and girls had heard me requesting the assailants not to trash them. By evening my doubt was cleared. Speaking to the media, the attacked boys and girls said, "We haven't registered a complaint against the media. They have stood by in our support." Mangalore (Rural)

police has filed a case against me under the Indian Penal Code and Unlawful Activities Prevention Act. The police have arrested many of the assailants with the help of our visuals. I firmly believe that we have reported a questionable incident, but not questionable visuals. The 28 July incident at Mangalore is not a stray incident. Such events occur here regularly every week. Fundamentalists not only attack a Muslim boy who is seen with a Hindu girl but also take them to the police station and give them up to the police after attacking them. The police call the parents of these 'lovers' (friends) and warn them. If I had not shot the visuals of the girls being assaulted, the police would not have accepted the fact that the assault had happened. This has been the case in many such incidents in the past.

Our recording has revealed the cruel face of those who are communal and has led to the arrest of many of the assailants. Regardless of what anyone might say and regardless of any case filed against me, I believe I have done my duty as a reporter and given justice to my society. That is the only satisfaction, now, for my wounded mind.

Rajesh Srinivas, Cameraman TV 9

I have been working for a year for a Kannada news channel. I received Naveen's call on that day. He had no lights with him, so he called me. I took my lights and camera and went to where he was. I too went inside. A girl was on one side. Another was chatting. When the group came in, the party-goers started running in fear. One girl started screaming and running into the basement. I too ran. I couldn't see anything and I fell. I came up. There were about 25 people there. I do not know how many people were outside. They were dragging a boy from upstairs. He said that it was his birthday. "Is this the only place you found to celebrate your birthday?" they asked and started abusing him. "A girl has jumped down", they were talking among themselves. They brought in a girl and said that she was the girl who had jumped down. They dragged her inside. When they were dragging her, she fell over the steps. Another girl's dress had fallen down. One of the attackers was trying to make her show her face. She did not allow him to do that. They pushed her inside a room. There was a pillow and bed sheet inside the room. Two of the girls held the pillow to their faces and one of the girls covered herself with the bed sheet. They pulled the bed sheet away. They also pulled away the pillow. Then one of them said "do not trouble them in that manner." I do not know who he was. When they were beating the girl, I screamed "don't beat her". The girl fell under the impact of the beating. When she got up, he pushed her around saying "How many times should you be told not to come here?" On the one hand I was feeling bad. On the other hand I was shooting it on camera. Naveen was outside. They brought those who had run to the left, those who were at the entrance and those who were inside, all together in a room. "There are still others. Bring them all here" they said. Then the police arrived. The police caught two of the boys who had been beaten. Then I came outside. Mohan Padil came and said "A case will be filed against you" to the very boys who had been beaten. After that I did not go inside. In 15 minutes Ravish Nayak came inside. He was talking very casually. If he had spoken seriously, they would have run away in fear. The police closed the door and

beat those who had already been beaten up. The police did not touch any of the attackers. They closed the door and asked the attackers to go outside. Another of our cameramen and reporter arrived there. I followed them. The police did not try to arrest anybody.

Sharan, Reporter with Sahaya TV, Local News Channel

I took my team along to cover the incident after I was told by Subash Padil that they were organizing a protest in Padil and to come quickly. Subash Padil also told me that he had informed the police about the action. However if I knew that it was going to turn out like this, I would have also informed the police and information departments. Actually, they had no intention to attack. They only wanted to show the police and the media about how such parties are held commonly and what happens in these parties. This place had been booked for two days and food had been ordered for thirty people. If they had waited for a little longer, drugs would have started.

Subash Padil told me that it was a public protest which we should cover. When I came to the house, I realized that it was going to be a raid on a party which I thought would have Hindu women and Muslim men and that there would be alcohol and drugs.

Increasingly, girls from north India are coming into Mangalore and mix with south Indian girls who are then spoiled and start following the north Indian girls' behaviour. Subash, Ganesh and Sharad as per my knowledge are from the Hindu Jagarana Vedike. The others I have never seen them before and I don't know. Subash, Sharad and Munna are now in the Hindu Jagarana Vedike, before that they were in the Bajrang Dal, and before that they were in the Sri Rama Sene.

The police have filed a case against me under Sec. 188 (requirement to inform the police if crime is being committed). I did not inform the police because Subash Padil told me that he had informed the police.

Sadhashiv Das, MD of Sahaya TV

There have been two contrary opinions about the incident. One opinion takes the side of the women who were attacked and demands: 'Who are you to question the women's behaviour and clothing?' The contrary opinion was expressed by Prasanna Ravi of Mahila Jagrithi Vedike who said that parents should control their children's clothing and behaviour in order to prevent such incidents. In my opinion, Ganesh alias Munna, the one with the black T-shirt, made a big mistake because he hit the girls badly and put his hands on them. Such people should be banished.

Yet I personally feel parents should take precautions when their children go out and come back after a party. They should ask about where they went and who they were with and thereby instill some fear in the minds of these children. The parents' role is primary, so that such happenings can be prevented. The issue of dress code is important and it

applies to both boys and girls. For example, boys wear T shirts with wide open necks showing a lot, with the purpose of attracting girls. The clothing should not tempt people of the other sex. Instead girls should wear salwar kameez, churidar etc.

As for celebrating birthdays, it is okay so long as it is done in restaurants but not in closed places like homestays. In this party there were no birthday cakes or candles, only beer bottles. Besides, the girls went there in uniform and then changed into party wear.

I feel that Hindu Jagarana Vedike should have taken their woman activists along with them and then informed the police after locking up the occupants inside. Many people don't trust the police, so the Hindu Jagarana Vedike assumed charge in this matter and let the police enter the scene later. When the police came, the Vedike activists should have handed the boys and girls over to the police. They had to stay there because there is no faith that the police would act in their absence.

Such birthday parties take place regularly in Mangalore. Some policemen often support these parties because they have an understanding with homestays, many of whom do not have a license. One of the girls found in the party was a Lokayukta policeman's daughter. For this reason no action would have been taken against people in the party if Hindu Jagarana Vedike had not been there. When the police came, the attackers stopped the attack. Our videos were used by the police to nab the attackers.

Responses of organisations professing Hindutva ideology

Though the attack was carried out by the Hindu Jagarana Vedike activists, it's important to note that other organizations which are part of the Sangh Parivar were vociferous in their support of the objectives of the attack. In this section, we document the responses to the attack from four organizations/ platforms, all of which are part of the Sangh family.

Hindu Jagarana Vedike

While we tried getting in touch with Satyajit Surathkal, the District Co-ordinator of the Hindu Jagarana Vedike, he did not respond to a request for a meeting. The state head of the Hindu Jagarana Vedike, Jagadish Karanth, however gave a number of statements to the press, which provide us an inkling of the motivations behind the attack. Karanth gave an interview to TV-9 on 1 August, 2012, in which he stated:

These incidents happen over a period of time in Mangalore. Mangalore is in the grip of the drugs mafia and the district administration is under them. People in Padil have complained a number of times, but the district administration has taken no action. People condemning this attack should note this. Because of this, people begin to think that even respectable girls walking on the streets in Mangalore go to discotheques and dance. The people of Padil were very angry and their anger expressed itself on that day. It is true that the leadership was provided by Hindu Jagarana Vedike activist Subash

who is from Padil. It is a tragedy that Mangalore has come to a state when people have to take the law into one's own hands. We are not the right people to decide whether it is right to take the law into one's own hands, the persons to make that decision are the local people. What was happening in that incident was a rape of culture. It's the local people who are protesting against this uncultured, uncivilized behaviour. This incident is not about 'taking the law into one's own hands' but rather the anger of Padil's people due to the failure of the police. Semant Kumar Singh, the Police Commissioner, as well as the entire district administration is responsible for this incident. In the attack, there was no banner of Hindu Jagarana Vedike, and the Hindu Jagarana Vedike is not responsible. The ones who expressed their anger were local persons. There were one hundred and fifty women in the attack as well and Hindu Jagarana Vedike does not have women members. I have received no information that those who attacked were members of the Hindu Jagarana Vedike. The images which I am seeing on TV, I don't know if it is real or doctored images.

Spokesperson for the Jagruthi Mahila Vedike

(She asked us to meet her in the BJP party headquarters in Mangalore.)

This platform (Jagruthi Mahila Vedike) was set up after the home stay attacks as it makes sense to speak from a platform as opposed to speaking as an individual. With regard to this incident, I am not against the girls who were attacked, I say the attacks were wrong, but we need to see this in a wider context and understand what are the causes which led to this incident. In many such other cases, where parties were raided, we had evidence of a drugs mafia at work, abduction of girls and rape. The media is ignoring other cases of ordinary women who were the victims only because they were not westernized and belong to poorer sections of society.

Beating the girls was wrong, but partying is also wrong, and one has to think what would have happened if the girls stayed over at night. It was not a birthday party that took place in the homestay on that day. Two of the girls were studying in PUC and came in uniform and changed into party wear in the house itself. Two of the boys were mature and were DJs, yet the media reports that they were students. One of the boy's mother has a case against her and the boy is not from a good family. There were eight boys at the party, but why is it that only two have come before the media?

Why party in the homestay which has all these bedrooms when you can party in a restaurant? The party is an excuse to make a CD of the children. So it was not a students' party but a party where they gathered for their enjoyment. There was no cake and the fridge was full of alcohol. One has to ask how the boys came to know the girls as the girls were students, but the boys were not and were working as DJs. If the attack had not taken place, even worse things would have happened as the homestay was booked for two days. If that had happened, who would have been held responsible? Nobody has the right to beat up girls, but what about the situation after the party? Drunken boys after all

cannot be controlled. Parents often don't know about such things that the girls do outside. People should talk not only about such attacks on parties but also about drugs and alcohol that are common in night parties.

Why should girls go to night parties? Many of them are freshers who get easily spoiled. Mangalore is safe for studious girls as they don't get attacked. There are plenty of women who work late at night and feel safe here. Businesses in Mangalore have not been affected due to such incidents. It is when women go out at night for enjoyment and attend parties that they are attacked because boys get news about such parties. There are plenty of other parties that are not attacked. These parties for enjoyment are only an excuse for drugs and sexual blackmail. Why did the media not enquire about such things? Inquiries about whether such places have licenses should also be done. The National Commission for Women's team that is here is not willing to make such inquiries.

If it was a party, why did the girls get into revealing clothes? What if a CD of the girls had been taken and used against them later for sexual blackmail? Beating the girls was certainly wrong, but the boys who attacked wanted to protect the girls from rape, drugs and sexual blackmail. It is for this reason that they took the media with them. Their intention was not to attack. Only one girl was slapped hard because she spoke in English in a rash manner, the boy did not understand and thought that she was abusing him and slapped her. It is not fair to condemn the whole group for the acts of a few. After all, five fingers in a hand are different.

The group that attacked the girls and attacked the party mostly consisted of locals who were fed up with the goings on in the homestay and had repeatedly complained to the police but no action had been taken. Hindu Jagarana Vedike was not involved in this attack except for Subash Padil who is a local who happens to belong to Hindu Jagarana Vedike. In fact Hindu Jagarana Vedike does not have any cases against them, they are a very good organisation doing good work.

When the police don't do their job, then we ask the media who approach the Hindu Jagarana Vedike to intervene, since girls feel subdued by Hindu Jagarana Vedike.

A spokesperson for the VHP and various Sangh Outfits

For the incident, Subash Padil assumed leadership of the group which carried out the attack, but the attack was not carried out under the banner of the Hindu Jagarana Vedike. Satyajit, who is the leader of the Hindu Jagarana Vedike in Dakshina Kannada, did not know about the attack and came to know about it through the TV. Subash Padil is also a leader of the Hindu Jagarana Vedike. The Sree Rama Sene has nothing to do with the Sangh Parivar as it is a breakaway group, though motivated by the ideology of Hindutva. Sri Rama Sene is not accountable, but we are a responsible organisation and function according to our role in the hierarchy.

RSS has been in this region since 1960's. Bajrang Dal and Hindu Jagarana Vedike have been active in this region for twenty years. The Hindu Jagarana Vedike's main mission is to stop religious conversion.

Mangalore is becoming a drug hub. The drug habit often starts with children when they are 15 or 16. They go to pubs at 11 am to drink and smoke. Naturally, when girls also go to such pubs, it leads to sex. This should not happen and the girls should be protected since they are the mainstay of the family. Boys should not drink either, but they cannot be easily controlled, so though we say that, we can't enforce it.

No drugs were found in the homestay during the attack, but drugs would surely have followed after sometime, when everybody was drunk and smoking. The raid involved a large number of local people, including women. There were also a few members of Hindu Jagarana Vedike. The raid became a big issue, because the media made a big issue out of it. The media have no other business here except to play up such minor issues. It was an unfortunate issue, but the girls went in college uniform and changed into a party dress there. The boys were not students, they are DJs.

Hindu Jagarana Vedike is directly responsible to RSS. VHP is also responsible to RSS. VHP's youth wing is Bajrang Dal whose members use violence to keep girls in control and also to rescue them. They also check the illegal movement of cattle. These are the two issues of Bajrang Dal. We endorse the methods of Bajrang Dal as it often becomes necessary to use violence when the police fail to take action.

The intention of the boys in using force was to stop such things. Hence it was necessary to show their face. The girls were half naked and the boy was in underwear. The locals allowed him to wear his pants. The girls were not sexually molested by the activists but were lifted up by force since they were resisting and carried into another room. It was not a big incident, only two slaps were given to the girls, it can be forgotten easily. It is only one slap which has been shown 5000 times.

The locals had complained about the homestay regularly since it was bad for the neighbourhood. To hire such a house with bedrooms for a birthday party is shocking.

We are determined to stop drug parties. We are also concerned about the disappearances of girls under 'love jihad' in which Muslim boys are involved. The ex-mayor Ashraf's son is one example. In ganja trade, there is 100% involvement of Muslim boys. In the homestay party, the Hindu Jagarana Vedike got the suspicion that Muslims were going to turn up later. Usually, such parties have Hindu girls and Muslim boys.

Both our organisation and Karnataka Forum for Dignity, now Popular Front of India, don't want this mixing of communities. We are also violent but it is nothing compared to KFD. KFD tried to kill me twice, they are ferocious terrorists. Franklin Montero's Rashtriya Christian Vedike support us in this fight against drugs. In Kerala, Hindus and Christians have come together to fight 'love jihad'. 'Love Jihad' happens when Muslim boys bribe Hindu girls with jewelry, sexually blackmail them and take them to Ponnani in Kerala and get them converted into Islam. Hindu girls are taken away to Kerala once and for all.

Thanks to our campaign, inter religious mixing of boys and girls has practically stopped in Dakshina Kannada. We don't mind conversion to Hinduism but there are so few. Our society will not allow women to go about as they please. The girls who were attacked are not in a state of shock. The pub attack has not affected the intake of students in educational institutions.

Bajrang Dal

In a press conference in Bangalore, Bajrang Dal State convener B. Manjunath defended the 'homestay' attack at Padil near Mangalore, stating that such attacks were "inevitable to safeguard Hindu culture". Mr. Manjunath was reported as saying that, "We condemn the assault on women, but such attacks become inevitable to safeguard Hindu culture." According to Mr. Manjunath, "the attack on the 'homestay' was no different from parents disciplining their children or teachers admonishing their students." However, when asked who gave the attackers the authority to admonish or discipline others, Mr. Manjunath had no answer. (The Hindu, August 21, 2012)

Response of the Police

The visual as well as eye witness testimonies indicate that when the police arrived at the scene, they did not take any immediate action against the perpetrators. In fact, the visuals clearly show that Inspector, Ravish Naik, instead of arresting the perpetrators, ushered them out of the house.

It was only when the images of the attack were beamed around the country that the police finally acted. The police have filed an FIR under Sections 143, 147, 148, 448, 341, 323, 324, 504, 354, 395, read with Sec. 149 of the IPC, at 9 pm on 28.07.12, based on a complaint by Vijaykumar. The FIR also registers offences under Sections 13(a) and 13(b) of the Unlawful Activities Prevention Act 1967 as well as Section 2(a) and (b) of the Karnataka Prevention of Destruction and Loss of Property Act, 1981. The FIR was filed at 9 pm on the day of the attack, based upon a complaint by one of the victims which outlined offences related to theft, criminal intimidation, sexual molestation, trespass as well as causing simple hurt. The complaint also identified twenty seven accused and specifically stated that the accused were from the Hindu Jagarana Vedike and other Hindu organizations. Based on the complaint, over a period of a few days, the police have made twenty two arrests, including that of the main protagonist, Subash Padil of the Hindu Jagarana Vedike.

In a press conference held on July 30, 2012, the Commissioner of Police Seemant Kumar Singh made the point that the attackers were cowardly people and that they would not have dared to attack if even one constable was there. He also observed that if there was proof of even one police person being there at the scene of the attack, he would take action against them. He specifically stated that it was not a rave party but a birthday party where the attack happened. He observed that if the police were at fault, he would take

action against them. To many other questions, he responded that the investigation was underway and would take its course.

Analysis of the Birthday Party Attack

Findings as to facts

What clearly emerges from the above interviews and testimonies is that what was going on was a birthday party which was attacked by self-proclaimed Hindu Jagarana Vedike activists. The attack was sought to be justified on the grounds that there were drugs in the party and it was insinuated that the objective of the party was sex. Further, the attackers sought to justify the attack on the presumption that there were going to be Muslim boys in the party.

However, there was absolutely no evidence that there were drugs in the party, and as for sexual activity, it was a figment of the imagination of the attackers. It is also disturbing that according to the attackers, the (imagined) presence of Muslim boys justified the attack. The constructed logic of the presence of Muslim boys as a justification for the attack provides us a clue into the larger politics animating the attackers.

What pervades the narrative of the attackers was scant attention to the truth and a repeated attempt to build up an imaginary narrative which in their eyes would justify the attack. It is with this objective that the attackers tried to paint a lurid picture of drugs and sex and an overnight party with boys and girls whereas the truth was that the homestay was booked for a few hours, and what went on there was a birthday party.

While the brutal physical assault on young women in the full glare of the media had its precedent in the 2009 pub attack, this time around, the attackers seem to have been further emboldened and proceeded not only to physically abuse but also to sexually molest the women in the party in the full glare of the cameras.

It should also be noted that the claim to defend Indian culture, while seemingly on a high philosophical plane, was actually enacted in a manner which compromised the credibility of the so-called moral agents. The defendants of Indian culture had no compunction about violating the very women they claimed to be defending from an even worse fate. Even as they went about their so-called mission of defence, they did not hesitate to engage in petty theft of gold chains and mobile phones. The reference in the Karnataka assembly to these sexual molesters and petty criminals as Dushasanas and Keechakas was telling and appropriate.

Pinning legal responsibility on the Hindu Jagarana Vedike

The attackers, according to the FIR, were from the Hindu Jagarana Vedike. According to the spokesperson from the VHP, the spokesperson from the Jagruti Mahila Vedike as well as Jagadeesh Karanth from the Hindu Jagarana Vedike, the attackers were all local

residents; though Subash Padil was from the Hindu Jagarana Vedike, he too was there as a local resident of Padil. As Jagadeesh Karanth notes, there was nobody carrying a banner saying that they were from the Hindu Jagarana Vedike. It's difficult if not impossible to say if all the attackers are indeed from the Hindu Jagarana Vedike. These organizations are not registered and do not have a membership roster. There is no proof of their being a member of the Hindu Jagarana Vedike other than a self proclamation by individuals that they are members of the Hindu Jagarana Vedike.

So though the FIR refers to the Hindu Jagarana Vedike, the law only contemplates action against Subash Padil and the other individuals involved in the attack. There are deeper questions as to whether there was a conspiracy to carry out the attacks, and if so, who was a part of the conspiracy? How was the target of the birthday party chosen? Has the Hindu Jagarana Vedike carried out similar actions in the past? Is there a network of informers whom these groups rely upon for launching such attacks?

Probing the angle of a conspiracy hatched by the Hindu Jagarana Vedike members to carry out this attack could also lead to getting the planners of these forms of attack within the net of legal responsibility. In this context, the conduct of both Mohan Padil, the local corporator with the BJP, as well as Ravish Naik, the Inspector, needs to be probed. The complete failure of the elected representative of the area to even protest against the illegal attack, in spite of being present at the scene of the attack, and in fact lending his support to the attackers, is at the least highly reprehensible conduct, and at the most silently complicitous in the aims of the attack.

To take it one step further, if RSS is indeed the mother organisation of the Hindutva movement (as has been acknowledged by a senior functionary of the VHP), to what extent are activities planned by groups such as the Hindu Jagarana Vedike sanctioned as part of the larger project of Hindutva?

It's interesting to note that the FIR does not contemplate any such legal action involving conspiracy to commit such crimes. The fact that there was forethought and planning behind this crime is amply indicated by Suresh Padil calling the camera man Sharan to cover the incident.

The furthest the FIR is prepared to go is to specifically invoke provisions which target unlawful activity, but not unlawful associations, under the Unlawful Activities Prevention Act, 1967. Thus the police action undertaken so far does not contemplate any action against organizations such as the Hindu Jagarana Vedike which arguably fall within the definition of unlawful associations in the Unlawful Activities Prevention Act, 1967.

Hindu Jagarana Vedike, Bajrang Dal and Sri Ram Sene: Between Tweedledum and Tweedledee?

Subash Padil, who in the course of his career has participated in the pub attacks in 2008 as part of the Sri Rama Sene, was with the Bajrang Dal for some time after that, and is now a part of the Hindu Jagarana Vedike. There is a fluidity in the way in which the cadres migrate from one shadowy right-wing organisation to another. What links these various

outfits is their ideological base in Hindutva as well as the methodology of violence employed to achieve their objectives. Sudipto Mondal, a reporter with The Hindu, analyses this strategy of calculated fluidity through the specific history of Subhash Padil, the leader of the assault on the birthday party:

Subhash Padil, the Hindu Jagaran Vedike activist who led Saturday's attack on women at Morning Mist Homestay in Mangalore, was a street-level activist of Sri Rama Sene when he was arrested in 2009 for his role in targeting women at a pub in the same Karnataka city. The ferocity he displayed during that attack — well-documented by television crew — gave him both stature and position in the Sene, which he had joined in 2006. He soon gained a reputation in Mangalore as a ruthless goon for hire, sought after by builders and land sharks.

On May 25 this year, a First Information Report was slapped on him along with contractors and officials of the Mangalore Special Economic Zone for assaulting a family of farmers which opposed land acquisition for the project. Four of them, including two children, had to be hospitalised.

Two days before the attack at Homestay, around 1.30 p.m. on July 26, Padil's followers kidnapped and assaulted a Muslim boy and a Hindu girl who were travelling in a bus from Mudipu to Mangalore. The couple were later handed over to the Bunder Police who, however, took no action against the assailants.

Bajrang Dal leader Sharan Pumpwell confirms that Padil was his rival for political turf and visibility within the Sangh Parivar. They had a heated exchange around 10 days ago when Padil wanted to set up an office in Pumpwell, centre of Sharan's power base. Padil reluctantly agreed to open the office in nearby Shivbaugh instead.

"Since that incident he wanted to prove a point. The [Saturday's] attack was also aimed at sending out a message to rival Hindutva outfits," claims a Parivar insider who did not want to be named.

Padil was just 18 when, inspired by the Bajrang Dal's role in the Gujarat riots, he joined the outfit in 2002, say his friends. "He used to worship a photograph of [Chief Minister] Narendra Modi that he had put up in his house," remembers Sudatta Jain, who joined the Bajrang Dal one year before Padil did.

Role of other Hindutva groups

As has been observed above, though Subash Padil is today in the Hindu Jagarana Vedike, tomorrow he could very well be in the Bajrang Dal, or even become a candidate for election as the MLA from Mangalore representing the BJP. There is clearly a design to support the actions of the Hindu Jagarana Vedike as well as shield the Hindu Jagarana Vedike from the legal consequences of actions carried out in its name by the other Sangh outfits.

As the spokesperson of the VHP made clear, though the VHP, Bajrang Dal and Hindu Jagarana Vedike are separate organizations, they ultimately come under the RSS which is the final authority.

In this case there seems to be a well-crafted strategy to deflect attention from the Hindu Jagarana Vedike. One part of the strategy is the floating of a new platform, the Mahila Jagriti Vedike, with Ms. Prasanna Ravi as its spokesperson, to defend the objectives of the Hindu Jagarana Vedike in the attack.

It is striking that in media interviews, the spokespersons of the Mahila Jagrithi Vedike and the Vishwa Hindu Parishad as well as Jagadeesh Karanth of the Hindu Jagarana Vedike peddle the identical story of the prospect of drugs and sex in the party as a justification for the attack. More important, there is a strategy at work to deflect attention from the Hindu Jagarana Vedike by asserting that the attack was by local residents who were angry. After all, this trumped-up argument of 'the spontaneous anger of the local people' has been repeatedly used in the past as the justification for illegal and planned actions by Hindutva groups right from the destruction of the Babri Masjid in 1992 to the attack on churches in Karnataka in 2008. What is sought to be achieved through this strategic deflection is to ensure that the Sangh and its outfits are not held responsible for illegal actions with all illegal actions being justified as the 'expression of spontaneous anger by local people'.

Role of the Police

There are many questions around the role of the police. It is clear from what Sharan the camera man of Sahaya TV told us that the police knew about the impending attack since Subash Padil had already informed them. The victims' statements about the casual response of the police strolling unhurriedly inside after the attack was carried out indicates either lethargy or the fact that they knew what was happening and were in no hurry to prevent it. Further, the fact that Inspector Ravish Naik did not pick up the phone calls made to his number again indicates either irresponsibility or complicity.

What really is a damning indictment of the police response is their behaviour once they reached the spot. When the FIR filed indicates that crimes as serious as sexual molestation, criminal intimidation, dacoity and trespass were committed, why did the police let the attackers out of the door without making an immediate arrest? Why indeed did the police act as if no crime had been committed when they reached the scene? The casual and friendly interaction, if not camaraderie, between the police and the attackers is testified to by more than one victim and bares a shameful level of police complicity in the attack.

The admission of one of the victims that he was slapped by the attackers in the presence of Ravish Naik is a shocking testimony of the abdication of responsibility to protect and gives the lie to Commissioner Semant Kumar Singh's assertion that if even a constable was there, the attack would not have happened. The witness testimonies of the prolonged and friendly conversations between the police and the attackers after the attack casts grave doubts about the impartiality of the police in the course of this incident. The police have

to answer for the fact that while the attackers were left off, the attacked were again humiliated by the police who took them into custody and made them wait in the police station till almost 1 am at night. The entire conduct of the police in the incident and afterwards gives rise to the grave suspicion that they were complicit in the incident through inaction and allowed it to happen and to allow the attackers to go scot free. It was only the pressure of the adverse publicity generated due to the TV footage that forced them to act. The first arrests were made only after 2 pm at night whereas the footage from the attack was incessantly screened right from 7.45 pm onwards. It seems appropriate to infer that the arrests only took place once the footage of the incident had generated nation-wide outrage and condemnation which could not be ignored any more.

The role of the police in allowing the incident to happen unhindered finds no mention in the FIR. Though the victims' testimony clearly indicts the negative role played by the police, none of what they had to say is recorded in the complaint given by Vijaykumar. In fact Vijaykumar has stated that he was forced to sign a blank sheet of paper which later on was made into his complaint. Therefore the highly suspect role of the police is being attempted to be whitewashed with all attempts being made to protect senior police personnel from any responsibility for the attack.

Role of the media

According to available accounts, Sharan, the camera man of Sahaya TV who covered the Homestay attack, was also present when the pub attacks happened. Both incidents became global events, with the pub attacks launching the career of the Sri Rama Sene and the birthday party attack putting the spotlight on Subash Padil.

What is undisputable is that if not for the media, there would have been no debate at all. The role of the media in making something which was unfortunately a part of the ordinary course of things (in Dakshina Kannada) into an extraordinary event stands scrutiny. What should the responsibility of the media be when they know a crime is to be committed? Do they have an obligation to inform the police?

Three media persons involved have all taken different positions on this question.

Sharan of Sahaya TV took the position that the perpetrator Subash Padil had already informed the police. He also said that if he had known what was really going to happen, he would have informed the police.

Naveen Soorinje and Rajesh Srinivas both tried to inform the police as soon as they realized that serious offences were being committed. From the testimonies of both media persons, it is apparent that there is a difference of perspective between Naveen Soorinje and Rajesh Srinivas on the one hand and Sharan on the other. That difference in perspective translates into very different actions taken by both. Whereas Naveen and Rajesh try to contact the police, Sharan continues filming without taking any preventive action.

There are also ethical questions around the shooting itself, about whether the media persons should have focussed on showing the victims or the perpetrators? Should the

media persons have tried to stop the offences being perpetrated? What should the ethical response have been ?

The justification that has been offered for the shooting is that if the media images were not there, it's unlikely that this would have generated the kind of outrage that it did. If the coverage had not generated national outrage, most probably a case would not have been booked against the perpetrators. If the police casually letting the perpetrators out of the house captures the lackadaisical nature of the police response, what turned it around is the media coverage which ensured that the police were forced to take action against the perpetrators. This is indubitably the case when one examines the history of such attacks in Dakshina Kannada. As the following section shows, on 15.08.2011, Vartha Bharati reports an almost identical attack upon a party by Bajrang Dal cadres where the party goers were again brutally beaten. However, this incident never made it to the national press, as there were no images telecast which could have outraged the public.

As against this, it needs to be pointed out that the already traumatized victims were re-victimised by the repeated and persistent telecast, to a national audience, of the images of the humiliation they suffered. There was a salaciousness and prurience in the way the telecasting focused on the images of humiliation of the young men and women. To anyone with a moral sensibility, the images are so disturbing that a repeated telecast only implies a willful participation in the degradation of the other. What captures the image of the media person as an amoral voyeur and participant is the fact that at least one media person, namely camera man Sharan, did not seem to think it necessary to call the police and was solely focused on filming the entire attack.

There is a need to strike a balance between reporting which highlights the violent and illegal activities of the Hindu Jagarana Vedike and reporting which amorally participates in the humiliation of the young men and women.

Role of the State Women's Commission

What has achieved a special notoriety in the homestay case is the report by the State Women's Commission. After a visit to Mangalore on 1 August, 2012, the Chairperson of the State Women's Commission, C. Manjula declared in the media that the boys attending the party had taken drugs, and may have also tried to mislead the girls. The Chairperson also alleged that the mother of one of the boy victims was involved in a case of trafficking implying that the boy was not from a 'good family'. The Report nowhere names the Hindu Jagarana Vedike.

The observations of the Chairperson are without any basis in fact. The police have not found any evidence of drugs, yet C. Manjula insists that there were drugs. Further, to cast wild allegations against the mother of one of the victims seems to detract from the official mandate of C. Manjula, namely to investigate into the question of who perpetrated the attack on the birthday party. There is an interesting parallel between the statements of C. Manjula and the statements issued by the various Hindutva outfits. The harping on drugs and the possibility of sex even when there is no evidence of the same brings back

memories of Joseph Goebbels, the Nazi minister of propaganda's dictum, "A lie repeated a thousand times becomes a truth."

Role of the State

The top functionaries of the state, namely the Chief Minister and the Home Minister, have condemned the home stay attack and promised stern action against the perpetrators. The Home Minister has in fact promised to invoke the Goondas Act against the perpetrators.

However, this condemnation needs to be measured against actual conduct by the state officials. For, one of the first actions the state announced immediately after the attack was to impose prohibitory orders under Section 144 in Mangalore. According to critics, the only purpose of this order was to ensure that any spontaneous expression of outrage by the students would not happen. This objective was largely achieved as the only protests observed were confined to two college campuses, St Aloysius and St Agnes.

Later Developments

The chargesheet in the case of the attack on the birthday party was filed on 20.09.12. The chargesheet includes the charge of conspiracy under Sec. 120 B of the IPC and drops prosecution under provisions of the Unlawful Activities Prevention Act. The two points to be noted about the chargesheet: Firstly, the failure to initiate any prosecution against the then inspector Ravish Naik for abetment of the said offences. Secondly, the chargesheet initiates prosecution against mediapersons present as part of the conspiracy to commit the said offences. Thus the objective of the chargesheet seems to be to give the police a clean chit while at the same time indicting the journalists equally with the attackers. While the journalists' conduct during the attack throws up issues of ethical responsibility, what is clearly not warranted is criminal prosecution for the various offences committed during the birthday party.

TIP OF THE ICEBERG: COMMUNAL POLICING IN DAKSHINA KANNADA

The attack on the birthday party is unfortunately not an isolated instance. Dakshina Kannada is not a stranger to attacks on young people socializing across religious boundaries. Sadly, the birthday party attack was not an aberration but merely the repetition of an established pattern of attacks, all of which have but one aim: to police the boundaries of the community and to ensure that communities remain isolated and monolithic, incapable of forming the basic social bonds which are the very life spring of a society. Thus, communal policing takes the form of attacks on interactions between boys and girls from different religious communities, attacks on ways of dress and comportment of women within the community as well as attacks on forms of entertainment in which people choose to participate.

Communal policing at its heart is also an attack on the fundamental freedoms of women, seeking to circumscribe and control the autonomy of women. Women within the patriarchal logic of communal policing embody the 'honour' of the community and hence their freedoms are subject to control by any self-styled vigilante group which arrogates to itself the right to protect the 'honour' of the community.

In particular, it is the young women of the Hindu community, who are coming out of the family fold into the wider world of education and employment in cosmopolitan Mangalore, who are being policed in this manner. The policing of the freedoms of young women from a Hindu background, apart from being communally charged, has a strong casteist logic harking back to Manu's stricture on women which perceives women as the gatekeepers of the purity of the caste group. Hindutva's campaign of 'love jihad' is the latest manifestation

of this mode of control of Hindus and Muslims through this fantasy of the Muslim man as forcing the Hindu girl to convert by putting on the sham act of love.

Going one step further, communal policing also seeks to tell people what they should eat and what they should not, what they should sell and what they should not. One particularly vicious form that communal policing takes is for vigilante elements to brutally and grievously attack those who transport cattle as well as those who sell beef. Communal policing also aims to subjugate members of the minority community by constantly trying to attack symbols of their faith. There are also attacks on churches, collective religious prayers within homes as well as harassment and intimidation of Christians on the grounds that they are 'converting' Hindus.

A detailed report card of incidents of communal policing which have been reported in the media has been prepared right from the year 1998 to July, 2012 based on reports in the local as well as national media. (See Suresh Bhat, 'Chronicle of Communal Incidents in the Coastal Districts of Karnataka, 2011') The figures indicate that there have been over 300 instances of such communal policing in undivided Dakshina Kannada ever since 1998.

The break-up of the instances of communal policing is as follows:

Year	Boy/girl inter- actions	Transportation of cattle	Sale of beef	Attacks on churches/ Christians	Riot situations	Other	Total no. of Incidents
1998-2006	5	7	3	2	2	0	19
2007	1	4	1	1	1	0	8
2008	24	3	0	17	0	0	44
2009	43	7	0	3	5	6	64
2010	25	3	2	10	1	19	60
2011	33	5	1	9	0	3	51
2012 till 28/7/12	13	5	3	3	0	9	34
Total	145	34	10	45	9	37	300

What the table makes clear is that on the whole, instances of communal policing have only increased in ferocity and frequency ever since the widely reported attack on the Amnesia pub in January of 2009. Thus while the total number of reported instances were 44 in 2008, the instances have increased exponentially in the next three years. The only conclusion one can draw is that the inaction of the state has emboldened vigilante elements in the state to continue to enforce their version of morality on the larger public.

A brief survey of a representative cross section of such incidents will help us to outline the various forms which communal policing has taken in the Dakshina Kannada context.

Source	Details of incident
Vārtha Bharati (15.08.11) and Hindu (16.08.11)	Bajrang Dal members raided Maharani Farm Guesthouse at Someshwara Uchil in Ullal) at around 2 am alleging that it was a rave party and attacked the youth gathered there for a birthday celebration. The attackers robbed their mobiles and cash too. One youth sustained grievous injuries, while the others got minor injuries. The assailants also caused extensive damage to the windows and furniture of 2-3 lakhs. The party group had obtained previous permission from the Ullal Police Station for the birthday party. One of the victims Sudhir (name changed) said he saw 30-40 Bajrang Dal activists sporting saffron shawls, their faces covered with saffron scarves. He said that they came armed with bottles. Suprit (name changed) said :“They would ask us our names. When they heard a name Syed (name changed), they thrashed the person quite severely.”
Karavalli Ale, (27.2.11)	Activists of the Bajrang Dal found a couple belonging to different communities having fruit juice in a shop. They beat up the couple and handed them over to the police. The police called the parents to the station, took an ‘undertaking’ from them and released the couple after ‘warning’ them.
Karavali Ale, (15.04.2011)	Ravikiran (24) and his friends belonging to a different community were playing cricket at the maidan. Sitaram, Krishna and Shiva came there and told Ravikiran that the maidan was meant for the RSS shakha. They asked him why he was playing with boys of the other community and told him not repeat it in future. They told him that in case he disregarded their warning he would be ‘taken care of’ and proceeded to beat him up. Ravikiran has been admitted to the government hospital at Puttur with serious injuries.
Vaārtha Bharati, (16.11.09)	5 students of Edapadavu Government College were selected to participate in a state-level handball tournament at Hassan. Among them were three Muslim boys Rizwan, Rashid, Muhammed Sheik and two Hindu girls Deepika and Shanti. All of them boarded a private express bus at

Source	Details of incident
	<p>Gurupur at 3pm. A 'Hindutva' activist on the bus started making inquiries. When the bus reached Vamanjoor, a large group of 'Hindutva' activists stopped the bus though it was not a scheduled stop. The group pulled the five students out, attacked the boys allegedly with iron rods, knives, clubs etc and slapped the girls and abused them</p>
The Hindu, (23.09.10)	<p>A twelve member gang stormed a Bangalore-bound bus and beat up a Hindu boy mistaking him for a Muslim. Actually a Muslim boy had come to the bus stand with a Manipuri Hindu girl to assist her with her luggage. After helping her, he left. Having got the information, the gang was waiting at the Karavali Circle where they stopped the bus. They attacked the boy sitting next to the girl thinking that he was a Muslim boy. The Hindu boy was beaten till he collapsed and became unconscious. The Kadri police managed to trace five culprits and arrested them on the 26.9.10. Their names are Ganesh, Likhit, Sandesh, Chetan and Kiran and all are members of the Bajrang Dal.</p>
Varthabharati, (13.03.11)	<p>A group of college students had gone to the Malpe beach (near Udipi) for relaxation. All of a sudden, two men, Kishore Bailakere and Janathottam, appeared on the scene. These two are said to be members of a certain Hindutva outfit. They objected to the boys and girls being together and abused and assaulted Arsalan and Ijaz. The latter have lodged a complaint to this effect at the Malpe police station.</p>
Karavali Ale, (25.09.11)	<p>Bajrang Dal activists conducted a surprise raid at the Gomanta hill at Dharmasthala and 'caught' a Muslim young man and a Hindu girl. They took the couple to the local police station and handed them over to the police. Upon questioning both the boy and the girl admitted that they loved each other and intended to get married... It is learnt that the police called the girls' parents to the station, gave some 'advice' to the couple, took an 'undertaking' from them and later released them.</p>
Karavali Ale, (9.11.11)	<p>On the occasion of Tulsi puja, a Muslim youth offered ice-cream and some sweets to a Hindu girl he knew. The boy works at a vegetable stall in Moodabidri. The girl is an employee at a local beauty parlour. This incident was noticed by a vigilante group on the lookout for such interactions between communities. They gathered in front</p>

Source	Details of incident
	<p>of the stall and berated the youth. He told them that she had offered him sweets during Bakrid and he had just returned the compliment. At this juncture the police arrived and took the couple to the station for questioning. At the police station the couple said they were friends and they used to exchange sweets during festivals. It is learnt that the police have given them a 'warning' and let them go.</p>
<p>Karavalli Ale, (13.05.12)</p>	<p>Members of the Bajrang Dal and other 'Hindutva' outfits of the twin districts such as DurgaVahini and Matru Mandal objected to the exhibition of a film 'Kathari Vira Surasundararangi', saying the film has shown Hindu gods and goddesses in a poor light. Activists of these outfits held demonstrations and shouted slogans in front of the cinema halls showing the film. The activists tore the banners and cut outs and forced the manager to cancel the exhibition of the film.</p>
<p>Karavalli Ale, (30.12.11)</p>	<p>The Mulky police arrested three members of the Hindu JagaranaVedike in connection with the Haleyangadi church attack of the 28th December. But their names have not been disclosed. Meanwhile local BJP member Satish Bhat and Satyajit Mulky of the Hindu JagaranaVedike rushed to the police station and met the officers. It is reported that police had arrested one Praveen on 28th night itself but he was released after a phone call from a local BJP leader.</p>
<p>Karavalli Ale, (9.08.11)</p>	<p>Abbas of Mardala had purchased a calf for rearing and was taking it home in a Scorpio vehicle. On the way he stopped at the Mardala Masjid for evening Iftar. All of a sudden around 20 activists of some Hindutva organisation appeared on the scene. They were armed with clubs and they beat both Abbas and his associate Andunhi. The activists then called the Kadaba police to the spot and handed over the two men saying that they were illegally transporting cows. According to Abbas, the group accompanied them to the station and beat them in front of the police and also damaged their vehicle. The police have registered a case of illegal transportation of cattle.</p>
<p>Karavalli Ale, (20.03.12)</p>	<p>The Uppinangady police conducted a raid on City Chicken Bazaar operating at the Prithvi Commercial complex and confiscated 50 kgs of beef. It is alleged by the police that beef was being sold illegally in this shop belonging to Shabir</p>

Source	Details of incident
	Kempi. The police arrested Hasain said to be engaging in selling beef. Cases have also been registered against K. Abbas for having supplied the beef and against Shabir Kempri for stocking and selling beef.

From the instances cited above, selected from more than 300 documented instances of communal policing, we can draw the following conclusions:

One of the key focal points for these groups is the social and romantic relations between Hindus and Muslims of the opposite sex. The policing is wide in its ambit and the scope ranges from attacks on couples in love to attacking young men and women who even talk to each other, or share a juice, or even exchange sweets, merely because they belong to different religions. It should be noted that communal policing in Dakshina Kannada goes beyond policing romantic interactions and extends its net to social interactions also. Only this explains the repeated attacks on buses carrying students from different religious communities to participate in college fests and inter college sports activities as well.

This form of communal policing is also to be found in the Muslim community with activists of the KFD being reported as engaging in 'protecting their women' by attacking Hindu boys who may be in love with Muslim girls. While communal policing is not exclusive to Hindutva groups, one should note that the key difference is the access that Hindutva groups have to state power which has protected and shielded a history of continuing anti-constitutional actions. The access to state power of Hindutva groups means that they exercise control over both the private and the public spheres, rendering their form of 'communal policing' far more totalitarian.

According to commentators, this sustained assault in Dakshina Kannada has been successful in reducing romantic and social contacts between young men and women from different religious groups. Communal policing goes against the constitutional credo of respect for intimate choices as well as the preambular mandate of building fraternal relations between different communities in society. Communal policing is an exercise of a form of illegal power by vigilante groups which inflicts its violence through the offences of illegal detention, criminal intimidation and humiliation of the young persons concerned. It also violates the key constitutional protection of the right to exercise personal and intimate choices about one's life without being violently coerced by self-styled 'moral guardians'.

We should note with concern that several young women who have been victims of communal policing by self-appointed moral guardians like the Bajrang Dal have attempted suicide. In an incident as recent as 16.07.12, when a young couple belonging to different religious groups, who were lost in a world of their own in a lonely spot, were spotted and traced. The young woman on being identified attempted suicide (Karavali Ale, 17.7.12). Similarly, a young woman Ashwini Kulal was friendly with a Muslim bus conductor and was taken to the police station by Hindutva activists. Unable to bear the shame, she committed suicide. (10.02.09, Vartha Bharati)

The communal policing of social interactions has been sought to be taken much further by vigilante groups. Even Hindu boys who play cricket with Muslim boys have been targeted by vigilante groups which signals that the ultimate aim is to reduce all contact between the two communities and thereby heighten the perception of the other as an enemy.

Communal policing is not only about the interactions across communities but is also about appropriate behaviour and appropriate entertainment for those within the Hindu community. It is this viewpoint which dictates that girls should not be drinking in a pub (c.f., the Amnesia pub attack) and that certain movies should be forcibly taken off the screen.

Vigilantism is not limited to policing the social and romantic interactions of the two communities alone but also finds its crude expression in targeted attacks on the minority communities. The same groups that have been involved in communal policing have not hesitated to directly target the minority community.

One mode of such targeting has been the attacks on churches as well as Christian congregations. The most horrific single instance of this form of assault on the religious expression of an entire community was the state-wide assault on churches in Karnataka in 2008, with the epicenter of the attack being Dakshina Kannada district. On a single day, September 14, 2008, over seventeen churches were vandalized and desecrated with the express intention of targeting the Christian community.

One other mode of attack on the minority community has been the series of attacks on the transporting of cattle. To this has been added the crackdown on the sale of beef. Both these actions amount to a direct assault on the food and dietary habits of the minority communities. What the attacks on the transportation of cattle in particular reveal is the open resort to violence. There is not even the pretence of calling the police with so-called activists stopping vehicles carrying cattle and brutally assaulting those involved in transporting the cattle. These 'activists' are able to secure impunity for this unbridled use of violence by invoking the objective of 'cow protection'. In his opinion, one of the objectives of the Bajrang Dal is to check the illegal movement of cattle. According to him, the VHP has sanctioned the violent methods of Bajrang Dal (the youthful offspring of VHP) as necessary since the police fail to take action.

The patent illegalities of the actions of the Bajrang Dal emerge on a perusal of the Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1966. The Karnataka Cow Slaughter Act, 1966 only prohibits the slaughter of a cow or a calf of a she-buffalo under Section 4. Further, only the transportation of cattle from within the state to outside the state (not transportation of cattle within the state itself) is an offence if it is for the purpose of slaughter. There is absolutely no prohibition on the sale, possession or consumption of beef as per the existing law. As such the actions of the Bajrang Dal, in stopping the transportation of all cattle as well as the raids on the sale of beef, are blatantly criminal.

When these illegalities are combined with Bajrang Dal's tactic of violent vigilantism, then the acts have no legal justification. What should give some cause for concern is the fact

that in effect the Bajrang Dal and other vigilante organizations are striving to prematurely enforce the provisions of the proposed (and patently unconstitutional) Karnataka Prevention of Slaughter and Preservation of Cattle Bill, 2010. The Bill in effect prohibits the transportation of all cattle for the purpose of slaughter even within the state and further criminalizes the possession, sale and transportation of beef. It seems that this patently unconstitutional legislation, which has been forwarded by the Governor to the President, is (in spite of it not becoming law) being implemented on the ground level by both the police as well as vigilante outfits like the Bajrang Dal.

What emerges through the detailing of the various offences described above is that the state in Karnataka has effectively abdicated its law and order function. Numerous groups professing Hindutva ideology right from the Hindu Jagarana Vedike to the Bajrang Dal to unnamed Hindutva activists and groups have effectively taken the law into their own hands to implement their anti-constitutional agenda. Though the illegal actions range from policing young men and women to attacking churches as well as to the transport of cattle, the thinking behind the attacks remains the same.

It is also important to note that some of the actors seem to have enjoyed complete impunity from any form of state action. In particular, groups such as the Bajrang Dal as well as Hindu Jagarana Vedike continue to terrorise innocent people even as the state stands as a mute, if not supportive, spectator. The image of the police casually letting the perpetrators out of the house in the the birthday party attack is only emblematic of a larger malaise of serious state inaction amounting to complicity in the face of repeated assaults on basic constitutional freedoms. The state has turned a blind eye to patently illegal actions and serious crimes committed by these groups not only against the ordinary law of the land but also against the Constitutional commitment to fraternity, liberty and equality.

The onus on the state is much wider than merely ensuring justice to the victims of the birthday party attack. The responsibility is to ensure that the vigilante groups are brought under control and such incidents do not occur again.

CONSEQUENCES OF COMMUNAL POLICING: A NEW FORM OF APARTHEID?

(This section is largely taken from the earlier report by the PUCL-K on the Mangalore pub attacks. The analysis bears restatement as what has been happening in Dakshina Kannada since 2009 follows the same pattern.)

While it is necessary to look at how communal policing violates the criminal law with impunity, what is of greater and immense significance is how this becomes a wider phenomenon of enforced social segregation which violates the basic premise of the Indian Constitution. What is specific to the idea of apartheid is that it takes the idea of segregation which is present in society and converts it into law. In other words, apartheid is nothing but a phenomenon that converts voluntary segregation or a segregation enforced by dominant sections of society into a segregation mandated by law. Transgression by any individual of this socially imposed system of segregation is then punishable by law. The Indian Constitution is premised upon a rejection of both the idea of a segregation authored by law and a segregation sanctioned by society. It expressly takes on the mandate of ensuring that people can freely interact with each other in a spirit of fraternity. In fact, one can read Article 17 of the Constitution which expressly punishes the practice of untouchability in any form as the Constitution's abiding commitment to the idea of fraternity.

Dr. Ambedkar in his closing speech in the Constituent Assembly made an important point that is pertinent in this context:

We must... not be content with mere political democracy. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty,

equality and fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them.

(Constituent Assembly Debates, Nov 25, 1949, p. 979 Book No. 5.)

Dr. Ambedkar recognized how difficult to implement, yet important, the principle of fraternity was. As he put it,

Fraternity means a sense of common brotherhood of all Indians—if Indians are seen as being one people. It is the principle which gives unity and solidarity to social life. It is a difficult thing to achieve.

He goes on to underline the centrality of fraternity by noting that ‘Without fraternity, equality and liberty will be no deeper than a coat of paint.’ (ibid p.980)

By insisting that communities should not interact with each other and attempting to punish all those who try to live out the meaning of the Preamble’s promise of ‘fraternity’, communal policing is a fundamental attack on the very Constitutional order. The promise of fraternity held out in the Preamble is what is contested at its very roots by communal policing. What communal policing wants to produce are monolithic self-enclosed communities with no form of social interaction between them. It is antithetical to the idea of ‘We, the people of India’ and insists that India is no more one nation, but rather a conglomeration of separate peoples.

Communal policing in turn leads to forms of ‘social apartheid.’ By ‘social apartheid,’ what we mean is a policing of community boundaries through laying down what manners of dress and what manners of expression are appropriate for each self-enclosed community. The conventional understanding of apartheid as it was practiced in South Africa refers to a structure of segregation of the people of South Africa through law. By social apartheid, we mean a practice of segregating communities on the basis of religion and gender by self-styled vigilante groups as well as prescribing appropriate behaviour and conduct for the separate communities.

Social apartheid is successful only because it has the implicit support of the state, and hence enjoys immunity for its patently lawless actions. It is important to stress that social apartheid is not only about segregating communities but is also and equally concerned about the culture, dress, and deportment of individuals within the community. It follows that those who are policing the boundaries have no hesitation in inflicting violence on members of their own community—as we saw in both the Mangalore pub attack in 2009 and the attack on the birthday party in 2012 in Mangalore.

It is unfortunate that sixty years after independence, the vision of the framers of the Constitution is sought to be so completely repudiated by organizations which are bent on ripping out the heart of Indian Constitutionalism. Some of the core freedoms which the Indian people have 'given unto themselves' and which are now under threat are:

1. Right to Respect for Choices of Social and Intimate Association (Article 21)

The right to life under the Indian Constitution has been interpreted to include the right to live with dignity. The right to live with dignity implies Constitutional protection for the choice of who one associates with. Thus everyday choices individuals make such as who one sits with on a bus or who one goes out to lunch will fall within the zone of private decisions and hence any attempt to dictate how individuals should live their everyday lives is a serious infringement of an individual's liberty. Equally, the choices one makes, including the choice of who one has intimate relations with as well as who one chooses to marry, are part of the zone of private decision making. The Indian Constitutional promise of respect for these personal choices regardless of what the moral code of caste and community might be, is best reflected in the Special Marriage Act, which recognizes the right of two Indians from different religions to marry each other.

The duty of the state to protect this freedom is nothing less than a Constitutional mandate made even more weighty by the Preamble promise of fraternity. The exercise of this freedom of personal choice to marry or have intimate relations or socially associate with anyone of one's choice regardless of religion or caste is in fact an active way of promoting fraternal relations among the various communities of India.

2. Right to Freedom of Expression and Assembly(Article 19(1)(a) and 19(1)(c))

Freedom of speech and expression under Art 19(1) (a) includes the right to the expression of identity or personhood through speech, deportment, dress or bodily characteristics. Any interference and attempt to forcibly dictate what women should wear infringes the core freedom of individuals to be themselves.

Article 19(1) (c) is the right to assemble peacefully and without arms. It's a sad commentary that this constitutional freedom has to be invoked for assemblies in private which have as their objective nothing more than to associate together across boundaries of sex and religion with the objective of enjoyment. When what so obviously comes under the rubric of peaceful leisure activities is subject to attack, it's important to understand that what is at stake is not merely the right to participate in leisure activities but the more important constitutional right to assemble peacefully and without arms.

The infringement of both these freedoms under Article 19 through violent vigilante action in the face of state inaction is really an attack on the guarantee of these rights to all citizens by the Indian Constitution.

3. Right to Equality and Non Discrimination (Article 14 and Article 15)

The right to equality and non discrimination at its minimum means that no one is targeted or subjected to violence purely on grounds of one's religion or gender. It equally means that one's religion or gender does not become the basis on which persons are targeted

for accessing public facilities like buses, colleges, restaurants or pubs. The fundamental nature of this guarantee once again stands comprehensively violated when the public sphere itself becomes a space of intimidation, where religious identity and gender itself become a basis on which individuals are subjected to violence or the constant fear of being assaulted.

4. Right to Freedom of Conscience and the Right to Profess, Practice and Propagate Religion (Article 25)

The right to practice one's religion would include the right to wear clothes which one sees as being an essential part of one's religious worldview and belief. While there is an internal debate on to what extent wearing the burkha is essential to being a Muslim, an external ban on women wearing burkhas from entering educational institutions amounts to a serious infringement of the Constitutional guarantee under Art 25 i.e., the right to practice one's religion. The attacks on churches as well as on Christians praying even in private spaces are also a violation of Article 25.

The foregoing survey of the potential rights that are being violated calls to mind the fact that communal policing as a phenomenon is not so much about violating any one of the fundamental rights but is really about attacking the core of what it means to be a citizen in India today. It is a systematic attack on the idea of India as a Constitutional democracy that guarantees to all its citizens rights and liberties. It attempts to reduce India to a warring series of peoples who are coerced into only relating to each other as enemies. Any attempt at questioning this image of India as a series of self-enclosed, separate, and hermetically-sealed communities, be it through acts of love and affection, or fellow feeling and brotherhood, is dealt with by intimidation, violence and coercion.

WHY IS DAKSHINA KANNADA BEING SUBJECTED TO REPEATED ASSAULTS ON CONSTITUTIONAL FREEDOMS?

The fundamental question that one asks oneself is: why are these repeated assaults described above happening? The answer possibly lies in a combination of factors. At its purest level, the logic and rationale for targeting minorities comes from a majoritarian worldview which sees minorities as outsiders to India and believes in prescribing the 'right conduct' for even the majority. Added to this is the criminal mindset of the perpetrators which engages in illegal actions while taking shelter under the cover of Hindutva. Finally, there is the guarantee of impunity by the state which allows this potent cocktail of ideology and criminality to thrive and flourish.

The deeper motivation is a form of animus directed against minority religious communities. To understand the ideological reason for these assaults, we need to go back to the original theoreticians of Hindutva, namely Savarkar and Golwalkar.

Savarkar in his essay 'What is Hindutva' proclaims:

Ye who by race, by blood, by culture, by nationality, possess almost all the essentials of Hindutva, and has been forcibly snatched out of our ancestral home by the hand of violence- Ye have only to render whole hearted love to our common Mother and recognize her not only as Fatherland (pitribhumi) but even as Holyland (Punyabhumi); and ye would be most welcome to the Hindu fold.

To quote Golwalkar:

To keep up the purity of the race and its culture, Germany shocked the world by her purging the country of the Semitic races-the Jews. Race pride at its

highest has been manifested here. Germany has also shown how well nigh impossible for races and cultures, having differences going to the root, to be assimilated into one united whole, a good lesson for us in Hindustan to learn and profit by.

The foreign races in Hindustan must either adopt the Hindu culture and language, must learn to respect and hold in reverence Hindu religion, must entertain no ideas but those of glorification of the Hindu race and culture[...] or may stay in the country, wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges, far less any preferential treatment –not even citizen's rights.

Golwalkar in his book Bunch of Thoughts (in a chapter titled 'Internal Enemies') refers specifically to Muslims, Christians and Communists as 'internal enemies'. Golwalkar repeatedly questions the citizenship of Muslims observing that, 'wherever there is a masjid or a Muslim mohalla, the Muslims feel that it is their own independent territory.' With respect to Christians as well, their loyalty is questioned and they are accused of being 'agents of the international movement for the spread of Christianity'.

From a perusal of the works of these two Hindutva ideologues, it is clear that they propagated the perception that both Christians and Muslims are outsiders since they have their holy places (punya bhoomi) outside the country. The Hindus are the only real citizens of India as they have both their pitr bhoomi as well as punya bhoomi in India. Since these two communities are both outsiders, they both deserve to have no rights and should be treated as second class citizens.

However it would be a mistake to think of Hindutva ideology as limited in its effects to control of the minority communities. The Hindutva goal broadens beyond attacking minorities to also prescribing 'right conduct' for the majority. This means that it assumes it has a legitimate right to stage attacks on pubs and birthday parties where boys and girls mix together as well as on drinking by women (assumed as being against Hindu culture) and on the inter mixing of boys and girls. The legitimate targets of Hindutva ideology are thus not only those outside Hinduism, but equally those within Hinduism. Thus the non-conformists within the Hindu fold, be it women who choose to assert their independence and the right to express themselves, or Dalits who question the formulation of Hindu, or communists who assert another viewpoint, or 'pseudo secularists' are all legitimate targets.

As important as the source of this ideology is, the ideology itself would be impotent if it did not have an effective organizational form. The organisation that has been the mother organisation is the Rashtriya Swamyasevak Sangh (RSS) which has since its establishment in 1920 spawned numerous affiliates and outfits which strive to implement the ideology articulated by its key thinkers, Savarkar and Golwalkar. Particularly since the 1980's the numerous arms of the RSS, be it the VHP, the Bajrang Dal or the Hindu Jagarana Vedike, have emerged as important front organizations for the implementation (by violent means) of the ideology of Hindutva.

The Liberhan Commission set up to inquire into the demolition of the Babri Masjid has paid close attention to the relationship of these organizations inter se. Justice Liberhan observes that:

The RSS, Shiv Sena, Bajrang Dal , BJP etc. and their inter se relationship have been subjected to a detailed study in my report.....These organizations are collectively an immense and awesome entity with a shrewd brain, a wide encompassing sweep and crushing strength of a mob.The leadership provided by the RSS, BJP,VHP and the other mutating and constantly transforming organizations like the Hindu Mahasabha and the Jan Sangh, in furtherance of the suspect theories of the founders of these organizations are consistent and unabashed.The ends are all that matter to the core group of thinkers and the destruction of the disputed structure was only one victorious battle in their ongoing campaign against secularism and the multicultural society..... (para 160.10)

However even as we understand that the logic and rationale of the assault lies in Hindutva and its organizational expression, that by itself is not an all-encompassing explanatory framework. It's clear that stealing gold from the boys or even sexual molestation of the girls in the birthday party attack might not be explicitly sanctioned by any ideology, even Hindutva. While theft and sexual gratification are often necessary concomitants to the assault (as in the birthday party attack), they do not entirely explain why the attacks are happening. One can only understand these actions as the result of a petty criminal mindset which thrives and grows under the shade of Hindutva. It's clear that the politics of Hindutva is implemented by lumpen elements that have the implicit sanction of the higher ups in the Hindutva hierarchy. The logic of those who direct Hindutva policy seems to be that criminal acts and violence can be tolerated, as they are all in the service of a larger goal. The defence mounted by the various Sangh outfits of the actions of the Hindu Jagarana Vedike in the case of the birthday party attack is indicative of this tacit support.

Finally, the reason this potent cocktail of ideology and criminality thrives and flourishes is entirely due to the silent if not active support by the state. The fact that the police connive in acts of communal policing as well as refuse to take any stern action against Hindutva outfits has played an undeniable role in perpetuating the culture of impunity in Dakshina Kannada. This police connivance also speaks to the capture of the administration by Hindutva forces in the district of Dakshina Kannada.

DEMANDS

A. *To the State Government*

1. Ensure that the prosecution discharges its duty of ensuring that the trial is completed as quickly as possible in the birthday party attack case in FIR No 229/02 filed in Mangalore Rural Police Station.
2. Acknowledge that there is a serious breakdown of the law and order machinery in Dakshina Kannada and take action to ensure that this breakdown is rectified.
3. Ensure that there is no parallel administration to the Government of Karnataka and in particular take stern action as per the provisions of the Indian Penal Code against members of the Bajrang Dal, Hindu Jagarana Vedike, Hindu Jagarana Samithi, Akhila Bharatiya Vidyarthi Parishad, Sri Ram Sene and any other group which engages in communal policing and violence against women.
4. Ensure that no group, especially the groups above named, is allowed to impose their own so-called 'moral code' on the people of Dakshina Kannada, thereby supplanting the Constitution.
5. Develop guidelines on the lines of the 'Guidelines on Communal Harmony' by the Ministry of Home Affairs, Union of India to prevent communal policing.

The guidelines should at the minimum state that

- Ensure that any group or individual who detain or harass anyone on grounds of violation of a moral code are themselves immediately arrested on grounds of disturbing the public peace by committing offences under the Indian Penal Code.

- Issue a circular that FIR's should be registered against all those whose acts of communal policing have involved the commission of criminal acts like intimidation, wrongful confinement, simple hurt and sexual harassment.
- Set up a Committee to monitor all such instances of communal policing in the district and take immediate action against the perpetrators.
- Activities of organizations with avowed goals that could undermine communal harmony or perpetrate violence against women, should be continuously kept under careful watch and scrutiny, and a record of the activities maintained. Action should be taken under law against any persons who carry out such illegal activities.
- In particular organizations such as the Bajrang Dal, Sri Rama Sene and Hindu Jagarana Vedike which have repeatedly taken law into their own hands should be closely monitored and they should be warned that any future illegal actions would be dealt with seriously.
- There should be District/Police Station level monitoring at periodic intervals.
- The state should develop adequate intelligence through sources about the proposed actions of these organizations and take appropriate action.

B. To the District Administration

1. Take effective preventive action against all those who disturb the communal peace in Dakshina Kannada district.
2. In particular, ensure that those who have committed or are threatening to commit criminal and illegal acts of cultural policing are asked to execute a rigorous bond of good behaviour with stern action taken against those who violate the bond.
3. Externment of all those who have been repeatedly involved in these criminal acts of communal policing.
4. Carry out a public education campaign that it is illegal to produce people before the police station for enforcement of a so-called morality and that the police will not hesitate to take action against these vigilante elements.
5. When an incident of communal policing occurs, the Deputy Commissioner should visit the spot and ensure appropriate action is taken against the vigilante elements by the district police.
6. The Deputy Commissioner should initiate confidence building measures through regular interactions with members of the minority community and set aside specific days to listen to and redress grievances.

7. The Deputy Commissioner should also initiate strong measures to ensure that violence against women is dealt with sternly.

C. *To the District Police Administration*

1. File an additional chargesheet against the Inspector Ravish Naik, for aiding and abetting the attack on the birthday party.
2. Initiate departmental action against Inspector Ravish Naik and other police officials who failed to act speedily enough to prevent the birthday party attack as well as for comprehensively failing to take any immediate action against the perpetrators.
3. Withdraw prosecution against the journalists against whom chargesheets have been filed.
4. Implement the guidelines noted above to ensure that strict action is taken against those who perpetrate such attacks.
5. Ensure that the police are trained and sensitized to safeguard Constitutional governance in the State with particular reference to the concerns of women and minorities.

D. *To the Press Council of India/ National Broadcasting Standards Authority*

1. To issue guidelines to ensure that reporting of incidents of communal policing is objective, non-judgmental and conveys the perspective of the affected parties.
2. To ensure that the electronic media, while reporting instances of communal policing, does not telecast in a manner which is demeaning and humiliating to the victim.
3. To take appropriate action against those in the print media/ electronic media who have presented a distorted and one-sided perspective on incidents of communal policing.

**People's Union for Civil
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&

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