

Rape, Tehalka and Tarun Tejpal

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There was a sensational case in Indore last year in which a lady called Mrs. Chanchal Rathore made an allegation that she had been raped by a small time businessman, Roop Kishore Agrawal. Roop Kishore Agrawal vehemently denied any incident involving Chanchal Rathore, but he was immediately arrested by the police and after interrogation committed to judicial custody. He remained in prison for several months, where he continued to plead that he was totally innocent and that the incident of which he was accused had never occurred. No one came to his defence and he was publicly reviled by the newspapers, the electronic media and society at large.

The case was tried before an Additional Sessions Judge in Indore, who came to the conclusion that there was no evidence against the accused. He was enlarged on bail, but he felt so humiliated that on coming out of jail he committed suicide. This again became sensational and during investigation into the suicide it came to light that a completely false case have been foisted on the unfortunate man and had the police exercised due diligence he would not have remained in jail. The Additional Sessions Judge trying the case filed a complaint against Chanchal Rathore and the matter was tried before Mrs. Indira Singh, who was also Additional Sessions Judge at Indore. During the trial it came out that Chanchal Rathore's complaint was utterly false, she had tried to fabricate evidence and was guilty of perjury and conspiracy to try and obtain the conviction of Roop Kishore Agrawal. Ultimately Chanchal Rathore herself admitted that she and her husband were tenants of Roop Kishore Agrawal and that her husband owed some money to Roop Kishore and in order to escape repayment of this amount Chanchal Rathore concocted the rape story. She was convicted and sentenced to four years rigorous imprisonment.

I have mentioned the Roop Kishore Agrawal and Chanchal Rathore case in some detail because it is in complete contrast with what recently happened in Goa, where a staffer of Tehalka alleged that Tarun Tejpal, the Chief Editor of Tehalka, had raped her not once but twice. This happened during a programme of intellectuals organised by the Tehalka Group. It is reported that in the inaugural session itself Tarun Tejpal advised the delegates that they should eat, drink and be merry. The mindset of Tarun Tejpal and the environment of the seminar are encapsulated in the statement of Tejpal. Apparently, following his own advice Tarun proceeded to accost the young staffer, who alleges that he raped her not once but twice. Meanwhile, sensing that his acts would have adverse consequences Tajpal issued a statement saying that he had committed a mistake by reading signals wrongly and he was stepping aside as Chief Editor of Tehalka for a period of six months. The girl insisted on her version of the story and now Tarun changed tack. Shoma Chaudhary, Managing Editor of Tehalka, stated that the matter was closed after Tarun's apology which, incidentally, was couched in words not designed to bring any comfort to the victim. In any case under section 376 IPC rape is neither bailable nor compoundable and, therefore, an apology does not exonerate a person from the charge.

Tejpal did not stop here. He next went on to deny that there was any rape and merely said that there was good hearted banter. When that did not work he argued that the incident was consensual and that in any case he and the staffer slept together from time to time. This statement

was aimed at questioning the moral character of the complainant, but unfortunately for Tarun Tejpal the character of the prosecutrix does not mitigate the offence of rape and, therefore, the complainant has to be heard by the police and the court on the basis of the allegations made. The ultimate chicanery, of course, is Tejpal's allegation that this is all a conspiracy of the BJP led Goa Government which is pressurising the police to harass Tejpal. When the rape in a moving bus took place in Delhi in December 2012 the police lost no time in rounding up the accused who, I am absolutely certain, were not handled very gently after arrest. I am not justifying rape and I am glad that the rapists were caught, tried and sentenced. In the Tejpal case the police is moving very cautiously and has yet to even question Tejpal, leave alone arrest him. Roop Kishore Agrawal was arrested in a case which ultimately turned out to be false. Why did the police not do preliminary investigation in this matter before arresting the accused? That is because for those who have no influence rape is a horrible crime and must be immediately suppressed. Does it mean that for those who are influential, well connected and can afford to employ lawyers of the status of Ryan Karanjawala, are to be treated with kid gloves and wrapped in cotton wool by the police? In this behalf attention is drawn to Article 14 of the Constitution which reads, "The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India". Rape as an offence is both nonbailable and noncompoundable. Generally speaking when an allegation of rape is made by a woman the police is required to immediately have the woman medically examined and to take the accused into custody to see if evidence of rape can be found on his body, his clothes, etc. None of these has been done by the Goa Police, which has only now issued a letter to TarunTejpal to appear before it for recording his statement. Does not this give adequate opportunity to Tarun Tejpal to destroy evidence, terrorise witnesses, bring political pressure on the police and use the media to improve on the different versions of the story put out by him about the incident? In any case by keeping on changing his version Tejpal stands condemned by his own mouth.

TarunTejpal is guilty of dual betrayal in this case. The first betrayal is the faith reposed in him by the father of the complainant who had requested Tejpal to give his daughter a job and to look after her. By subjecting her to his own lust Tejpal has betrayed his friend. The second betrayal is that he was in the position of an employer who exploited his employee both because she was young and because she was powerless. This is an offence as heinous as a custodial offence. If the Goa Police is to regain any public respect then it must arrest Tejpal without delay and obtain adequate police remand from a court to be able to properly interrogate him and collect evidence. The police must also extend full protection to the prosecutrix, who has already been threatened by Tejpal and his cohorts. Shoma Chaudhary, the Managing Editor of Tehalka, who tried to provide a cover up, should also be prosecuted. That is the only way in which we can prove that there is equal justice for all and that it is not always the poor and helpless who will be targeted.
