



UNTOUCHABILITY ON TRIAL

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UNTOUCHABILITY ON TRIAL

**REPORT
OF
THE INDIAN PEOPLE'S TRIBUNAL
ON**

**UNTOUCHABILITY
MAY 12-13, 2007
NEW DELHI**

Untouchability on Trial

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Dalit Rights Initiative
Human Rights Law Network, India
January 2008

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FOREWORD

"How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment else those who suffer from inequality will blow up the structure of democracy which this Constituent Assembly has so laboriously built up."

— Dr. B.R. Ambedkar

Caste system continues to serve as the means to reinforce the inferior and polluting status of Dalit communities which then comes handy in social distancing, economic exploitation and political marginalisation. Archaic symbolic practices like prohibition into temples, discrimination at water sources, forcing menial jobs, maintenance of dry toilets, the practice of devadasi system survive to this day both in intentional ways and in routine practices. This makes it a default practice, that is, these practices of exclusion and various forms of untouchability are part of the entrenched system of hierarchy in our culture. In its more intentional forms Dalits are discriminated and kept out of new and emerging spaces, resources and opportunities. Any attempt by Dalits to engage or enter in respectable professions is met with legislative and procedural barriers as well as violent backlashes unleashed.

Discrimination, untouchability and atrocities are all caste based human rights violations on a line of continuum, with the atrocities taking a more visible and violent form. The cases presented at the Indian People's Tribunal on May 12-13, 2007 show how they interweave into one another and are constant threats in Dalit lives. Dalit women and Dalit communities that are considered more ritually polluting besides those who dare to demand dignity and equal opportunities bear the brunt of this violence.

The Indian People' Tribunal provided a platform for over 60 Dalits from across the country to bring the continuing forms of untouchability practices and caste based violence on them to the attention of the state and civil society. Many of the cases brought specific attention to the added complexity of Dalit women's lives and a few on the situation of Dalit children. The Tribunal was the joint effort of 56 organisations who for the past 20 years work on a day to day basis work with Dalit communities in accessing their civil and political and developmental rights. It is once again an urgent and expressed demand from Dalit communities that untouchability and caste based discriminations be eliminated and justice, equality, liberty and fraternity promised in the Constitution be the basis for freedom, unhindered development and healthy relationship between the state and Dalits and between Dalits and non-Dalits.

Two basic foundations of the caste system that continue to perpetrate untouchability and violence on Dalits are the separate habitations and the barriers to land ownership to Dalits. The separate habitations perpetuate the mindset of untouchability and pollution, discrimination, differential services, denial of information and vulnerability to attacks.

The distribution of land along caste lines and eliminating Dalits from landownership is at the root of a dependent livelihood perpetrating caste based disabilities and violence on Dalits. Even today, despite many provisions from British times and in post independence era to distribute land among Dalits, the economic and power interests of the land owners and the neglect and apathy among the decision-makers have connived to keep more than 60% of them as landless or owning less than 0.4 hectares.

These practices that have been accepted and internalised by most of the society gave birth to a culture of impunity for perpetrators and unaccountability for decision-makers. Be it police personnel, administration or political parties violence against Dalits has emerged as a deciding factor to the continuation of the practice of untouchability and violence. In case after case impunity enjoyed by the perpetrators, neglect and dereliction of duty by the law enforcing and protective forces surface as the continuing spate of discrimination and violence as a means of perpetuating caste system goes unabated. The compliance and connivance of duty bound officials in cases of untouchability practices and violence is a matter of grave concern. Both the political and civil society systems are failing to ensure that duty bound officials follow rules and procedures in unbiased manner. It is no more the

lack of awareness or absence of demand of their dignity and demand by Dalit communities, rather the perpetuation of the unjust system through force and official connivance by the dominant sections that act as barriers to the emergence of an egalitarian and democratic society in our country.

Dalit women and children face vulnerabilities in additional ways and are direct and indirect victims of the caste system. Sexual violence on Dalit women has become a means of putting the community in line or enforcing compliance. Discrimination and violence on Dalit children as an area has not been enquired sufficiently into. Some very recent studies are beginning to throw some lights on this.

The Dalits have borne the unjust system for generations and today there is a battle cry 'enough is enough' and we are not willing to tolerate this inhuman system any more. The purpose of the IPT is not just to highlight the discrimination and violence on Dalit communities, but also it is a call to the civil society and administration for action. It is our fervent desire and demand that we annihilate caste discriminations and disabilities from our midst and work towards egalitarian, just and democratic values back to the society and polity.

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DALITS UNDER HEAVY HEELS OF CASTE

Dalits figure at the bottom of Indian society. They are supposed to confine their ambitions and concerns to lowly and menial jobs. To ensure their low status a number of discriminatory and punitive actions are unleashed which may not get an approving nod of law but nevertheless have unstated approval of the society at large. Given the staggering number of cases of numerous atrocities committed against Dalits all over the country pending in various courts, despite low level of registration of such cases due to official apathy, a need for a fair and impartial approach towards them has long been felt by conscientious, upright, freedom and justice loving sections of the society. Yet seldom before has any definitive move been made to put focus on this deep set societal, political, legal and moral rot, afflicting over a billion people one way or the other. Collectively this impedes progress despite an upbeat growth as most patient and hardworking sections falling under Dalit bracket are kept away from contributing their actual worth and potential towards what is called as a developing society. Such parenthesis has to drop for such colossal discrimination is far from trapping Dalits alone. It is holding not only Dalits but also keeping fetters on the entire Indian people.

It was mainly this realisation that brought together a few organisations and individuals to hold a public hearing of Dalit victims who have been subjected to the loss of kith and kin, hearth and home, dignity and honour and that too not as an exception but rather as a matter of rule. Rising from under the heap of caste that has been responsible for a virtual vivisection of society from ancient times to this day, the victims spoke not just about what befell upon them but also how vicious and merciless been the institution of caste and how it sets the clock of progress and development back where authorities remain unmoved

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and so are police in the wake of gross violations of Constitution and laws and how government schemes meant to ameliorate their lots and circumstances are denied to them through clever manipulations. The kind of inhumanity that always dogs the victims left the members of jury as well as onlookers shocked.

This book – *Untouchability on Trials* tries to record the proceedings of the IPT held through two midsummer days in Delhi and also to put them in perspective vis-à-vis the Dalit issue that the society has been living and grappling with through the most of its known history. Yet despite all efforts the tribunal has been a big task undertaken by people with small means and resources and its record too cannot be said to be anywhere near being exact and perfect given the enormity of feelings shared throughout its proceedings. The inadequacies of language as vehicle of human thoughts through the following pages might have robbed some of the emotions and feelings reflected in the depositions that were made in the tribunal through hearts by those who suffered and made miserable beyond belief. The scale and enormity of such hardships and miseries as they stare Dalits hard in the face must need many more such public hearings, may be an outcry, to stir the world out of its complacency.

Dalits of India have endured millennia of severe discrimination and stigmatisation due to their perceived low, foul and polluting status. Atrocities against Dalits range from verbal abuse to rape to forcing them to consume human excreta and urine; from denial of access to public amenities such as drinking water, roads, bus stops, markets and temples to denial of civil rights; from physical harm to social boycotts. Refusal to perform any 'duty' assigned to a particular caste means an open invitation to violence.

Dalits form a multi-ethnic, and multi-cultural group that is nevertheless united by the grip of economic, social, political, cultural and religious ostracism. They have historically been, and continue to be, segregated from the mainstream society. The practice of untouchability, though widely prevalent, remains obscure in the imagination and awareness of the majority of people in India. Manifestations of this heritage have been structurally disowned in the popular discourse. Nearly, all textbooks and forms of popular literature deal with caste system as a thing of the past. Although none of the literature claims that untouchability does not exist at some level, there is a nevertheless an implicit message that it is not to be found in 'modern' India. The reality is far from this. A multitude of subjugating practices continue to persist in contemporary India despite the abolition of untouchability in 1950 under Article 16 of the constitution. Blatant caste practices are rampant in most of the rural regions

of India – where majority of the low castes live – whereas in urban areas the exploitation is manifested in more structural manner. Discrimination in access to services; discrimination in education; ghettoisation; discrimination in practicing religion; severe lack of access to/and discrimination in the justice system and degrading forms of labour, such as manual scavenging are just some of the forms of inequality encountered by Dalits on daily basis.

The notion of untouchability derives from, and finds its rationalisation, in the structuring unit of Hindu society on the basis of caste. Caste controls and places various restrictions on social relations, marriage, food consumption and occupational selection. In short, this is an institutionalised means of social control, which determines the social reality of the overwhelming majority of Indians in one way or another. The origins, evolution, and the forms through which the discourse of untouchability operates in contemporary India remain frantically debated and palpably politicised issue. That aside, the reality of the existence of the Dalit population is governed by the repressive casteist norms still prevalent especially in rural India. Interaction in the village unit dictates the social interaction of millions of people. Any attempt to break the caste norms, such as the refusal to perform caste-based occupations as well as inter-caste marriages, are an open invitation for public lynching, or severe punishments which are often openly sanctioned by the *panchayats* (a form of local level of governance) in the rural areas. Any event, which explicitly challenges the caste norms, is seen as a great threat to the *status quo*. If the intermixing of castes through matrimony is tolerated, it will shake the very foundations of the caste hierarchies. Often any deviance towards the system will be met with violence in one form or other. This violence often takes a communal form, that is to say, the whole community or significant parts of it is involved in implementing the extrajudicial punishment. The scapegoating of an individual or of a small group of Dalits serves as a potent warning to the rest of the community. Most commonly the victim of these punishments are women. This is irrespective of whether women play any role in the dispute at hand or not. The means undertaken by the upper caste community to force their superiority and impose subordination often takes the form of indiscriminate sexual exploitation of the women of the Dalit community. As in many other instances, the Dalit women fall under double vulnerability of caste and gender.

The following report on the Indian People's Tribunal on Untouchability – organised by 56 human rights organisations in Delhi on May 12 & 13, 2007 – highlights the socio-economic predicament of the Dalit population by briefly summarising the context in which untouchability exists; the forms in which it manifests itself; and most importantly – through the depositions of some 70

Dalits attending the tribunal to share the stories which concretely bring to light the ongoing physical, psychological and institutional violence the Dalit population is faced with. These testimonials given by the victims, survivors and the relatives of the deceased at the plenary sessions demonstrate the distressing state of affairs in rural India. The testimonials which form the core of this publication point towards – not only the inadequacy of the measures taken for ensuring the right of Dalits – but also towards the prevailing mindset which sanctifies the gross and unbridled violation of fundamental rights. Jury members documented preliminary observations and recommendations based on these depositions in order to be handed over to the President of India after the conclusion of the Tribunal in the form of a proclamation titled *National Call to Eradicate Untouchability* in which, “we [the Jury, Victims and Survivors and people in solidarity] demand that the country recognises the prevalence of Caste system and the continuing practice of untouchability in its various manifest forms, which denies the basic citizens rights to the 160 million Dalits of this country” (Appendix A).

Caste and Society

“Indians today are governed by two different ideologies. Their political ideal set in the preamble of the Constitution affirms a life of liberty, equality and fraternity. Their social ideal embodied in their religion denies them.”¹

Since her independence, India has constantly battled between two versions of reality, which have taken turns to create headlines the world over. One is the image of India as the rapidly modernising democracy, which has managed to negotiate modernity’s benefits without losing her unique cultural heritage. The other one is the image of India of starvation and oppressive tradition. In the past decade, the battle between these two versions has intensified, and the unfortunate outcome has been the prestige gained by the wealthier urban India – built up in isolation from the other India, that of starvation and age old casteist practices of rural India. This India of starvation and injustice is being imagined away in the mainstream media as well as at the administrative and judicial level. Over and over again appalling incidents of injustice against the so-called untouchables, religious minorities and other impoverished communities have rocked the nation with embarrassment, only to disappear as soon as they recede into the inside pages of the national dailies and as snail-paced committees are installed for inquiry. A powerful essence of the other India is the practice of caste and the atrocities deriving

1 Dr. Bhimrao Ambedkar in an All-India Radio broadcast on 3.10.1954
URL consulted 19.07.07 at: http://www.ahrchk.net/pub/mainfile.php/demo_and_hope/96/

from it. The organic link between the two versions of India is simply ignored. How did such a thing happen? How is it that such a paradox exists?

The most important question seems simple: how come the situation of Dalits remains so abysmal even over half-a-century after constitutional guarantees intended to eradicate the injustices? Untouchability as a practice was 'abolished' way back in 1950 and a portion of government jobs was reserved for groups, which fell under the categories of SC (Scheduled Castes), ST (Scheduled Tribes). In 1955, the PCR (Protection of Civil Rights) Act made any disability arising out from the practice and preaching of untouchability punishable. A further improvement in this line was the coming of the POA (Prevention of Atrocities) Act in 1989. And finally, the coming of the Mandal commission in 1991, which guaranteed reservation in jobs and the recent reservation of seats in central institutions. In spite of all these instruments, which battled their way to legislation, the statistics indicate that something is seriously inadequate with the measures meant to enforce them.

Caste practices and atrocities on grounds of caste have never left India in entirety. They form the backdrop of some of the major political events in India and in recent times they have frequented, as there is a rising assertion of the outcaste groups in mainstream politics as well as on the social-plane. The example of Mayawati, Chief minister of Uttar Pradesh, the state that houses 15 percent of India's population and is home to the largest number of upper caste population in India, is an apt indication of this process. A similar undercurrent forms the bedrock of the nationwide polarisation of opinion on the issue of reservation in centrally administered institutions of higher learning. Protests and debates have entered almost every city and tea table around the country over the pros and cons of the system for administering social justice. There are many arguments on both sides of the debate but the most glaring observation remains that even after five decades of independence, the issue of reservation means that the fundamental objectives enshrined in the constitution have not yet seen the light of day as the government has failed to fulfil the terms set for reservation. Amidst the projection of a global hotspot of business and a competitive rate of economic growth, statistics by various international agencies point out to glaring social inequality and continuous violation of fundamental human rights. Due to paucity of length for this publication, what is being offered here is a very basic introduction to the discourse of untouchability, in which some of the complexities of caste and untouchability will necessarily need to be circumnavigated, such as the role the colonial project played in the partial creation and reinforcement of caste system.²

² The subject is discussed in detail in numerous volumes. See for example *Dirks* 2001

The exact historic origins of the concept of untouchability are unknown, but what is certain, is its interlinks with the notion of caste. Any meaningful discussion on untouchability must therefore be placed in the larger framework of caste system. While the same can be said in regards to the uncertainty of the exact origins of caste, there does exist a consensus in that – although its exact historical origins can be debated – textual evidence of a system of social stratification can be found in the Vedic scriptures, which comprise the oldest texts of Hinduism. The phenomena of (re)enforcing social order through religious discourse is not (and has historically not been) unique to Indian, or South Asian cultures. Examples of practises replacing certain groups of people in a disadvantaged position *vis-à-vis* other adherents of the same belief system by justifying it as an intrinsic element of the respective system can be drawn from nearly all forms of organised religion. Be it the stigmatisation of sexual minorities, or the special rights granted for the clergy. In this sense Hinduism is by no means unique. Nevertheless, it is in contemporary India in which some of the most blatant examples of the practise are to be found. Millions of low caste Indians – who are, in principle, guaranteed extensive constitutional rights – are struggling on a daily basis to achieve the level of even the bare minimum of civil, cultural and economic rights since these are confined in a social model which is based on a strict top to bottom hierarchy of unequal treatment. At the very bottom of this system fall Dalits, a group of approximately 160 million people. The etymology of the word denotes a number of terms related to the act of oppression, such as: *suppressed*, *crushed* or *downtrodden*. The term Dalit, although now almost universally accepted by the so-called untouchables as an appropriate term to describe their disprivileged status, is necessarily neglecting the multitude of identities of the innumerable linguistically, ethnically and culturally diverse communities of Dalits. While there is a need for a more refined definition of the term when used in sociological research, in the context of this publication the term serves its purpose, although it is unarguably incomplete. A functioning definition describing the part of the Indian population which – as defined in the Human Rights Watch (HRW) report *Hidden Apartheid: Caste Discrimination against India's "Untouchables"* – faces “the imposition of social disabilities on persons by reason of their birth in certain castes”.³ While it might be comfortable to think that this subjugated group of people would be egalitarian and united in spirit due to the similar hardships they continuously encounter, it would be a naïve assumption, for the Dalits – although technically living outside the confines of the caste system *Varna – Bahyas*, in that they are seen as not

3 Human Rights Watch, *Hidden Apartheid: Caste Discrimination against India's "Untouchables"* Shadow Report to the UN Committee on the Elimination of Racial Discrimination

URL consulted at 02.08.07 at: <http://www.hrw.org/reports/2007/India0207/india0207web.pdf>

belonging to the four fold *varna* classification, a theme which will be discussed at a later stage – are also divided into several sub-castes, of which some carry more social prestige than others. Thus the social hierarchies of power are at play, creating a sub-system of caste within the Dalit population.

As noted above, the Vedic scriptures, namely the *Rig Veda*, make reference to a system of hierarchical social order of divine origin, implying a theological rationalisation for caste. This is not to imply that Hinduism as a belief system *per se* would be solely responsible for the creation of caste system. A religion with a history spanning for at least three millennia amid a constant bombardment of new ideologies, philosophical concepts, a multitude of social movements as well as foreign invasions and yet managing to absorb them all, is a testimony to an adaptive nature which could not exist without the dynamic interchange of culture and religion. To try and separate the cultural from the religious in the Indian context would be a futile exercise. However, the enormous role that Hinduism as a religio-cultural entity has had in the creation of the histories of Indian subcontinent cannot be disputed. Thereby, when stating that caste is a product of Hinduism, the statement needs to be understood in the aforementioned context. Also to say that caste system is an integral part of Hinduism would be a simplification of Hinduism. As it would be unnecessary, as well as impossible, to try and give a definition of what constitutes Hinduism as a religion – due to its tremendous hybridity it escapes any rigid forms of categorisation – in the confines of this publication it is considered as a religio-socio-political entity which forms an integral part of the culture of India. For the purpose of this publication, the question over the precise historic origins of the caste system at such carries little value. The fact remains, that caste based segregation and atrocities rising from it, is a *de facto* phenomena affecting millions upon millions of people in India on daily basis. Whatever the origins of a system sanctifying such actions, there is little doubt that the focus needs to be on the abolition of the system, not its theoretical origins (while unarguably the two are closely connected). The notion of caste is a highly complicated phenomenon, not least because of the tremendous cultural diversity of India, and although rigorously studied by social scientist for at least two centuries, there seems to be only few taken for granted facts when it comes to discussing caste system. Therefore what follows, is merely a superficial and highly simplified account of the social stratification of Indian society in order to contextualise the issues of untouchability in contemporary India.

As noted earlier, the exact origins of caste system in India are unknown. The most popular, and also most vehemently criticised theory suggests that the basis of the caste system was introduced to India by Indo-Aryan migrants and

therefore had its origins outside the Indian subcontinent altogether. The theory is based on the premise that Indo-European settlers invaded the present-day northern India, bringing with them their traditional model of division of society into three separate classes: the priestly class, the aristocrats, and the labourers. The indigenous Indian population was eventually included in the social stratification as a class of servants. To avoid the intermixing of the indigenous Dravidian people of darker complexion with the fair Aryan invaders, the class categorisation developed into rigid system of social/racial exclusion. The Indo-Aryan invasion theory, based mainly on linguistic evidence, has not been verified and therefore the speculation over the Indo-Aryan origins of caste system also remains to be confirmed. The first textual evidence relating to caste is found in the Sanskrit Vedas. In terms of religious sanctification of the caste system, the most obvious starting point is naturally the sacred scriptures, as they form the canonised claims to certain to be taken for granted truths about the ways by which the sacred manifests. While Hinduism has no one single authoritative text that could be used as a fundamental source for knowledge, such as is the case with e.g. Islam and Christianity, there is still a somewhat common understanding of what constitutes the Hindu canon. Many of these texts remark the system of caste at some level. It is noteworthy that different writings express differentiating views on caste. In some instances it is discussed in a negative manner, or given very little attention to begin with. The fact that there is no one uniform description to be found in these writings in regards to what actually constitutes caste is a logical outcome of the fact that the writings formulating the Hindu canon were composed over a long period of time and in different regions of India under various different contexts. It also needs to be emphasised that the Hinduism of the Vedic scriptures has been, and continues to be very different from the everyday Hinduism practised at the village level; not least because the Vedic scriptures are written in Sanskrit, a language the overwhelming majority of Hindus have no familiarity with and thus have no access to them to begin with.

Perhaps the most notable reference to a system of social segregation is made in *Rig Veda*, one of the most revered Hindu writings and also one of the world's oldest religious texts. The passage describes the primordial sacrifice of *Purusa*, a cosmic giant of whose body the universe is composed of. Thus the idea of social hierarchy is present already in Hindu cosmology. It describes the birth of human beings as follows:

- ☞ *When they divided the Man, into how many parts did they apportion him?*
- ☞ *What do they call his mouth, his two arms and thighs and feet?*
- ☞ *His mouth became the Brahmin; his arms were made into the Warrior, his*

thighs the People, and from his feet the Servants were born.

Particular roles are thus prescribed for humankind in the form of *varna*: a Sanskrit word translating to colour, complexion or appearance (amongst a number of other connotations).⁴ Each *varna* is also described by a particular colour: *Brahmins* being represented by white; *Kshatriyas* by red; *Vaishyas* by yellow; *Shudras* by black. The idea of a particular colour symbolising the *varna* appears in *Mahabharata*, an epic poem which is one of the most beloved Hindu texts.

The colour of the Brahmins was white; that of the Kshatriyas red; that of the Vaisyas yellow; and that of the Sudras black.

While in contemporary India there is no obvious correlation between a person's colour of skin and his/her caste, the idea that a fair skinned person belongs to an upper caste does hold sway to some degree. The significance of colour and its ethnic connotations vis-à-vis racial discrimination and casteism have interlinks.⁵ The four *varnas* have (in somewhat simplified terms) become to be understood to have the following connotations:

- ☞ the *Brahmins* refers to the priestly class
- ☞ the *Kshatriyas* refers to the military and ruling class
- ☞ the *Vaishyas* refers to the merchant and landowning class
- ☞ the *Shudras* refers to the labour class

One's occupation is thus broadly destined by the *varna* which can be said to connote something similar to class, as understood in the European context of class society. It is often argued that the origins of the *varna* system was not hereditary based, but rather founded on one's merit and inherent tendencies,

4. The precise meaning of the word *varna* remains highly debated and it has become overtly politicised.

5. Each of the *varnas* carries a colour symbolising the *varna*, something which has had great interest for social scientists and activists alike. The fact that the term caste derives from Portuguese word *casta*, which refers to race and breed, has added to the attention towards the interlinkedness of caste and race as two social constructions sharing many similarities. The debate over the racial discourse of caste and untouchability seems to be impassioned by religious adherences, or lack of them, and has been highly politicised for various reasons. The colours signifying each *varna* were historically not necessarily perceived as hierarchical in nature, even though the *varna* themselves most certainly were. To conclude that white was the symbol of *Brahmin* because their *varna* was at the top of the social order and hence black the symbol of *Sudra* because their *varna* was seen as the lowest, would be to read Eurocentric, and relatively recent racial constructions into the products of entirely different cultural sphere and era. On the other hand, as also mentioned earlier, the idea that a person of light complexion belongs to the upper castes holds sway to in contemporary India. Whether this can be taken as proof of a link between discourse of racial superiority and caste is of course highly debatable.

which would determine one's *varna*. Whether or not this has historically been the case, the system nevertheless gradually decayed into a hereditary system based on family lineage. Each *varna* later came to be divided to numerous *jatis* (the etymology of the word refers to something which one is born into) which have been defined as "castes or socio-ritual status groups by birth or heredity".⁶ A type of endogamous subcaste to which one is born to and which is often associated with the actual profession of the person, e.g. Gandhi referring to a greengrocer. The concept of *jati* does not have religious origins and is not mentioned in any of the classical Hindu scriptures. However, it is *jati* which is actually the equivalent of caste in common parlance. Whereas the *varna* system was always a religiously codified notion – functioning more in the realm of theory than practise – *jati* is the system which actually counts for the individuals status in the social hierarchy. In this sense, it can be concluded (in highly simplified terms) that the system of *jati* codified the system of *varna* into a hereditary system of passing ones occupation into the next generation. Various complicated socio-economic processes, mainly some of the advantages deriving from a hereditary profession, gradually led to the development of *jati* as a closed endogamous system. Each *jati* developed a distinct social etiquette which became the cultural marker of membership in a particular *jati*, i.e. caste. Consequently, all three terms: caste, *jati* and *varna* are incorrectly used somewhat interchangeably.

Another notable source for references to caste is the book *Manusmriti*, in which the mythical character *Manu* lays down the basis for the system of caste in the form of law with numerous detailed examples regarding the code of conduct that is proper for each *varna*, formally codifying the caste system into legislation or sorts. The book also pays great emphasis to inter-caste relations, ratifying the superiority of the *Brahmins* in relation to *Sudras* in several instances, such as in the following verses:

"A Brahmana, coming into existence, is born as the highest on earth, the lord of all created beings, for the protection of the treasury of the law."

"The service of the Brahmana alone is declared to be an excellent occupation for a Sudra; for whatever else besides this he may perform will bear no fruit."

"A shudra who insults a twice born man with gross invective, shall have his tongue cut out; for he is of low origin."

Although *Manu's* book has sometimes been referred to as the Hindu Law, it is unclear whether it has carried any exclusive legal status as such. Also,

it is not considered to be a sacred scripture, as is the case with *Rig Veda*. Nevertheless, textual evidence confirms that the book has had an influential, if not authoritative role in historical India. (What needs to be noted is that as most jurisdiction is meant to control and/or limit activities which would otherwise be widespread; the fact that the caste divisions needed to be sanctioned by law implies that caste system *per se* was socially not rigid enough to prevent a degree of social mobility in its initial form).

A central concept in understanding how caste gained prominence and eventually secured its position as the dominant unit of social structure is the notion of *Varnashrama Dharma*. It refers to a belief – very much at the heart of Hinduism, both at theological as well as social level – that a person has certain role, *dharma*, to follow and fulfil in life. Individual's *dharma* consists of ethical living and living ones life in accordance with the expectations that are proper in the context of the caste one is born into. In other words, to remain within the pre-defined confines perceived as an appropriate model of behaviour for the caste in question. This notion is brought forth on numerous occasions in the scriptures, such as in verses of *Bhagavad-Gita*, in which Lord Krishna states the following:

"Your own duty done imperfectly is better than another man's done well. It is better to die in one's own duty; another man's duty is perilous".

"It is better to engage in one's own svadharm (occupation), even though one may perform it imperfectly, than to accept another's occupation and perform it perfectly. Duties prescribed according to one's nature are never affected by sinful reactions".

This central tenet of *dharma* is closely linked with belief in that if one leads a moral life and fulfils the expectations required, both as an individual, as well as a member of a caste, a successful rebirth will follow. The link between rebirth and caste has also been emphasised in the scriptures, such as in the *Chandogya Upanishad*:

"People here whose behaviour is pleasant can expect to enter a pleasant womb, like that of a woman of the Brahmin, the Ksatriya, or the Vaisya caste. But people of foul behaviour can expect to enter the foul womb, like that of a dog, a pig, or an outcaste woman".

There is no certainty over the exact time at which the concept of untouchability entered Indian culture, despite the almost obsessive interest of social-anthropologist and historians conducting research on the social ordering of

the Hindu society. Unarguably the most influential theory focusing on the foundation of untouchability, that is the caste system, has been formulated by the French anthropologist Louis Dumont. He argued that the social structure of Hinduism is based on a strict division of purity *vis-à-vis* pollution. This binary structure of purity/pollution plays an essential role in Hindu culture, up to the extent that it creates "a purely structural universe: it is the whole which governs the parts and this whole is very rigorously conceived as based on an opposition".⁷ The dichotomy invades all aspects of social life, from the classification of different foodstuff as either pure or impure, to similar hierarchical ranking of e.g. fabrics and metals. This tendency can be seen in the Vedic scriptures, which place great emphasis on ritual purity. While the various Hindu traditions follow to different standards of ritual purity and purification – the more orthodox the community, the stricter the level of ritual purity expected – the discourse is to be found in all strands of Hinduism. The utmost purity is to be found in the Brahmin *varna*, who are described as ritually pure by nature. They might temporarily become impure but will regain the state of purity through conducting certain cleansing rituals. Such is also the case of the other three *varnas* with a declining succession of purity. According to Dumont's structuralist thesis, the purity of the Brahman needs a binary opposition which to define its purity in relation to. The antithesis of the Brahmans' purity is to be found in the impurity of the group of people responsible for the labour considered polluting for higher castes. Such professions include any form of labour dealing with impure substances associated with death and filth. The labourers who work within professions such as butcher, leather worker or manual scavenger are seen to be at the very bottom of the social hierarchy due to their status of impurity deriving from their contact with impure substances. As the occupational hereditary is believed to be in accordance with *dharma*, the pollution also becomes a hereditary quality. Pollutedness by birth means that it cannot be ritually cleansed, as it is an inherent and hereditary condition. Since this group of people is unable to be ritually cleansed – as well as posing a constant threat of pollution to the upper castes by mere physical contact – they have been placed outside of the context of caste, i.e. they have become outcastes. Dumont notes,

*it is by implicit reference to this opposition that the society of castes appears consistent and rational to those who live in it. The opposition underlies hierarchy, which is the superiority of the pure to the impure, underlies separation because the pure and the impure must be kept separate, and underlies the division of labour because pure and impure occupations must likewise be kept separate.*⁸

7 Dumont 1980

8 Dumont 1980

Existing outside of the caste classification, i.e. having no *varna* also means that untouchables are not seen as deriving from the cosmic giant *Purusa*, of whose body formed *varnas*, that is, the basis of the Hindu society. In this sense the Dalits are not only living outside of the social order, but the implication is even more severe – they are not fully incorporated in the Hindu cosmology. While early textual evidence in regards to the appearance of a group of people regarded as untouchables is scarce, Dumont suggests that the notion of untouchability might be as old as that of the Brahman class, as, “it is clear that the impurity of the Untouchable is conceptually inseparable from the purity of the Brahman ... In particular, untouchability will not truly disappear until the purity of the Brahman is itself radically devalued”.⁹ The argument of Dumont’s thesis is straightforward; caste is always interconnected to the caste system as a whole, and to understand the mechanism of the system, it needs to be perceived in the light of the hierarchies between different castes.

The discourse of caste is so ingrained in the Indian society that the questions over its religious origins have very little to do with its actual socialisation; a clear indication of this is the practise of untouchability amongst the communities of non-Vedic religions of Christianity and Islam. The fact that discrimination based on caste is also present in the aforementioned communities serves as a sign of, not only the acculturation of these belief systems, but the degree to which caste has become integrated into the Indian society, independent from strictly religious discourse. An aspect that Dumont, to an extent, failed to take into account in his analysis by over emphasising its religious origins.

The caste hierarchies themselves are manifested through relationship of power, and while this often takes the form of ritual, the real implications occur at the social level. Therefore, when analysing the notion of caste, one immediately comes across a major obstacle. While the origins of the system are said to derive from religious scriptures, and therefore undoubtedly carry a level of religious sanctification, the system operates in the field of social, controlling the relations between different communities through a number of effective strategies of disempowerment. Therefore to focus too closely on the religio-dogmatic aspects of untouchability carries the risk of overemphasising the ritual aspect of caste at the expense of its political economy. While having its foundations in religious rationale, today – just as has been the case throughout the history of casteism – discourses of untouchability are central in the material relations of production. The vested material interests manifested through the discourse of religious orthodoxy are at the root of untouchability. Dr Bhimrao

⁹ Dumont 1980

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Ambedkar, the architect of Indian Constitution, and a highly influential figure in the emancipation of Dalits noted, that, "the Hindus are the only people in the world whose economic order – the relation of workman to workman – is consecrated by religion and made sacred, eternal and inviolate".¹⁰

Caste as a system of division of labour has been researched since the formation of historical materialism as an analytical tool. Marx himself paid great deal of emphasis on the 'Asiatic' form of village and its division of labour. Since then, Marxist readings on caste and untouchability have been widely influential in analysing why untouchability has survived into the present day. The concept of untouchability constitutes an exceptionally sophisticated system of serfdom, in that it controls a mass of extremely inexpensive labour through religious apparatus, securing the existence of a class of people whose aspirations of equality and upward social movement are restricted by socio-religious dogma of inequality as a hereditary condition. The notion of *Varnashrama Dharma* plays a major part in securing the availability of a mass of inexpensive labour for the landowning castes. While they might not be content with their situation, they are nevertheless confined to it by adherence to an ideology, which does not provide means for emancipation. As each caste's *dharma* is to fulfil its given occupational role, there is a stigma against pursuing education (and usually also financial barriers) that might open up possibilities for other, economically more lucrative occupations, which in turn would secure upward social mobility. Occupational mobility also imposes difficulties with regard to ones identification with a particular caste. As ones identity is to a large extent affected by the social norms followed and emphasised by a particular caste, a departure from the hereditary occupation can also be seen as turning ones back to these values. While this tendency has been rapidly changing in the past decades, with parents emphasising the importance of their children's education, the model still holds sway to some degree at the village level, where 72 percent of population still lives.¹¹

Here, the difference between rural and urban areas needs to be emphasised. While Dalits still encounter discrimination in the urban environment, the situation is far more severe in rural areas. On the other hand, with the rural poor agricultural workers migrating into cities to look for work due to the seasonal nature of agricultural work, the difference is not that clear-cut. In the larger framework, the occupational mobility of the Dalit population is tightly connected with issues such as education, urbanisation, mainstreaming of gender (not only in the context of Dalit women) and perhaps most significantly,

10 Ambedkar quoted in Shah 2001

11 House of Commons Library, *A Political Introduction to India*, Research Paper 07/41
URL consulted 7.07.07 at: <http://www.parliament.uk/commons/lib/research/rp2007/rp07-041.pdf>

the liberalisation of Indian economy. The opening up of the Indian economy will undoubtedly bring about major changes in the occupational mobility of the Dalit population. Political scientist Ghanshyam Shah notes that:

(for) those Dalits who have some assets for investment and/or marketable skills, have received university education and have become professionals, entrepreneurs, white-collar workers, professionals politicians, etc. the present agenda of the state of economic liberalisation and and globalisation may, to some extent, accelerate the process of diversification of occupations in society, which will also include Dalits.¹²

But, he emphasises that the process will, "at the most, continue to benefit a tiny section of Dalits, and reduce the number of Dalits living below poverty line".¹³ Globalisation, which is often perceived as Westernisation, will surely be playing a role in the discourse of occupational mobility of the Dalit population, as its focus on the individual is increasingly undermining many of the traditional notions of Brahminic ideologies that have governed India until the present day. Again, the percentage of the Dalit population who might possibly be gaining from the by-products of Westernisation of the Indian culture is very small. The socio-economic developments of the urban middle-class bare little effect at the rural village-level. On the contrary, the rural poor, including the rural Dalits, will be the ones suffering the impact of the neo-liberal policies most severely.

India is still a largely agrarian society, and approximately 75 percent of the Dalit population works within the agricultural sector of the economy. Given the fact that over 50 percent of these Dalit labourers are landless and 25 percent near landless, they provide an enormous body of low-cost labour to be exploited by the landowners who depend on the availability of inexpensive and submissive labour.¹⁴ In an agricultural society the correlation with ownership of land, standard of living, and potential political empowerment is practically inseparable. While not delving into the history of land reform in post-independency India, the basic premise of it was to empower the poorest farmers by increasing their income. The poorest, non-land owning farmers were nearly categorically Dalits, so had the reform been effectively implemented, it could have contributed towards a significant and large-scale socio-political change. This potential however never materialised, excluding few minor successes. The consequences of the failure are massive. States such

¹² Shah 2001

¹³ Shah 2001

¹⁴ Teltumbde Anand, *Globalisation and the Dalits*,
URL consulted 28.6.2007 at: [http://ambedkar.org/research/
GLOBALISATIONANDTHEDALITS.pdf](http://ambedkar.org/research/GLOBALISATIONANDTHEDALITS.pdf)

as Bihar where the implementation of the land reform has been nearly non-existent face a multitude of severe socio-economic problems, most of which can be traced back to the total failure of the land reform. Despite the existing legislation, the number of Dalits who have gained access to land remains small. There are a number of reasons for this, which can be attributed to the failure of the central and state governments to implement the legislation, as well as to the resistance of landowning classes to engage in sharing of fertile land. The latter is especially difficult to control in rural areas where access to judiciary for Dalits is often difficult because of geographical isolation and the prevailing casteist practises. Even when access to land is gained by the Dalits, they often encounter discrimination from the caste land owners who organise campaigns of social and economic exclusion by denying the Dalit landowner from selling or buying anything within the village, thus practically forcing them to stop cultivating their land, or by engaging in acts of violence towards them. This makes the ownership of land more burdensome than the low paid hard labour for a caste landowner, which often turns out to be virtual bonded labour. The link between bonded labour and the failure of land reform is intrinsic. Bonded labour is a clear infringement of the Article I of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which India has ratified in 1960. Article I of the convention defines serfdom as a condition or a status "of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status".¹⁵ The increasing numbers of migrant workers are particularly vulnerable to various forms of un-free, captive or bonded labour. A report on bonded labour in India by the International Labour Organisation points out that:

*the uneven pace of modernisation of agriculture has created new demands for a stable and servile labour force, which, in some cases, is obtained through credit bondage and elements of force, deceit and compulsion. Migrant labour situations seem to create a higher propensity for bondage. In the areas of origin, from where males are on the move, women or children may find themselves in bondage. In distant areas, migrant labour may end up in bondage.*¹⁶

15 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*

URL consulted 10.07.07 at: <http://www.unhchr.ch/html/menu3/b/30.htm>

16. International Labour Organisation, *Bonded Labour in India: its Incidence and Pattern*

URL consulted 05.10.07 at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081967.pdf

A situation that to an extent resembles the trans-Atlantic slave trade still exists in contemporary India, with the staggering exception, that its victims are not only free citizens of India, but also specifically protected by the constitution to prevent the sort of treatment meted out to them.

Ironically enough, throughout the Apartheid regime of South-Africa, India was one of its most outspoken critics, condemning the discriminatory politics of the South-African government towards its native population, while at the same time a remarkable number of Indians were suffering similar forms of discrimination based solely on their hereditary status. In recent times, the debate has been inclined towards the question of discrimination based on racial origins and discrimination due to caste, namely over the status of Dalits.¹⁷ The argument goes that both untouchability and racial signifiers are transmitted 'conditions' through generations or descent, and are cause for discrimination. The focus of this debate has been very much centred around the possible inclusion of caste into paragraph 73 on Descent-based Discrimination on the Programme of Action in World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban 2001. The United Nations Committee on Elimination of Racial Discrimination (CERD) condemnation of caste based discrimination in South Asia at the United Nations World Conference on Racism, was no doubt in large part because of the determined work of number of Dalit organisations, supported by influential international human rights organisations. Indian government's aggressive refusal towards adding caste into the official charter as a form of descent-based discrimination was a large-scale disappointment for the Dalit organisations, as caste had already been included in the draft declaration.¹⁸ While not delving into the debate over the classification of race,

17 The debate over the link between caste and race can be traced back to the much-debated Indo-Aryan invasion theory, which puts forth the argument that a group of Aryans of fair complexion arrived in Northern-India and over the time subordinated the native Dravidians of darker complexion. The fact that the *Vedas* carry references to the colour of different *varnas* has often been taken as a proof of a social hierarchy based on racial signifiers. However, no ethnological proof of strictly racial discrimination based on caste classifications exists. That is not to say that there is no link between these two. A look at Indian mainstream media contrasted with the complexion of the people giving depositions at the tribunal will reveal the social significance of colour. However, one has to be careful of constructing clear-cut causalities between caste and race. As a mosaic of innumerable ethnic groups – despite of the strong taboos on marrying outside of one's caste – intermixing of various ethnicities has always occurred, as has been verified by recent test on the genetics of Indian population.

18 However, equating the notions of caste and race has not been welcomed by all of those involved in combating casteism. A number of sociologist – most notably André Béteille, the Indian authority on caste – have argued that although the discrimination deriving from casteism can be equated with forms of racism, the implication that the two categories should be treated uniformly is highly problematic. Béteille has noted that despite the similarities of casteism and racism, "we cannot throw out the concept of race by the front door when it

which, although in many ways important for the discussion, can be seen as unnecessary in this context, as the CERD has already in 1996 stated that the term 'descent' as mentioned in the in article I of the International Convention on the Elimination of All Forms of Racial Discrimination does not solely refer to race;¹⁹ and that "the Committee affirms that the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention".²⁰ The U.N. Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance presented similar conclusions regarding the coterminous nature of caste and race in a paper published in 1999. Thus, while the Indian government appears vehement in its stance against the inclusion of caste as a form of discrimination based on descent, or descent as a possible cause of racism, there appears to be substantive pressure from the international community for India to revise its position.

What then is the position of Indian government on untouchability? It might seem like an absurd question given the vast amount of legislation aimed at securing the constitutional rights of the Dalit population. However, law *per se* remains inefficient as long as there is no political will to implement in the best interest of the population. Sadly this is the case in Indian context. Various national and international reports by non governmental organisations (NGOs) and international committees working within the field of anti-discrimination and human rights have – after thorough investigations and fact finding missions – time after time highlighted the atrocities that the Dalit population face on daily basis. While the judiciary has access to these documents, and a vast number of statistical data, the lack of measures taken to implement the laws by the police and judiciary in order to check the gross violations of Dalits human rights is deplorable. The wide network of legal provisions aimed at empowering the Dalit population is grossly under-utilised at all levels of the judiciary. The 2005 annual report of the National Crime Records Bureau (NCRB) under the Union Ministry of Home Affairs, states that a crime against a member of Scheduled Caste is committed every 20 minutes in the country. More significantly, the NCRB report reveals that the conviction rate is abysmal

is being misused for asserting social superiority and bring it again through the back door to misuse it in the cause of the oppressed". The Hindu *"Caste and race"*, 10.03.01

19 *International Convention on the Elimination of All Forms of Racial Discrimination*

"In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

URL consulted 09.07.07 at: http://www.unhchr.ch/html/menu3/b/d_icerd.htm

20 *Concluding observations of the Committee on the Elimination of Racial Discrimination: India. 17/09/96, CERD/C/304/Add.13. (Concluding Observations/Comments),*

URL consulted 09.07.07 at: <http://www.unhchr.ch/tbs/doc.nsf/0/30d3c5041b55e581c12563e000500d33?Opendocument>

- while chargesheets were filed in 94.1 percent of the cases, the conviction rate was only 29.8 percent. The report also states that:

the police, whose ranks are filled with members of the upper castes, are often reluctant to file cases under the Act [Prevention of Atrocities Act] which provides for heavy punishment not only for the offenders but also officials who fail to take action. Often, the police take advantage of the victims' ignorance and file cases under the milder Indian Penal Code. Only 8,497 cases of the 26,127 cases registered in 2005 came under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which clearly shows the trend. Instances of the police refusing to register cases or even to accept complaints are widespread. Police also actively allow private actors to commit violence against Dalits with impunity, and at times, collude with private actors in committing such atrocities. Police systematically fail to properly register these crimes under the Prevention of Atrocities Act, 1989 and the Protection of Civil Rights Act, 1995.²¹

The police and the judiciary, however biased towards casteist practises, play only a part in the bigger context of the state apparatus. The state must ultimately carry the responsibility of implementing the law. Dalits who are forced to work in 'polluting' and degrading occupations such as manual scavenging, although in principal protected by the state against such forms of labour, continue to be grossly mistreated by the state. A slightly more detailed look at the practise of manual scavenging reveals the absolute apathy of the state to implement legislation aimed at protecting Dalits. A report by HRW points out that while legislative measures such as the one seeking to end manual scavenging have existed for years on paper:

laws designed to eradicate exploitative labour arrangements — such as the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, the Bonded Labour System (Abolition) Act, 1976, the Inter State Migrant Workmen (Regulation of Employment and Service Conditions) Act, 1979, the Child Labour (Prohibition and Regulation) Act, 1986, the Minimum Wages Act, 1948, the Equal Remuneration Act, 1976, and the Karnataka Devadasi (Prohibition of Dedication) Act, 1992—and where relevant, their accompanying rehabilitation programs, are largely ineffective.²²

21 National Crime Records Bureau (NCRB), *The 2005 Annual Report*
URL consulted at 02.08.07 at: <http://ncrb.nic.in/crime2005/home.htm>

22 Human Rights Watch, *Hidden Apartheid: Caste Discrimination against India's "Untouchables"* Shadow Report to the UN Committee on the Elimination of Racial Discrimination

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The State cannot ignore the deplorable work conditions, in which many Dalit communities are still occupied. The manual scavengers, especially the manhole workers – who are still illegally employed by the municipal corporations of big cities such as Delhi and Mumbai, as well as the Indian railways – are provided with no protective equipment to protect themselves from the highly toxic gases in the manholes in which they work, covered from head to toe in human excreta. While in the cities the manual scavengers are forced to take up scavenging for lack of any other viable means of gaining livelihood, at the village level, the scavengers do not have the option to decline from scavenging, as they are often punished for refusing to do it. As the police and judiciary rarely provide any protection against the retaliation by the upper castes, manual scavengers are trapped in a vicious cycle of socio-economic violence. Regular incidents of deaths of manhole workers due to inhaling poisonous gasses in the manholes or of reports clearly highlighting the very hazardous nature of this job have failed to attract attention of the government. As powers-that-be have been unmoved by such violation of basic human rights no action has ever been taken. Nor has been any public outcry for the rights of these workers, except from a number of NGOs actively fighting for rights of Dalits. It seems absurd that India that is poised to become the next global superpower is not willing to adopt the simple and fairly affordable methods to abolish manual scavenging.

The fact that such inhuman practises continue shows how the various notions of inferiority and impurity have colonised the imagination of India to the extent that untouchability is seen as a natural state of things. Something that many Indians find hard to accept is the fact that even institutionalised social conventions governing the treatment of Dalits are manifested at the level of individual. Blaming institutional distortions for the plight of Dalit population and thus removing the human component from the equation is a faulty explanatory model for the *status quo*. The paradigm that things are the way they are because of certain historical socio-economic conditions has lead to the misconception that solely by engaging in legal reform the status of Dalits would drastically change. While addressing the legislation is a necessary and vastly important step in the process of empowering Dalits – the only truly effective means is to sensitise the population at the level of the individual. Mahatma Gandhi raised the issue of the status of manual scavengers at a Congress meeting in 1901, yet the majority of India still quietly accepts the practise more than hundred years after one of her most revered leaders addressed the necessity of its abolishment. While in many progressive circles casteist practises are strictly condemned, the everyday interaction with Dalits is nevertheless actively

avoided. The avoidance of social interaction with Dalits – while sanctified within the institutional framework – is nevertheless an active choice made at the level of individual.

An apparent institutional manifestation of this is the issue of reservations. A combination of the State's failure to fully implement its schemes – connected with the taboos still associated with untouchability at inter-personal level. Reservation is a policy that has caused heated debates since its implementation and in many ways has caused a further ideological drift between Dalits and upper castes. Policies of affirmative action became one of the fundamental themes of the Indian constitution, mainly due to the vision of Dr Ambedkar. The policy is stated in Article 15 of the Indian constitution - Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth, which states the "special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" and in Article 46 of the Directive Principles of State Policy, which states that "... the state shall promote with special care the educational and economic interests of the people, and in particular SCs and STs and shall protect them from social injustice". New policies intended to improve the means of access and forms of participation of the disadvantaged section of the population in the political, economic, and educational realm are introduced on a regular basis.²³ In fact, the first constitutional amendment in 1951 dealt with the policy of reservations. The reservation policy is administered by the central and provincial governments. They can opt for different levels of reservations, as long as they meet the minimum requirements set by the central government, but not exceeding some preset limitations. The philosophy underlying the system is that the under-representation of specific groups in the mainstream institutions derives from the historical process of social stratification based on caste (reservations are also included within parameters like religion, state of domicile, gender etc) and in order to reduce under-presence of these groups, policies of positive discrimination need to be implemented. Reservation policies function at mainly three levels. First, reservations guarantee that the lower castes are given a chance to affect public policies through participation in the decision-making processes of the legislative bodies. Second, by providing representatives of lower castes a higher income, not only is the employee benefiting from the advantages brought by higher income, but also the employee's family members will be beneficiaries, which carry long-term effects towards empowerment. Third,

²³ The reservation policy is an extensive collection of legislation, which need not be summarised here, as there are number of publications doing this. Similarly, to review the numbers and percentages reserved for the Scheduled Castes in various governmental institutions would also be somewhat meaningless as information regarding them is widely available.

and perhaps most importantly, through the increased visibility of Dalits in the public sector, the reservation policy helps mainstreaming Dalit issues into society at large. As the debate is concerned about the problems over the implementation of democratic principles in a nation that has historically been structured on the most undemocratic principles of citizenship, the debate carries so much historical weight that it often becomes hard to keep focus on the matter at hand. While arguments (often approaching biological determinism) over Dalits' incapability to perform at an equal level compared to non-Dalits are easy to debunk, the real issue seems to lay in the persistent avoidance of social interaction with Dalits. Many of the centres for higher learning in which the reservations are in place tend to be divided by lines of caste, and the interaction between Dalits and upper castes remains at a somewhat superficial level. However, the creation of spheres in which interaction between Dalits and upper castes is taking place, is, albeit slowly, helping to bring down the barriers. Once the generation that is currently growing up with the Mid Day Meal Scheme enters higher education, many of the taboos relating to social interaction might already be surpassed. Hence the need to sensitise the population at the level of the individual is crucial.

The emphasis on avoidance of social interaction that has led to the exclusion of Dalits from the mainstream society at large, has led to a vicious cycle of socio-economic inequality, which the various policies of affirmative action are aiming to check. The main obstacle to large-scale empowerment of the Dalit population has been the lack of economical/social strength to make their voices heard. Hence generation after generation both Dalit and non-Dalits are conditioned to believe in notions of superiority/inferiority.

While the situation might be slowly improving in this regard due to the increased access to education (yet limited in terms of numbers and representativeness of the Dalit population) they are still in many ways confined as second-class citizens in the eyes of the state machinery. The police and the judiciary who are meant to protect them from discrimination and atrocities are *de facto* ineffective. This largely stems from almost zero-level representation of Dalits in the Police and the Judiciary. Dr. Ramaiya has rightly pointed out in his address to the victims in the IPT, "how can we rely on the police and/or judiciary, when time and again members of both have proved to be party in crimes against the Dalits." The fact that the police and judiciary often protect the perpetrators of atrocities against Dalits serves as an encouragement for the perpetrators of these crimes as the knowledge that police and/or judiciary will protect them by either not filing cases against them under the appropriate laws, or as in many instances, filing cases against the victims under false charges removes any fear of legal sanctions. As the National Human Rights Commission data shows,

even the few cases that are properly registered under the appropriate Acts, the evidence is often tampered with or the victims are intimidated to change their statements or drop the charges, which leads to a very low conviction rate. The message is blatantly obvious. Human rights violations committed against Dalits do not call for any serious punishments to the perpetrators of these acts. While the laws and policies continue to exist on paper, the State at large still has to prove that it considers the human rights of all its citizens irrespective of their caste as identical and as worthy of equal protection.

The Indian civil society is very active in asserting the State's accountability. Various individuals, collectives and NGOs working for the empowerment of Dalits are engaged at a variety of levels and contexts in the struggle to empower the Dalit population. Just as there exists no single Dalit identity – notwithstanding the institutional identity that is imposed upon them – also the Dalit movement consists of multiple actors with different, but overlapping, interests and strategies for achieving their goals. The Dalit movement(s) has/ have not managed to unify in the political arena to form a single significant political move partly because of the intra-caste differences and clash of interest between different Dalit communities. The multiplicity of the Dalit movement can be observed through the sheer number of the organisations engaged in the struggle for Dalit empowerment. Some organisations are focusing on specific aspects of the violation on rights of Dalits, while some take a more comprehensive approach for the eradication of caste. Some organisations are localised, while some function in the international fora. Some focus on legal action while some concentrate on education and mainstreaming of Dalit issues. Whether or not one can discuss of one unified Dalit Movement is mostly semantics in the sense that they all aim towards the same goal – the complete eradication of untouchability. While the politics through which this goal is pursued differ widely, there is no dispute over the ultimate objective.

A common and uniting feature in the identity politics of the Dalit population is the subversion of the Dalitness to a form of resistance towards the Brahmanic ideologies. Instead of shying away from the negative connotations that Dalitness carries in the mainstream, it is perceived as an integral part of the history. The rise of Dalit literature and the emerging field of Dalit studies are a prime example of the process of gaining a new sense of empowered identity through the deconstruction of history written by the dominant upper-castes.

A crucial question encountered by the Dalit movement and the individual, is whether one can seek empowerment within the confines of Hinduism? If Hinduism is the sanctifying element of untouchability, can one truly escape untouchability without turning away from Hinduism? The example set by Dr. Ambedkar on October 14, 1956 is a powerful one. He led a ceremony in

which three million Dalits renounced the oppressive structures of the religion that they were born into, in accordance with Dr Ambedkar's earlier famously stated position, "it was not my fault that I was born an untouchable. But I am determined that I will not die a Hindu".²⁴ What that mass conversion to Buddhism, and many more following it symbolised, was a powerful reaction against the injustices that the Dalit population was experiencing solely on the grounds of being born within a certain caste/*varna*. The Dalits had come to realise that they could choose to give up the religion that justified such inhuman treatment, both as a protest to the establishment that maintains the casteist hegemony, as well as a concrete means of escaping the discrimination and atrocities inflicted upon them. Since then a number of mass conversions – often carrying political underpinnings – have taken place all around India. Conversion to Islam and Christianity en masse are also taking place though on a smaller scale.²⁵

Predicting the future of untouchability in India is a tedious task, with very few taken for granted patterns and explanations to turn for help. Not least because Hinduism is a religion largely confined to the Indian sub-continent, making it unique in both geographical and cultural terms. What is obvious however is that the role of Hinduism will play an immense role in determining the future of untouchability. While the secularisation-thesis that dominated sociological research of religion until the 1980s has now been debunked, it would be nevertheless misleading to say that the role of religion would not have been affected by modernisation. The process of modernisation has played a significant part in diluting many doctrines of Hinduism that

24 From a speech given at Yeola Conference on 13.10.1935

URL consulted 17.07.07 at: <http://www.buddhiwadi.org/Dr.ambedkar.htm>

25 The representatives of the upper castes in the bureaucratic system are now trying to take away this choice by introducing anti-conversion laws. The laws, currently in force in seven states – of which most were under the governance of the Hindu nationalist Bharatiya Janata Party (BJP) at the time the legislation was passed – are clearly contradictory to the right of freedom to choose and practice one's religion as guaranteed by article 25 of the constitution, which declares each citizen the "right freely to profess, practice and propagate religion" as well as Article 18 of the International Covenant on Civil and Political Rights; not to mention the fact it grossly conflicts the notion of secularism as the basic structure of the Indian Constitution. Although the anti-conversion acts are allegedly meant to protect the Dalit population against being involuntarily converted away from Hinduism, in reality, they are enforced to prevent voluntary conversion. Ironically enough, the same class of people who have previously denied Dalits' entry to Hindu temples, are now increasingly concerned about the Dalits renouncing Hinduism. Given the state of affairs, it should be obvious to the upper caste members opposing the conversion, as to why the Dalits are choosing to define their religious identity outside the confines of Hinduism. Nevertheless, the real reasons for the conversions remain to be acknowledged, as the attention is being diverted away, with claims of how the lower castes are being forcibly converted to other religions, and how they are being exploited by the leadership of their newly found religions becoming the focal point in mainstream discourse.

had previously been perceived as somewhat perpetual. One such tendency is the gradual disappearance of the strict norms of ritual purity, especially within the Brahmin segment of the population, which has historically been the class most orthodoxly observing them. Similarly, while inter-caste marriage still remains a near taboo at many strata of the society, it is nevertheless increasingly taking place. The slow, yet inevitable disappearance of archaic ideals of social stratification is almost universally considered as one of the benchmarks of modernisation. Whether India will follow this pattern remains to be seen. The direction that the nationalistic *Hindutva* politics will take will be central in this. Although the official discourse of BJP and the organisations affiliated with it assert a peaceful coexistence with modernity and modern notions of citizenship and political rights, the covert message is something altogether different.

While it is true that the religious discourse of untouchability, based on the dichotomy of purity/pollution has lost some of its dynamism, especially in the urban setting – in which strict levels of physical segregation are practically impossible to maintain – it is not to say that this does not still occur at the village level. The sheer number of cases brought up at the tribunal speak for themselves. However, as can be seen from the depositions given at the IPT, many of the cases are not related to issues of purity/pollution *per se* but are rather tied to issues of ownership of the means of production, entry to education, and access to decision making processes at the *panchayat* level. In other words, brazenly depriving Dalits the means for their own empowerment in economical, educational, and political sphere is the motive behind numerous atrocities unleashed on them. As noted earlier, the caste system forms a sophisticated system of serfdom, in which the Dalits, as a non-land owning segment of the society, are forced to serve the higher caste landowners. The instances in which Dalit farmers have gained access to land; the atrocities committed against them are often carried out, not by Brahmins, but by other caste members, for whom the adherence to ritual purity is not a factor of great significance. The motivation behind these atrocities needs to be understood as deriving from economical and political interests.

In sum, while the religious sanctification for untouchability might have been losing some of its significance, the practise of untouchability has not decreased at the same rate; instead, old forms of discrimination have found new manifestations, and Dalits, if no longer strictly untouchable, have become invisible. The increasing commitment to democratic model of governance, if far from perfect, has nevertheless empowered parts of the Dalit population, mainly owing to the policies of reservation in educational institutions. In spite

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of this, the government remains almost exclusively fortified by members of the upper castes, and whether it is in their real interest to empower the Dalit population is difficult to determine. Certainly there exists a level of almost unbelievable delusion towards the issue within the political sphere. An apt example of this was the reaction to prime-minister Manmohan Singh's speech in 2006, in which he noted that, "even after 60 years of Constitutional and legal protection and support, there is still social discrimination against Dalits in many parts of the country".²⁶ Representatives of the BJP party were quick to criticise Singh by arguing that such a statement will tarnish the image of India internationally. Although some progress has unarguably been made, the fact to be kept in mind is that the constitution abolished untouchability nearly 60 years ago yet abysmal results in this context leave nothing to cheer about.

** This introductory chapter is written by **Juha Siltaanen**, an activist with the Finnish League for Human Rights.*

26 Prime Minister's speech at the Dalit-Minority International Conference in New Delhi, December 27, 2006 URL consulted 19.07.07 at: <http://pmindia.nic.in/speech/content.asp?id=482>



THE INDIAN PEOPLE'S TRIBUNAL ON UNTOUCHABILITY

May 12-13, 2007 at the Indian Social Institute, New Delhi

Fifty-six organisations arranged for a public hearing of 67 cases of atrocities against Dalits. It was On May 12–3, 2007 when an Indian People's Tribunal on Untouchability was held before 12 jury members. They included former judges of Supreme Court and High Court, former bureaucrats and eminent social activists. They gave a patient hearing to each of the depositions. Apart from providing personal suggestions, the jury made official recommendation after hearing the cases.

While the cases of atrocities heard in the IPT are indicative of so many factors responsible for unjust treatment of the Dalits, there are other reasons that make them increasingly vulnerable to the already existing caste prejudices and violence. These are extreme poverty and inaccess to various resources and systems of public remedy. The cases which would follow categorically point to not only singular acts of heinous crime but also illuminate about how Dalits irrespective of their faith face utter subjugation and humiliation at multiple levels. The consequences of this may lead to hardship, violent attacks and even murders. Apart from the obvious effects, this does incalculable harm socially. It also puts a question mark on the high moral stand that India takes as second largest functioning democracy in the world and an emerging global power of the 21st century.

The victims came from remote districts of different states and also from the capital. Thus, the communication and exchange of thoughts and details had to surmount barriers of language and inhibition. They spoke in their native tongue, recounting every detail of the incidents faced by them.

There were cases which were just a-month-old as also those that lingered through years without any remedy. This also led to exploring the details of

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how the judicial system was faltering at the ground level amid the sway of prejudiced caste mindset. Most of the cases signify how the justice system remains inaccessible to Dalits and shed new light on the inadequacies of the system.

Many of the victims earnestly looked forward to the tribunal as a source of justice. Though, the jury members constantly pointed out that it is a civil initiative, the gravity and urgency of the situation were evident althrough the IPT proceedings. This could not remain confined to human rights violation alone but also led to a detailed report by the tribunal dealing with the issues involved.

Both state and national level organisations working among Dalits were present during the hearing at the IPT. They were :

State Organisations

- 1 Ambedkar Lohia Bichar Manch, Orissa
- 2 Behavioural Science Centre, Gujarat
- 3 CADAM, Delhi
- 4 Campaign on Human Rights, Maharashtra
- 5 Centre For Dalit Rights, Rajasthan
- 6 Centre for Social Justice, Gujarat
- 7 Dalit Action Group, Uttar Pradesh
- 8 Dalit Bahujan Front, Andhra Pradesh
- 9 Dalit Bahujan Shramik Union, Andhra Pradesh
- 10 Dalit Dasata Virodhi Andolan, Punjab
- 11 Dalit Mannurmai Kutamaippu, Tamil Nadu
- 12 Dalit Mukti Mission, Bihar
- 13 Dalit Mukti Morcha, Chandigarh
- 14 Dalit Stree Shakti, Andhra Pradesh
- 15 Development Initiatives, Orissa
- 16 Dynamic Action Group, Uttar Pradesh
- 17 Evidence, Tamil Nadu
- 18 Garima Abhiyan, Madhya Pradesh
- 19 Human Rights Forum for Dalit Liberation, Tamil Nadu

- 20 IEDADS, Kerala
- 21 Jogini Vyavastha Vyethireka Porata Sanghatan, Andhra Pradesh
- 22 Kachra Vahatuk Sangarsh Samiti, Maharashtra
- 23 Nari Gunjan, Bihar
- 24 Navasarjan, Gujarat
- 25 New Entity for Social Action, Karnataka
- 26 People's Vigilance Committee on Human Rights, Uttar Pradesh
- 27 Sakshi Human Rights Watch , Andhra Pradesh
- 28 Social Watch, Tamil Nadu
- 29 Social Awareness Society for Youth, Tamil Nadu
- 30 Tamil Nadu Dalit Women Movement, Tamil Nadu
- 31 Trumbur Liberation Movement, Tamil Nadu
- 32 Vikalp, Orissa
- 33 Working Peasants Movement, Tamil Nadu
- 34 Youth for Social Justice, Maharashtra

National Organisations

- 1 All India Dalit Mahila Adhikar Manch, Delhi
- 2 ANHAD, Delhi
- 3 Centre for Budget Governance and Accountability, Delhi
- 4 EIDHR - Civil Society Initiative
- 5 Human Rights Law Network, Delhi
- 6 Indian Institute of Dalit Studies, Delhi
- 7 Indian Social Institute, Delhi
- 8 National Campaign on Dalit Human Rights, Delhi
- 9 National Confederation of Dalit Organisations, Delhi
- 10 National Dalit Forum, Hyderabad
- 11 National Federation of Dalit Women, Bangalore
- 12 People's Watch, Madurai
- 13 Safai Karmachari Andolan, Delhi
- 14 Social Equity Audit
- 15 South Asian People's Initiative, Delhi

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(i) WELCOME ADDRESS

Colin Gonsalves, Founder Director of Human Rights Law

Network : The tribunal is being held when news has continuously been coming about the practice of untouchability in various parts of the country. They (the perpetrators) have taken away the property, life, land and other rights of the Dalits with impunity. Entry to the temples is prohibited. For how long this can be tolerated by the Dalits? Now all over the country, it is strongly being felt that people are not ready to tolerate all this any more for anyone, though Dalits are mainly the victim of discrimination, atrocities and vedetta.



Paul Divakar, Co-founder of National Campaign on Dalit Human

Rights : My salute – *Jai Bhim* – to all those who have challenged the heinous practice of caste in this country and to those who continue to sacrifice their lives for the cause of the whole humanity and not for the Dalit community alone. This IPT has invited today 56 organisations – all of them have been getting together at the National and International level for past 20 years or so to give a call to eradicate caste and untouchability practiced down the ages. We have all come together not just to express solidarity with those who are challenging this but also want to turn the tide to stamp it out altogether. To eradicate an impurity like untouchability all restraints that we carry in our psyche are to be done away with. The problem of untouchability is to be addressed urgently so that no more a woman, child or man is exposed to such heinous crimes. It is because of the sheer enormity of untouchability related practices that this public hearing is taking place. With this IPT that has once again brought together these 56 organisations, we look forward to their varied experiences. They are not just stories of victimisation but also accounts of a valiant struggle and survival against tremendous odds. The state and the constitutional bodies need to be challenged as a part of this struggle. Justice H. Suresh has rightly pointed out that justice is the responsibility of the state and we as citizens of this country would like to give a call to the nation for action. A National Agenda should be set for coming years where untouchability could be consigned to the dustbin of history. Through the next couple of days following this tribunal we plan



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perhaps the single most effective large-scale method of disempowering the rural Dalit population. Throughout history, in agricultural societies possession of land has been equated with one's status and has enabled land owning families significant upward social mobility. If this is to be ensured in the Indian context, it would call for a process for dismantling of the caste hierarchy since distribution of land in the past has been on caste lines. This has been an imperative for maintaining strict hierarchy between Dalits and upper castes. The link between land ownership, even if on a small-scale, and the overall quality of life has been recognised over and over again in a plethora of research around the world. Increase in social and economic security is intrinsically connected to ownership of land, whereas having no ownership of land is closely linked with bonded labour and other forms of forced labour.

During the colonial rule the British Raj implemented a semi-feudal system of land ownership, in which land was concentrated within the hands of few influential landlords who would lease the land to poor tenants for farming. The system was perceived so exploitative that after the independence, moves to distribute the land on a more equal basis were taken up. This was to ensure that even if the system did not get completely abolished, it would at least be transformed in order to better support the masses of landless labourers. Except some notable exceptions like the state of West-Bengal, these schemes have turned out to be significantly inefficient. Although the land reform succeeded in distributing the land from the few powerful landowners to a larger mass, the division of land has nevertheless by and large excluded Dalit farmers. The class that has actually benefited from the land reforms are the agriculturalists cultivating medium-size land. As a rule of thumb, these landowners come from the upper castes. In general, the land reform programmes which have been in place since independence have done very little to empower the rural Dalit population at large. Lack of political will, the tardiness of the judicial system and often openly anti-Dalit disposition of local courts have all contributed to the undeniable failure of land reforms.

The implementation of land reforms is conducted at the state level. While the government is in charge of preparing the guidelines, the actual execution of the reform cannot be enforced by the government, which has led to great disparity between different states. Even when the land is distributed for the Dalits, the location is often unpractical, the irrigation systems at places are inadequate and the land is almost categorically of poor quality. In many cases no proper documentation regarding the ownership of the land is provided, making it significantly easier for upper caste landowners to unlawfully obtain

the land, often with the willing cooperation of the local police. A survey conducted in 250 villages in the state of Gujarat in 1996 found that in nearly all the villages the Dalits who were legally titled for land, had nevertheless no possession of cultivable land. The small minority that did own land faced continuous harassment and discrimination from the upper castes. For this reason many villagers who were entitled to land as per the agrarian reform legislation, were too scared to accept because they feared retaliation by the upper castes.²⁷ The state of Bihar is particularly known for the tensions that often erupt into violence between the militias hired by the landowners and the Maoists fighting for radical agrarian reforms. Often the victims of the militias have no connection whatsoever with the Maoist insurgency.

The National Commission to Review the Working of the Constitution (NCRWC) has focused on land reform as one of the most important means of empowering the Dalit population, and,

“the Commission recommends that land reforms involving distribution and allotment of lands from different sources (ie government lands not required for genuine public use, Bhoodan lands, ceiling surplus lands, etc.) to the SCs and STs along with supportive mechanism in the shape of supply of subsidised capital and credit and extension be made, and development of these lands through irrigation and other means be undertaken”.²⁸

At the present, according to the National Campaign on Dalit Human Rights (NCDHR), only 69.5 percent of the surplus land intended for land reform has been distributed, while the percentage being received by Dalits, remaining as low as 34.6 percent.²⁹ While the levels of Dalit ownership of land remain low throughout the country, in some states the situation is worse than others. The list below prepared by the National Federation of Dalit Land Rights Movements segment of NCDHR displays the five states with the highest percentage of landless Dalit households.³⁰

27 Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables"*

28 National Commission to Review the Working of the Constitution (NCRWC), *Report of the National Commission to Review the Working of the Constitution*

URL consulted 21.08.07 at: <http://lawmin.nic.in/ncrwc/finalreport/v1ch10.htm>

URL consulted 14.08.07 at: <http://www.hrw.org/reports/1999/india/India994-04.htm>

29 Human Rights Watch, *Hidden Apartheid: Caste Discrimination against India's "Untouchables"*

URL consulted 14.08.07 at: http://www.hrw.org/reports/2007/india0207/9.htm#_ftnref481

30 National Federation for Dalit Land Rights Movements,

URL consulted 24.07.07 at: <http://220.226.204.214:9673/ncdhr/campaigns/national-federaton-for-Dalit-land-rights-movements-nfdlrm/>

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Sr. No	State	Percentage of SC Landless Households in 1999-2000
1.	Bihar	23.8
2.	Gujarat	18.1
3.	Maharashtra	16.7
4.	Tamil Nadu	15.1
5.	Punjab	12.2

A distinction needs to be made between landlessness and near landlessness. While the statistics about landlessness, although gloomy, might not be shocking, but when the category of near landlessness (defined here as someone owning less than 0.4 hectares of land) is added to these numbers, the appalling situation is borne out. The overall percentage, according to a report '*Untouchability: The Economic Exclusion of the Dalits in India*' published by the International Council on Human Rights Policy, is as high as 86 percent. Below are listed the five states with the highest percentage of landless and near landless Dalit households.

Sr. No	State	Percentage of SC Landless and Near-landless Households in 1999-2000
1.	Punjab	94.70
2.	Kerala	93.80
3.	Haryana	91.80
4.	Bihar	90.90
5.	Tamil Nadu	88.70

The future of agricultural Dalit populations' access to land seems bleak. The debate over land reform has been pushed away from the agenda of mainstream media, and the increasingly liberalising economy will no doubt further add up to the numbers of landless and near landless Scheduled Castes members in times to come. The setting up of Special Economic Zones to attract foreign investment is often conducted in lands that either belong to Dalits, or would either be suitable for distribution within the confines of the land reform.

Dalit Community of Chamalpur Village, Allahabad, Uttar Pradesh
Members of upper castes open fire on Dalits

Village Chamalpur falls under the jurisdiction of police station Bahariya, Allahabad District. The village is 30 kilometres away from the district headquarters. The population of the village is 3,700. Just 500 metres away from the village, the government in 1975 had allotted a plot of land to seven Dalit families. There were four *Pasis* and three *Chamaars* among them. The plot of land was cultivated since then by these Dalit families and was the sole source of their livelihood.



On October 11, 2006, at around 2.30 pm, Lal Bahadur Son of Mahadev and his family members started constructing a house on the land in question. When the Dalits came to know about this, they rushed to the Sikandrabad police station to lodge a complaint. Instead of taking the complaint, the police officials discouraged and demoralised them. An application was made to the Deputy Inspector General of Police. However, there was no reply from his side as well. From there, the Dalits came to the land in question and requested the upper caste family to stop the construction. They also showed them the stay order of the court but members of the *Yadav* community started abusing and threatening the Dalits. Soon they opened fire at them. There were around 23 of them and apart from guns they were also armed with sticks and rods, which were used in the attack. During this firing, 21 Dalits were injured, six of them seriously. Among the victims were six women in the age group of 30-45. After they were shot and beaten up they were abandoned in the field. Someone who arrived at the scene after the culprits had left took the victims to hospital. As they were injured, an FIR was not filed immediately. Later someone took hold of an old man in the group of victims and took his thumb impression on a report in which only 10 people were charged and out of that a police officer struck off two names of the main culprits whereas there were 23 people involved in the incident. The victims began forwarding petitions to all the authorities when they recovered. But no action has been taken. No case has been registered with the SC/ST commission. No compensation of the damage has yet been received by the victims. There are pellets still lodged in their bodies. Twenty of the victims have medical reports that have been manipulated by the police. It has reduced the number of those injured by bullets. The victims testify that the police are involved in the episode and have been spectators of the incident from a distance. They are also involved in shielding the culprits and obstructing the efforts of the victims in getting justice. The victims have moved away from the plot after the violence. Yet they

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are still under the threat of the assailants as they are trying various avenues to get justice.

The case was taken up by the branch of NCDHR in UP and came to the tribunal through them. The incident as it took place comes under

- Section 326 IPC
- Section 327 IPC
- Section 4 of the SC, ST Prevention of Atrocities Act of 1989.

Yalla Ratna Raju and Others: Villages in Krishna and Hyderabad Districts, Andhra Pradesh

Dalits assert their rights over land



These are a group of tales of atrocities committed by three sons of an upper caste family in the same village. Birdugadda Suresh, son of Kanakambram, aged 12 yrs, of Mala Community was returning from the school after Independence Day flag hoisting on August 15, 2004 along with his friends. He accidentally fell in a fish pond. His friends ran to the village and called the elders. By the time they came, Suresh was dead. The following day villagers were agitating on the main road of Pedda Thumiddi against the owner of the fish

pond in which the boy got drowned. The owner Bolla Radha Krishna got irritated. He used vulgar casteist language against the agitating group.

In another incident, Yalla Ratna Raju, Son of Gangaiah, aged 50 years. of Mala Community, who is a resident of Pedda Thummidi Village of Bantumilli Mandal, Krishna District and his daughter Siromani were forced to work at the compound of Bolla Ravindranath Tagore in Hyderabad since he failed to repay a loan of Rs. 3,000. This he had borrowed for purchasing fertilisers. After having worked for nine months, Ratna Raju's son came to Hyderabad and asked Tagore, why the debt did not clear, though they have worked for many months. On August 25, 2004, Tagore got irritated and gave a beating to Ratna and his son, and they were sent away. Tagore forcibly confined Siromani, daughter of Ratna and sexually exploited her for about six months and sent her back to Pedda Thummidi because he came to know that she was pregnant. He ensured that she undergoes an abortion in Bantumilli. A case was filed after the incident, which was transferred to the police station of Saroornagar on September 29, 2004. Bolla Ravindranath Tagore encroached

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upon the burial ground of Dalits adjacent to his lands at Bandlagudem village and converted the same into fish pond.

Pamu Kalawathi widow of Gandhi aged 50 years, of Mala community had seven children. Her land in RS No-838, measuring 2.40 acres was encroached upon by Bolla Ravindranath Tagore of the same village. Her husband expired a year ago amid the row over the land. Till date, neither has the land been returned, nor has any payment been made against it.

Bolla Radha Krishna, son of Ramulu of Pedda Thummidi village has forcibly occupied the lands of Putti Subba Rao, Sheelam Vimala Devi, Mundru Sugunamma, Kurma Gnanasundramma and also of the witness Gudipudi Bala Swamy of Vaivaka village about three years ago. On demanding back the land, the victims were threatened of dire consequences. Because of fear of Bolla Radha Krishna the victims have not complained so far.

Dasari Ramesh, son of Venkateshwara Rao, the *Sarpanch* of Pedda Thummidi in Bantumilli Mandal was waiting for the bus at Lakshmiapuram centre in Bantumilli around 09:30 pm on October 23, 2004 to visit his in-laws house. Bolla Venkata Durga Narsimha came and took Dasari Ramesh to his house on motorbike and beat him up saying that the decisions to be made in the *Panchayat* board to be held the next day should be made in favour of his brother, Bolla Radha Krishna. He also threatened him of dire consequences if the land is not registered in the name of his other brother Bolla Ravindranath Tagore. Dasari Ramesh was dropped at his house at around 11:00 pm. Ramesh told his brother Suresh about all that happened. At round 8:00 am on October 24 Suresh sent his brother to bring newspaper. By the time he returned back at around 09:30 am, Ramesh was found dead. He had hung himself. One of the accused of the culprit's family was arrested but he was later released on bail. At different times, the public officials have been approached. The SDPO of Machilipatnam, the MRO of Bantumilli, the SI of Mudinepalli and Bantumilli are some of them. The State commission of SC/ST and the land commission of the state were also approached. The state land commission took back the land under dispute but did not distribute it. No other action has been taken against the accused.

Taking into consideration the account of the victim, the incidents show a clear violation of

- Article 3 UDHR and Article 5, Clause b of CERD (Committee of Elimination Racial Discrimination)

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- Section 323 of IPC (Indian Penal Code)
- Section 376 of IPC
- Section 3 (1) clause (iv), (v) & (vi) of SC ST POA Act (Prevention of Atrocities Act of 1989)
- Article 8 (3) (a) of the ICCPR (International Covenant on Civil and Political Rights)

Surendra and Others: Banka District, Bihar

Attack and forced eviction from land



Surendra's grandfather along with 12 other Dalits had received over 45 to 48 acres of land. Surendra inherited land of two acres and 80 *bishas* from his family. Since this distribution, the land has been cultivated. Ever since Surendra's school days, his father and grandfather had been on bad terms with the *Yadav* caste of their village. His father and grandfather used to work as laborers for Vishal *Yadav's* family who regularly exploited these Dalit workers. Their wages were low. Though Surendra was in school, he was aware of these things. Lately, Surendra's grandfather and father become too old and the *Yadav* family wanted that Surendra should replace them. They told Surendra to abandon his studies and start working in the fields. Surendra had never worked, nor touched the plough and, thus, he said that he couldn't do this work. This enraged them. Apart from that a few of the hooligans of the *Yadav* community used to regularly harass the women folk and venture into the Dalit houses on slightest pretext. Surendra began to protest these things openly and this made him and his family a target for the *Yadav* bullies. His land was encroached upon and he was thrown out of his field. Surendra went to the local police station. The police inspector told him that it was not under his jurisdiction and referred him to the CO. Surendra then forwarded his complaint to the CO. The case was taken up and Surendra came back with an order in his favour. He held a meeting of the villagers and showed the papers and asserted his claim. But the accused did not relent. After that Surendra forwarded petitions to multiple authorities - DM, SP, local Police Station, SDO. The DM sent an inquiry to the local police station. At this time, the *Yadavs* came to know that Surendra had approached the DM with his

grievance. They hired miscreants to attack his family. Surendra along with his entire family had to flee to his mothers' ancestral home. They were followed even there. This was in September 2006. Once when Surendra was not in his home and had gone to his sister's place, the goons entered his home at around 11.30 pm and hit his mother with a spade. She was struck on her face and nose. Immediately she bled profusely through her nose, mouth and ears. People went to inform Surendra who rushed back to find that his mother was in serious condition. It was not possible to move her out for medical aid and legal action at night. They informed all concerned through phone and early next morning took his mother to the police station. The police officer said that she was not going to live. Surendra was determined not to let her die. The police officer refused to make a case diary entry saying that she was not going to survive and it was of no use. Surendra demanded that the police officer record his statement. Yet the officer did not oblige. From the police station Surendra took his mother to Jharkhand Deoghari Hospital. The doctor whom they approached was Dr. Ranjan Sinha. Surendra lied to the doctor about the cause of the injury. He told that it was early in the morning and the patient had moved up in the store to fetch firewood when the ladder gave in and she fell and hit a sharp spade. The doctor treated the patient and Surendra returned after four days with his mother. When he came back a Hindi newspaper reporter from *Dainik Jagaran* reached his place. Surendra narrated his story to the reporter. He told the reporter how the dispute arose and how he lied to the doctor to get his mother treated. The news was published in *Dainik Jagran* in the issue dated September 8. After that Surendra was implicated in a false case. At a meeting held by the *Sarpanch* he was asked to produce all the land documents. When he produced them, the documents were snatched and the culprits fled from the place. Surendra and seven other Dalit families were forcibly ousted from their lands. In total more than 55 acres of land has been illegally occupied. Surendra and other families are homeless now. As Surendra continued to protest, he has faced the worst kind of vendetta. The police have not been able to provide any remedy to the victims. Applications are laying at all the level of authorities from the local police station to the DM. Yet there has been no action.

Going by the account of the victim, the incident shows clear violation of:

Section 3(1) (iv); (vi) and (xi) of Scheduled Caste & Scheduled Tribe, Prevention of Atrocities Act of 1989

Dalit community of Ustehad Village, Kangra District, Himachal Pradesh

Forcible eviction of Dalit families to further construction of a college



The 40 Dalit families that are asked to evict the village have been living at Ward no. 01, at Ustehad, under Kangra District of Himachal Pradesh since 1962 when pieces of land were given to these families by the state government. The dimensions of the land area were measured by *patwari*. In 1974, the government announced that this land area is given to the 40 Dalit families forever. The 40 families comprise of SC and ST communities. Their economic situation is very

bad and the governments have paid no attention except providing them electricity and a few hand pumps for their drinking water. Majority of the Dalit population depends upon daily wages. The government has provided the families with no proof of the ownership for their land. It is now therefore seen as unused land area and government asserts its rights over the land to build a college there. In building up of the college, 35 *karnal* of the land area is required in which 28 *karnal rakba* is empty and 25 *karnal rakba* contains 40 Dalit families. Since the Dalits have no official documents to claim their ownership, they have been ordered to vacate the land. The residents of the village sent a petition regarding this on June 5, 2006. All the 40 families also gave a written complaint to the *patwari* on July 17, 2006. There was no response to these petitions and a notice of eviction was slapped on them by the SDM Sandeep Kumar on November 15, 2006. The case was taken up by NCDHR but the state government has not allowed any of them a hearing. They are on the verge of losing their tenuous homes built through hard work and meagre savings.

Korralla Chennayya and Kesavulu of Chilver Village, Medjile Mandal, Mahboobnagar District Andhra Pradesh

Members of the upper caste cut water supply to a Dalit farmlands

Chilver is a village in Medjil mandal of Mahaboob Nagar District. The total population of the village is around 1500. The *Reddy* community dominates the village though they are very few members of their caste in the village. The Dalits of the village depend for their livelihood on the land given to them by the government. Korralla Chennayya and his brother Kesavulu received one

acre of land each. They laid a bore well on October 10, 1999, which failed to bring up water. Again on January 2, 2001 they tried boring for water and it was successful. They both started successfully cultivating cotton. The Reddys could not tolerate this. Enna Reddy, Showri Reddy and Mari Reddy forcibly bored a well just 15 feet away from Chennayya's plot and laid a pipeline that was 3 kms long and led to their lands. As a consequence, underground water from Chennayya's plot was drawn away to the fields of the Reddys. The crops in Korrala Chennayya's and his brother's fields dried up and they were unable to cultivate further due to the lack of water. Recently, one more bore well has been laid down. When Chennaya tried to talk about this, he was abused and beaten up. This was later in April. As he looked for other source of income, he was not allowed into his own fields. There is no information whether a complaint has been lodged or not, the Reddys have kept them under threat. The victims have been severely been affected by this unexpected turn of events.

Such discrimination is clearly against the legal statuete of Section 3 (1) (v) of the SC/ST Prevention of Atrocities Act of 1989

Bhanwari Devi of Bhanlyana Village, Jaisalmer District, Rajasthan
Dalit women subjected to hardships and household seized

The Dalits in the Bhanlyan village of Pokhran district Rajasthan have little land of their own except their little dwellings. Dalits primarily survive on the task of keeping the village clean and burying dead animals. The *Rajputs* and other dominant castes' people behave with them according to the caste norms. Tajaram, a Dalit lives in the village with wife Bhanwari Devi and their three children. That is the only Dalit family in that village. Tajaram and his family had been allotted a piece of land by the *Panchayat*. This plot of land is in the vicinity of a private school in the village. This was not well received by the owner of the school who wanted to extend the campus of his school. Thus, Bhairaram, son of Shivadan Ram, barged into the hutment of Tajaram on December 7, 2006 when Bhawari Devi was lone with her two children. Bhairaram attempted to rape her but Bhanwari Devi resisted fiercely. So they beat her her up and destroyed the household, grabbing the few valuables she had. She was seriously injured and had to undergo treatment. Meanwhile, the neighbours informed Tajaram who rushed to his house and informed the police over a phone at night. The next day, Tajaram and Bhanwari Devi went to the Pokhran police station to register a FIR. They

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requested the police outpost at Bhaniyana to protect their land. By the time the Bhaniyana police reached the spot, the accused had put up an old hut of theirs in the land of Tajaram. The police registered a FIR under the section 143, 323, 354 and 379 Indian Penal Code. A case under the section 3(1) clause (x) and (v) of SC/ST POA, Act 1989 was also registered the same day. On December 10, 2006, the victims petitioned to NCDHR and also to the Pokhran police station. The witnesses of the incident attested their statements and submitted them to the police station at Pokhran. Later a chargesheet was filed. Yet none of the accused has been brought to book. A mandate also has been submitted to the District Collector and Sub-district Magistrate of Jaisalmer. On December 23, 2006, the incident was also published in the local newspaper. Presently, the family has been staying with father of Bhanwari Devi. The land that was encroached has not been restored to the family. The accused are scot-free driving fear among the victims. It also has severely affected the income of the family. No aid or support has been provided by the administration to the family.

The incident is a clear violation of:

Section 3 (1) (iv) and (x) of SC/ST, Prevention of Atrocities Act, 1989

Section 4 of SC/ST Prevention of Atrocities Act, 1989

Koppula Manoharam of Kantepudi Village, Guntur District, Andhra Pradesh

Water resources diverted from land of Dalits

Koppula Manoharam, son of Narasaiah is a cultivator and retired government employee. He obtained an agricultural land near Nalanda engineering college in the same village. On July 12, 2006 at about 4.00 pm Chandra Mohan Reddy, Jaysankar Reddy, Sankar Reddy and A.D. Appa Rao, Vijaya Kumar who belong to upper caste began extracting irrigation water from a canal which supplies water to the fields of Manoharam. At that time, Manoharam questioned them as to why they were doing so. The very fact that he dared to question enraged the Reddys and they started to abuse Manoharam and later the matter led to violence. Koppula was thoroughly beaten up on the very spot. Manoharam was hurt but he decided to fight and lodged a complaint at Sattenapalli rural police station. Police registered a case under crime No. 91/06 under SC/ST (prevention of atrocities) Act 3(I) (V), 3(II) (X). Sub Inspector of Police S. Sambasiva Rao registered a case under the guidance of K. Veerabhadra Rao (DSP), B Sivadhar Reddy (SP).

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But no action followed. Moreover there was no inquiry in the wake of the case. On November 25, 2006, they referred to a chargesheet filed for a non-cognisable offence and virtually of the nature of a civil dispute against Chandra Mohan Reddy and others. No compensation has been paid to the victim. The victim has approached the District Collector of the region, the RDO of Guntur, the SP of Satenapalli district. The local newspaper have also been given the story but no positive or prompt response has been heard of. The Dalit Bahujan Front, Andhra Pradesh is a state based organisation working for the rights of Dalits that has been pursuing the matter and assisting the victim in continuing the struggle.

The incident shows that the accused has clearly violated the legal provision of Section 3 (1) (v) SC/ST Prevention of Atrocities Act, 1989.

Dalit community of Chakwara Village, Jaipur District, Rajasthan
Dalit members of the village beaten up and humiliated for 'polluting' a public pond

The Chakwara *Panchayat* has a small public pond, which is used by people of all communities. The Dalits could use only their community *ghats*. The *Ganesh ghat* was made only for members of the upper castes. This said *ghat* has deep water. The water level at the *ghat* of Dalit community is very low. On December 14, 2001 Babulal Bairwa took bath in the *Ganesh ghat*. This was at once taken note of. The villagers of that region are not only casteist by behaviour but conscious



believers in the system of caste as propounded in yore by Manu. The patels of the village on behalf of all the three Upper Caste people charged Babulal Bairwa and Bairwa community a fine of Rs. 51,000. Members of the dominant caste threatened Bairwa with social boycott in case of default in paying the fine. Earlier also Babulal has been making enormous efforts to weaken the traditional caste based system of the region. On hearing from Bairawa, the Phagi police registered an FIR, however, even after six months; the people of Bairawa community received no communication. The efforts to seek administrative and legal help was answered by the upper caste most vehemently when they threw human excreta in the well used by Dalits not once but for five times in a village called Kansel that comes under Phagi police station. The local police submitted the final report before the Court.

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The Special SC/ ST Court Jaipur also acquitted all the perpetrators. After that a Criminal Revision Petition was forwarded before the Rajasthan High Court, Jaipur. People of the *Bairwa* community approached the Dalit Human Rights Centre at Jaipur. It was decided to take a procession under the title *Sadbhavna Yatra* from the place Chakus to Chakwara (roughly 60 Km.) on September 20 and 21, 2002. People of all communities and religions participated in the *yatra*. However, when the procession went through the localities inhabited by the *Jats* and other dominant caste people, they avoided it. In Chakwada and neighbouring places members of the three dominant castes of Jaipur district labeled the *Sadbavana Yatra* as a Dalit rally. To disturb the procession, people of non-Dalit communities called for a strike. On September 2, 2002, the *yatra* was given reception at only one village. On September 21 some 15-20 thousand people had assembled in a crowd, who were essentially non-Dalits. The protest rally was about six kilometres long and was shouting slogans against Dalits. They were having weapons of all kinds and the situation got bad by 10 O'clock in the morning. After that, the *yatra* was called off at 11.00 pm. The police announced that the *yatra* has come to end and ordered the crowd to disperse. On account of their disobedience, the police applied mild force with firing in the air. This incident happened in presence of all important government officials including District Collector and Superintendent of Police. Some police personnel were injured during the incident. After the incident, members of the dominant caste instructed members of the *Bairawa* community not to use public water bodies. Presently, the upper caste community has abandoned the pond and many a times it is dumped with human excreta. A permanent police outpost has been installed in that village but it is practically of no avail. The Rajasthan High Court, Jaipur has also dismissed the petition of the *Bairawa* community against the acquittal of the accused.

The episode is clear violation of the rights of Dalits under the legal provisions of

- Section 4 of SC/ST Prevention of Atrocities Act, 1989
- Section 3 (1) (x) (xv) of SC/ST Prevention of Atrocities Act, 1989
- Section 3 clause (b) of Protection of Civil Rights Act, 1955

(iii) DISCRIMINATION IN HOUSING

Dalits' houses have been the repeated target of upper caste attacks. Dalits own a fraction of land in any given region, which is considered to be the rule in the caste convention. Therefore any attempt at proper housing and any sign of prosperity of Dalits often becomes a thorn in the eyes of upper caste members. This animosity has resulted in worst kinds of violence and intimidation against Dalits, in which the attempt has been to damage their property. In the urban setting too, the discrimination in housing follows the classic pattern of ghettoisation, as the living standards of the overwhelming majority of urban Dalits remains significantly lower than that of the members of upper castes.

Residential segregation of the Dalit population is to be found everywhere in India – both in rural and urban settings. In the rural areas Dalit population often lives in clusters where the majority of inhabitants belong to the Scheduled Castes, or, if living in a village where upper caste residents form the majority, they are segregated to the outskirts of the village, where the infrastructure for housing and other amenities is appallingly poor. This would include issues such as access to clean water, public lavatories, sanitation etc. According to National Campaign on Dalit Human Rights statistics, only 10 percent of Dalit households have proper sanitation, as opposed to 27 per cent of non-Scheduled Castes households.³¹ In case the village is located in the proximity of a river, the Dalit settlements are categorically situated at the downstream, making them considerably unhygienic. The *de facto* quality of the buildings is also of poor quality, as noted in a research conducted by the National Centre for Applied Economic Research: "the village development index is also associated with the percentage of *Kutch* houses (low cost house often made of mud with a roof of tin in some cases of thatch in some other). Over 70 percent of landless labourers live in *Kutch* houses, as do a majority of both SCs and STs (74 percent and 67 percent respectively)".³² Attacks in which the housing and property of either an individual Dalit, or a whole community of Dalits is destroyed, often as a means of vendetta and retaliation, are widespread at the village level. These cases are often linked with issues related to ownership

³¹ National Campaign on Dalit Human Rights, Broken Promises and Dalits Betrayed, Black Paper on the Status of Dalit Human Rights
URL consulted 30.07.07 at: <http://www.Dalits.org/Blackpaper.html>

³² National Centre for Applied Economic Research, India- Human Development Report, quoted in Dalit Samakaya
URL consulted 30.07.07 at: <http://www.Dalitsamakaya.org/who.htm>

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and the unlawful obtaining of land from members of Scheduled Castes by upper caste members. This leads to forceful removal of government owned land, which often does not have any infrastructure in place. Often the local government removes such communities through forced evictions, which can turn into violent demolitions and eviction of the whole community.

The urban housing pattern follows a similar tendency, although the level of absolute physical segregation is in practice harder to maintain in the cities. A Dalit wishing to move into a dominantly upper caste area will be subjected to a near interrogation like questioning in order to find out his/her caste status. Although the strict separation between upper castes and Dalits does not reach the extent that it does at the village level, the segregatory politics vis-à-vis housing nevertheless very much exists in the urban enclaves as well. This is largely due to the grim economic and abysmally low status of Dalits. It is also partly due to the discriminatory housing policy and projects of the government to maintain the spatial segregation of Scheduled Castes from the upper castes by providing poorer residential services for the Dalit inhabited areas. These include but are not limited to poorer medical facilities, poorer and less hygienic water sources, poorer quality public lavatories, etc.

The physical exclusion of Dalit through segregated housing, again, draws its rationalisation from the purity-pollution dichotomy. The communities engaged in what are perceived as 'unclean professions' such as butchers, leather workers and manual scavengers, were to be physically separated from the caste Hindus in order to avoid ritual pollution. The existence of completely segregated colonies is still evident in many select quarters of inferior nature in major cities. They connote the type of employment that the residents of that particular quarter are engaged with. This often continues as a part of urban planning strategies, which could otherwise be used to change the *status quo*. Although some pilot-projects have been started in few cities to improve the housing status for professions thought to be low, the modern opportunities for improved living remain pathetically underutilised.

In times of tragedy too resettlement of people is seldom done on a fair basis. Relocation of people affected by the Tsunami of 2004 has been criticised by a number of human rights organisations because both the temporary and permanent housing provided for the Dalits affected by the tsunami is sub-standard when compared to those provided for members of upper castes.

Valmiki community of Dasalwaan Village, Karnal District, Haryana

Mass attack against Dalits and their housing

On February 26, 2007 at 6 pm, Pradeep Kumar aged 16 years son of Ram Kumar and, Lilu, 18 years, son of Nakli Ram of *Valmiki* community, a Scheduled Caste, were taking their cattle to graze. The cattle entered the field of Mahipal. It is alleged that Mahipal, a *Rajput* used casteist language that angered the *Valmiki* youth. It is alleged that the youth beat up Mahipal. On February 27, 2007 at 6 am Ram Javari a Dalit boy was roaming



around in the fields when he saw the corpse of Mahipal. He told the relatives of Mahipal what he saw. The family members of Mahipal informed the police regarding the incident. The police came to the spot and probed into the incident. The police found some footprints and droppings of sheep and goats in the field. Based on that, the police suspected that the shepherds have murdered Mahipal. The Police arrested Pardeep and Lilu in this connection. The police tortured them cruelly to wrest confession from them. After the post mortem, Mahipal was cremated. Subsequently, the *Rajputs* called a meeting of their castemen. Someone from the *Dalit Basti* heard about the conspiracy being made by the *Rajputs* in the meeting. Most of the Dalits left the village. The *Rajputs* also cut the phone lines, so that no one could call the police. After collecting Mahipal's bones on March 1, 2007 at 1.30 pm, under the leadership of Block Samiti Chairman, Surjit son of Baru, Ranjor son of Kesa, Maste Ghanshyam son of Baru Ram, Dharamveer son of Suresh, Omveer Son of Udha and Kaptan, some 2000 *Rajputs* attacked the hamlet of Dalits. The mob was armed with swords, pickaxes, lathis and other lethal weapons. Some allege that the assailants had revolvers, too. All the houses, which were inhabited by *Valmikis*, were attacked. The utensils, sacks of grains etc were ransacked and destroyed. After the houses were almost emptied, they were burnt down. The houses were burnt down in police presence. The *Rajputs* destroyed 190 houses and burnt 10 houses with kerosene and diesel. After the arson was successfully carried out, the police reached the spot in greater strength as Jasveer (one of the victims) kept calling the police from his cell phone. It is alleged that the police cleared all evidence of fire. However, burnt clothes along the passage, charred walls and smell of burnt wood revealed that the locality was set on fire. Twenty Dalit youths were injured; one of them critically. The injured victims were admitted in the Civil Hospital

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at Assandh, District Karnal. The Doctor referred Jasvinder and other victims to the Trauma Center in Karnal since their condition was critical. Some of them continue to be in bad condition. On March 2, 2007 in the presence of heavy police security, a *Valmiki* youth, Sonu aged 20 years, died under suspicious circumstances. The *Valmikis* claim that he was murdered, because he was the cousin of those who allegedly murdered Mahipal. The *Rajputs* say that Sonu committed suicide. According to the SP, the post-mortem confirms suicide. The *Valmikis* say that that the post-mortem reports was manipulated in a way to show that the death was suicidal. Sonu's relatives have lodged an FIR. The incident left 205 families homeless. Out of that, presently 73 families have received a meagre compensation of Rs 6,250 from the government. Apart from that, Red Cross Society has provided compensation ranging from Rs 10,000 to Rs 40,000. Five families who are in a critical state have received Rs 40,000 and 68 families have received something between Rs 10,000 and Rs 30,000. Four persons (Sanjai, Sonu, Dushyant and Sharan) have been arrested though they are not the prime suspects. Around 150 families who fled during the carnage have not returned to the village. The FIR lodged by Sonu's relatives has not been followed up. No inquiry, no arrests have been made. The Block Samiti Chairman Surjeet and the upper caste schoolteacher, Ghanshyam, issued threats meant for withdrawing FIR in Sonu's case. The teacher has openly threatened the Dalit students that if they do not obey the atrocities would be repeated. A writ petition referring to the inaction of the police is pending before the Punjab and Haryana High Court.

In this episode the following legal provisions have been violated:

- Section 3 (2) (iii) and (v) of SC/ST Prevention of Atrocities Act, 1989

Kalidas Chembur of Taluka village, Kanchipuram district, Tamil Nadu

Dalit struggling to own land

Kalidas is from the Chembur Taluka village of Kanchipuram district, Tamil Nadu. He is a social activist by profession. For the past three generations, the men of his family have been working as bonded labourers for village's Reddy family. Yet he has been helping people in distress and has been raising voice against discrimination and for the rights of the Dalits. The Reddy family and other upper caste families have been on bad terms with him for this reason. This led to a conspiracy against him. On November 13, 2004 people from the Reddy

family along with some hired miscreants came to his house and forced open the door. In the first place, they stabbed and injured Kalidas mercilessly and then moved to loot the land documents of their house. Apart from, valuables worth Rs 1,75,000 were looted from the house. Again on November 9, 2006 the Reddy's came and hacked valuable trees worth Rs 2 lakhs. A similar plunder was also carried out on November 13, 2006 again. Earlier, attempts of Kalidas to lodge an FIR had failed. However, on December 3, 2006 he managed to get a FIR lodged. But no action or inquiry has so far been initiated mainly because the Reddys belong to a powerful and affluent, resourceful and moneyed caste. He not only has demanded an estimated compensation but has also requested for security as his life is under grave threat. Presently, he has shifted his family from Kanchipuram to Vilupuram district.

In this incident the following sections of the law have been clearly violated

- Section 3 (2) (iii) and (v) of SC/ST Prevention of Atrocities Act, 1989

Doma Community of Ghoradia village, Puri District, Orissa

A Dalit community was being forced out of their residence

In the village of Ghoradi, district of Puri, the Dalit community is referred to as *Doma*. Dalits predominantly earn their livelihood by beating drums in the family functions of the upper caste community and selling hand-made products from bamboo materials. The treatment of Dalits in the village is horrendous. For example, individuals of the upper caste never visit the Dalit area of residence and if they happened to pass by chance through it they will immediately take a bath to cleanse themselves. The Dalits are forbidden from accessing public places open to others and are also discriminated in schools. When it comes to buying eatables from shops, Dalits must stand at a distance and ask for snacks or tea and are forbidden from sitting anywhere near the shop. The shopkeeper would not directly serve the Dalits and instead will place the food on the floor and instruct the Dalit to pick it up. Furthermore, during village festivities such as *Holi*, Dalits are expected to beat the drums without any monetary compensation for the whole day. Dalits are left with no alternative but to comply with the demands and norms set by the upper caste community. The incident in question arose when the upper caste community told the family of Bauli Nayak to vacate their residential area, even though the property has been in the hands of the Dalits since their forefathers' times. By vacating the Dalits, the upper caste community wanted to pave a road, which would

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only be used by a few members of the community and would by no means be beneficial for the whole of the community. Despite this fact the upper caste forced the Dalits to vacate their lands. Outraged by such blatant injustice, all the Dalits protested the decision by the upper caste members but did so in a peaceful manner. This resistance by the Dalits was met by physical assault using weapons from the upper caste community. Nearly 30 Dalit homes were burnt and in the aftermath of the attack males from the Dalit community fled and saved their lives. The upper caste rampaging mob also burnt some of their own homes and filed a FIR against the Dalits stating that they were attacked and their homes burnt. The police, without any investigation, registered the case and arrested three people from the Dalit community. There was also pressure from the MLA Pradeep Moharathi of Pipli assembly constituency to whose party the upper caste *Sarpanch* belonged. The FIR by the Dalits was registered late and none of the 40 individuals named was arrested. Though the *Sarpanch* was arrested he was later released again due to political pressure from his powerful party. The case against the Dalits is being heard at the Court and they have managed to get bail.

The episode shows a clear violation of Section 3(1) (x) of SC/ST Prevention of Atrocities Act, 1989

(iv) DISCRIMINATION AT EDUCATIONAL INSTITUTIONS AND WORKPLACES

Education is one of the few near universally appreciated goals in life. In a developing country, it is in the interest of every parent to educate their children in order to provide them with skills that can lift them out of ignorance and poverty. Needless to point out that providing quality education for children is also the most efficient way of socio-economical development a nation can plan and aspire for. It is only in the Indian subcontinent, that there exists a blatant tendency to deny the access to equal educational opportunities for all. A 2006 study found that 22.5 percent of Dalit children reported that upper caste members harass them and try prohibiting them from entering schools.³³ The discrimination experienced by Dalits in the educational sector continues in the work environment. Exclusion from the work market is commonplace, and discrimination within the workplace is unremitting.

33 Quoted in Wada Na Todo Abhiyan (Keep Your Promise Campaign), Fulfilling The Promise To End Social Exclusion: A Review of the Dalit Agenda in the National Common Minimum Programme
URL consulted 22.08.07 at: <http://www.wadanatodo.net/images/160407/DalitsNCMP%20Eng.pdf>

Dalit children – of whom the absolute majority are studying in under funded government schools that often lack the very basic infrastructure – are facing severe obstacles in their education from very early on. They are made to sit separately from the upper caste students, often at the back of the classroom. They are also subjected to both mental and physical violence both from their teachers as well as fellow upper caste students. A recent study revealed that in 37.8 percent of government schools, Dalit children were made to eat separately.³⁴ Such tendencies derive from the casteist mindset which implies that Dalits are not only incapable of learning but also that there is no need for Dalits to educate themselves as their purpose is to serve the upper castes. The Human Rights Watch report *Hidden Apartheid: Caste Discrimination against India's "Untouchables"* makes a reference to the comment of UN Special Rapporteur on the Right to Education, who noted in his report before the 67th session of the Commission on Human Rights, "teachers have been known to declare that Dalit pupils 'cannot learn unless they are beaten.'³⁵ With such attitude still existing amongst educated teachers, there seems little hope that the Article 45 of the Constitution which asserts that the "the State shall endeavour to provide, within a period of 10 years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years" would become a reality for the Dalit population anytime soon. Forty-seven years after the set objective, the majority of Dalit children did not complete their primary education, the nationwide drop out rate being as high as 49.35 percent between the classes I - V.³⁶ The rate keeps growing drastically higher up in the education-system. This is partly explained by the fact that the children need to start working from young age to provide additional income for the family. The structural lack of support mechanisms caused by generations of discrimination and the lack of education within the family unit also causes serious hindrances to education of Dalit children. The education of girls lags behind that of boys, as it is often considered that providing the boy with education is a better investment for the future. This is especially the case in poor communities and hence affects Dalit girls disproportionately.

34 Shah, Mander, Thorat, Deshpande and Baviskar, *Untouchability in Rural India*. Delhi, Sage Publications, 2006

35 Human Rights Watch, *Hidden Apartheid: Caste Discrimination against India's "Untouchables"* Shadow Report to the UN Committee on the Elimination of Racial Discrimination
URL consulted at 02.08.07 at: <http://www.hrw.org/reports/2007/India0207/india0207web.pdf>

36 Figure quoted in the article *Midday meals don't work for Dalit children* in *Info Change News & Features*
URL consulted 02.08.07 at: <http://www.infochangeindia.org/analysis66.jsp>

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The forms in which discrimination takes place in the workplace differ very little from the discrimination encountered by Dalits in the educational institutions – as the tendency to separate people along lines of caste is normally been conditioned since childhood – i.e. physical and social segregation from rest of the working community through sitting arrangements, separated dining facilities, access to water sources etc. The most discriminatory tendency however, is the discourse that creates the expectation of a continuation of traditional division of labour among caste lines. This is also apparent in governmental employment sector, as seen in the case of manual scavenging. Despite the prohibition of this sub-human practise in the form of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993 – many municipalities still employ manual scavengers without fear of sanctions. Governmental employees are also subjected to lower wages and infrequent payment of wages due to their Scheduled Caste status. The private sector – being less supervised compared to the governmental sector – is plagued by casteism. As the scope of the reservation policy does not include private sector within its reach, discrimination against Dalit workers in the private sector runs amok. Rural Dalits are in an especially vulnerable position, as employment in the agricultural sector is mainly seasonal, meaning that the agricultural labour is prone to endure long periods of unemployment due to the fact that they are often forcefully denied the opportunity to practise other professions on the side. This is also one of the main reasons leading Dalits into bonded and other forms of un-free labour. According to *Equality at Work: Tackling the Challenges*, a report by International Labour Organisation notes that:

“Dalits are generally not accepted for any work involving contact with water or food for non-Dalits or entering a non-Dalit residence. They are thus excluded from a wide range of work opportunities in the area of production, processing or sale of food items, domestic work and the provision of certain services in the private and public sectors (e.g. office helpers).”³⁷

Dalits are also subjected to receiving lower wages compared non-Dalits through the whole spectrum of employment. Dalits earn approximately Rs. 5 less a day than the average, all-caste day wage, which stands at Rs.33.³⁸

37 International Labour Organisation, *Equality at Work: Tackling the Challenges*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work URL consulted 02.08.07 at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf

38 Sukhadeo Thorat, M.Mahamallik, and Ananth Panth; *Caste, Occupation and Labour Market Discrimination: A Study of Forms, Nature and Consequences In Rural India*; Report Submitted to International Labour Organisation, Delhi, 2006

Gautam Ravidas of Hadeira village, Jamui District, Bihar

Dalit child bathed with human excreta as he challenged the caste norms observed in the school

Nine-year-old Gautam Ravidas, son of Shashi Ravidas is a student in the school of village Haidera, Islamnagar. He was prey to extreme abuse for violating caste norms. He had sat in the front seat of the classroom. A dominant caste student Sunil Yadav threw his books and bag at him. When Gautam tried to stop him from doing so, Sunil Yadav got hurt. He then immediately complained to his father Baleshwar Yadav. Baleshwar Yadav, on hearing what his son told him, rushed to the school, and told the victim that he will be made to eat human excreta. The victim's books were thrown into a gutter. He was dragged to a filthy place full of human excreta and beaten badly for three hours. The boy was bathed with human excreta. The Dalits looking at this act were frightened. They informed the parents of the child all about. On hearing that Shashi Ravidas and Sita Devi ran to their son's rescue. When they reached the place, they were also abused and beaten. The teacher didn't take even a single step to stop this. The parents made a complaint to Shrawan Yadav, the village chief and Rajesh Yadav. Rajesh Yadav told Shashi Ravidas, "why do send your child to school? There will not be any fight if the Dalits don't go to school." No sooner, the Dalit students were denied of education by not allowing them to enter the school. Dalit students were sent out of the school. Now none of the Dalit children go to that school. Gautam and his parents were beaten in front of the students and the teacher Krishna Yadav. The Block Development Officer, the Block level Educational officer had been approached by the Dalit Mukti Mission. It is a state-level organisation, which took up the case of Gautam Ravidas. The administration simply said that they don't believe their story. They noted that such kind of practice is a thing of the past and does not happen anymore. The local police were also similarly indifferent. The family's attempts at getting justice have been threatened with dire consequences. The struggle of this victim has been sustained by the efforts of Dalit Mukti Mission.



The act of the upper caste villager in this incident is a clear violation of

- Section 3 (1) (x) of SC/ST Prevention of Atrocities Act, 1989

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Niraj and others of Charroh village, Shahrampur district, Uttar Pradesh

Exploitation of Dalit minor in school and assault on resistance

Niraj is a primary school student of fourth standard in a backward village in Shahrampur district in Uttar Pradesh. He comes from a Dalit family. The village is dominated in all matters by the upper castes that are very rude by their temperament. Under the midday meal scheme, all students in government run schools are provided free meals at school. The headmaster of the primary school of Niraj made him and other Dalit children to fetch firewood and cow dung cakes. The food preparatory centre, which is far away, is the place where sacks of rice arrive. Niraj and others are made to bring those sacks of 25 kilograms each on bicycles. They are severely beaten up if they do not comply with the orders of headmaster Hamid Ansari. During meals they are fed very poorly and if they ask for more they are abused and beaten up. The children along with Niraj ran away from the school. One day in the month of April 2007, Niraj was beaten up so badly that he lost his senses and was lying in the corner of the school for 15 days. Till now there has been no FIR in the month-old case. Niraj has stopped going to school. Niraj has an elder sister Sonam, of 15 years who is in fifth standard in the same school. She had to leave school last year. In the month of December 2006, Sonam who is in her teens was molested and harassed by the boys of the upper caste. When her parents went to complain about it to the school authorities, the parents of the upper caste boys straightaway asked them not to come to their fields for work or to collect grass for their animals if they are to make so much fuss. This way all their attempts to complain were thwarted. Sonam had to forgo her education in the wake of this. Aanchal is an NGO, which has been working in that village for the last two years. They had picked up Niraj while he was lying unconscious and got him treated. They also tried to talk to the headmaster about this abuse. The headmaster unabashedly claimed that he does as he pleases and no authority can do anything to him as he has contacts with all those who are powerful. The members of the NGO have also been repeatedly warned against any interference.



This is an offence under

- Section 3 (1) (vi) and (x) of SC/ST Prevention of Atrocities Act, 1989

Urmila of Danapur village, Patna District, Bihar

Dalit teacher facing discrimination at workplace on caste grounds

Urmila, a Dalit woman hails from Danapur, Patna district, Bihar. She is a teacher in a school in Mubarakpur. Her qualifications are BA, BEd. She has been teaching in this school for the past 18 years. The headmaster of this school belongs to an upper caste. The headmaster practices discrimination and looks down upon her because of her caste. She is not allowed to sit in a chair while teaching. Once when she took a chair to the classroom, the headmaster of the school snatched it away and threatened to kill her. The headmaster is always looking for reasons to reprimand her. She teaches students of all castes and has never favoured a student of any particular caste over the other. The students respect and look up to Urmila. The fellow teachers and staff members do not demean her on account of her caste. She faces the brunt only from the headmaster only. On March 6, 2006, her mother-in-law died. Urmila sent a letter requesting leave from school through her son to be delivered to the headmaster. The headmaster tore the letter and threw it away. In the attendance register, the headmaster marked Urmila as absent and struck out one day's wage from her salary. Even if Urmila turns up in school five minutes late, the headmaster leaves no stone unturned to scold her and penalise her. She never gets her salary on time. Till date, she hasn't received four months salary. The other employees receive it on the stipulated date. However, She has not yet received any promotion. The case has not been taken to any state agency so far.



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The incident shows clear violation of

- Section 3 (1) (x) and Section 4 of SC/ST Prevention Act, 1989

Dalit community of Mamuria Village, Angul, Orissa

Discriminatory treatment of Dalit children in school

The Dalit community in the Mamuria village is illiterate and depends on agriculture for their living. They collect *tendu* leaves to make leaf plates and bidis, which they sell in a nearby market. The general behaviour of the upper caste is discriminatory against the Dalits. Shopkeepers do not touch items when Dalits are buying; if invited to weddings they are given food to eat separately, and



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there is separate water well as well as bathing area for the Dalits. This particular incident arose when the son of Sukanti informed his mother that they were made to sit separately during mealtime at school. Dalit students were told to sit outside the verandah while other upper caste students sat on the verandah. Sukanti confronted the Headmaster, Pravaker Sahoo, regarding this discriminatory practice and stated that she would go to the police for redress. The headmaster agreed and from that day onwards Dalit children were not kept separate during mealtimes. Unlike many of the incidents this matter was remedied immediately.

However, the practice was a clear breach of

- Section 3 (1) (x) of SC/ST Prevention of Atrocities Act.

Mohini, Haryana

Dalit student facing discrimination in school

Mohini is a Dalit girl from the state of Haryana. She is in tenth standard. She has recently left her old school because of the regular oppression by some teachers in the school and the authority in general. In the school, teachers obstruct her interaction with girls of other caste. When this was repeated then her father approached the school, the authorities insulted him. Her parents decided to change the school. The school authorities have refused to give transfer certificate and demanded Rs 3,000 despite all her dues were clear. This was a huge sum of money for the family that had two of her brothers also in school. In the wake of any dispute in the school, she was unnecessarily dragged and punished. She was blatantly told by her teacher to keep away from any extra-curricular activities. The motive being that a Dalit girl should not try to rise above their position. However, there was a teacher who let her participate. In another instance, a teacher asked a girl to fetch a glass of water. As the girl did not hear Mohini went ahead with a glass of water. The teacher seeing her not only refused to take the glass of water but also abused her verbally. Schools are provided with a monthly stipend to be given to Dalit students. While getting that money a regular volley of abuses has been a routine for her. Apart from this, the school authorities also do not pay the full amount while making them sign for the full amount on the receipt.



Being a young girl she wears earrings. One day a teacher simply called her and slapped her. She was asked not to wear them anymore whereas most other girls freely wear them. All the attempts of her father to address these issues have been met by abuse and insult from the school authorities.

The school authorities are clearly violating

- Section 3 (1) (x) (xiv) of SC/ST Prevention of Atrocities Act, 1989.

Mayuri and others, Bhandara district, Maharashtra

Dalit student humiliated with cow urine

This incident happened on April 4, 2007 in a state run higher secondary school. The Dalit students Mayuri and others were taking their exams when cow urine was sprinkled on them and their answer sheets stating that they were being purified. Before this incident, there was a headmistress in that school who was transferred to a different school. The headmistress was a Dalit. On



April 3, 2007 she handed over the charge in the presence of the president of the rural education committee members Mr Ahere Lodhe and the chairman Mr Kade Kaher to the new headmaster. The chairman then stated that because of the presence of the Dalit schoolteacher, the school was impure and ordered the new headmaster to purify the school with cow urine. It is by this order that cow urine was sprinkled all over the rooms on the next day. That day, the students were taking their geography exams. The headmaster himself went to room 6 where in 3 rows SC students were sitting and the other three rows had students of OBC and other students. First the headmaster sprinkled cow urine on the teacher's desk and chair where the Dalit headmistress used to sit. Then, he went to the three rows and sprinkled cow urine on them and their answer sheets. The headmaster also stated the reason for doing this. The students of SC category and the OBC are also registered separately and also made to sit in classes on that basis. Therefore, it is no coincidence that the three rows of students were SC category students. The headmaster did not repeat the process with other students in the room. The students went back and reported the incident to their parents. All the parents of the village went to the headmaster the next day and had a meeting. At the end of the discussion the headmaster apologised but the parents demanded a written apology and a further assurance that such a thing would not happen. At this the villagers were threatened and asked to leave. On April 6, 2007 there was a holiday. Classes resumed the next day, and when the students came to school a female

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teacher blamed students and threatened them against taking school matters outside. A public complaint was given about this teacher to the collector of the district. The collector handed the case for inquiry to the SP and the matter was taken up which led to the filing of case under the PCR Act Section 1 (d) against the teacher.

At this point the villagers belonging to the OBC category began to pressurise the parents and the Dalit villagers to make a compromise. After the Kherlanji incident, the local MLA Nana Patol who belonged to Congress had founded two organisations – OBC Sangram Parishad and Chawa Sangathan. Both these organisation have been created to counter any movement undertaken by Dalits. These organisations therefore backed the teachers in this case and tried to prevent any official or legal action against them. The scheduled caste organisations took up the issue with the victimised villagers. The pressure created by the Scheduled Caste organisations led to the filing of three cases against them under the section 312, 310 307 (IPC) but there has been no arrest and no compensation was paid to the victims. The collector had formed a committee of three officers to look into the matter. The district committee had also made a committee of three personnel. In their report they had indicted three teachers for the aforesaid offences and recommended legal action against them. The district chairman and president of the rural education committee denied any knowledge about the matter. So legal action against them was also recommended. This report was placed before the district committee, which was already prejudiced against Dalits. The district committee stated that this report was not valid and it cannot be pursued. The Dalit organisation also demanded action against the organisation that uses false propaganda to destroy the peaceful environment of the village in its petition before the collector. As a result of this, several charges have been pressed against the organisations, which have been associated with these Dalit students.

The incident is a clear violation of

- Section 3 (1) (x) and (xiv) of SC/ST Prevention of Atrocities Act.

Sabitri Mallik of Sukarna village, Jajpur District, Orissa

Dalit woman barred from preparing midday meal for school children

Sukarana village comes under Sukinda police station in Jajpur District of Orissa. In the village virtually is a small hamlet where people of only two castes live. They are *Pan* and the *Gounda*. Most of the upper caste people are contractors for labourers in mines and truck drivers. The Dalits are landless and illiterate. They work as daily labourers in the fields of dominant caste people or in the mines. The Dalits of the village cannot even touch the *Gounda* people. Thirty-five-year-old Sabitri Mallik, wife of late Ankura Mallik, is a member of the *Pan* caste. The government had appointed her in the midday meal programme in the village school. She helped the cook in the midday meal scheme. Though Sabitri Mallik was appointed as helper of the cook, Basudev Sahoo, the headmaster, teachers, members of the village education committee and the cook did not allow her to prepare food. She was exclusively meant for supplying firewood and washing utensils. Her complaints to the headmaster were of no avail. She convened a meeting of her hamlet and narrated the whole incident. Some of the youngsters supported her and were determined to fight against such injustice. Sabitri and her supporters went to the Sukinda Police Station but no FIR was registered. Further, they went to the court of Executive Magistrate and signed a bond of breach but the district administration has not yet initiated action against such practice. The accused persons are pressurising the victim's family to withdraw the case.

Such practice is a clear violation of

- the right guaranteed to every citizen under Article 17 of Indian constitution, which has abolished untouchability and prohibits its practice in any form.

Ajay and others, AIIMS, Ansari Nagar, Delhi

Dalit students admitted to AIIMS are specifically targeted for using quota system

The first person account of the victim:



Dr. Ajay, a final year MBBS student at AIIMS, has to say that "when an academic year begins, Dalits are made to sit on the floor to be humiliated. They are asked questions like, "how did you get the quota?" When a student opposed this, he was beaten up. After this, a memorandum was submitted to the director of the institution by 45 Dalit students and a complaint was registered under the Commission for SC/ST. We have been fighting continuously. We went wherever we could to make ourselves heard and spoke about the kind of atrocities/discrimination that the Dalit students have to face in such a premier institute like that of AIIMS. We also deposed before a delegation from the National Campaign on Dalit Human Rights. (NCDHR). A committee was constituted which was the Thorat Committee. The Thorat Committee has confirmed that allegations of discrimination against Dalits are true. Even after over 50 years since gaining independence, I do not think that we have truly gained independence. It is not that the SC category students or Dalit students do not deserve to be enrolled. When I was admitted I scored equal to that of the students in the general category but they still placed me in the SC category seat. There exists a continuous violation of the rights of the Dalits. When I raised voice against the discrimination, I was failed in three of my exams in the final exams. I could not believe it. I wrote an application and told them to either conduct the exams again for me or to evaluate the copies once more. This is something that could not be denied. But my exams have not been conducted again as yet. Despite of all the atrocities that have happened to me and against other students, as have been proved by the Thorat Committee report, nothing has been done to help us. A re-examination has been done but I think they have illegally exceeded the syllabus of the course and have also videotaped the whole exam even when it is not allowed. Even though the Thorat Committee has proved allegations, no strict measures have still been taken and no security has been provided to us. We were threatened to take back the complaint after we issued a written memorandum and complaint. We were told to take back the complaints for it would not help us in any way. No one could do anything about it. Earlier also such incidents have been

continuously happening with AIIMS students and we have been raising voice against such discrimination. We have a forum called the Progressive Medicos and Scientist's Forum, which has been talking about these issues and has also been trying to raise voice for action against injustices. We have not sat quietly after the application and a memorandum. We have carried on protests; we have been carrying on silent protests and silent marches in lunch hours in front of the director's office. Faculty and the staff members have also been helping us and have participated in these protests. We have sent many letters and press releases for the media too. Those days we were having our annual Pulse Polio Programme. During that time, the anti-reservation campaigns were going on. I received a CD in which some people were burning literature of Dr. Baba Saheb Bhim Rao Ambedkar. No hearing has happened on that, no action has been taken regarding that but I would like to thank the Thorat Committee, which have supported our protests as valid and rightful and have given the right meaning to it. The Throat Committee has helped us to provide the facts of discrimination and mental harassment that we have been going through despite being in a premier Medical Institute of the country."

The incident shows clear violation of

- Section 3(1) (x) of SC/ST Prevention of Atrocities Act, 1989

(v) FORCED COMPULSORY LABOUR AND DISCRIMINATION

Bonded labour forms a vicious cycle of poverty, squalour and servitude where repayment of loans is done by direct labor instead of currency. As Dalits have historically been the labouring class and modernity has offered very few opportunities for their social and economic mobility, many of them continue to be subjected to pre-modern and brutal forms of labour relations, such as bonded and other forms of un-free labour.

The discourse of bonded labour is intrinsically linked with the fact that the overwhelming majority of Dalits working within agriculture are either landless or near landless. Hence the failure of the land reform is partly to be blamed for the continuation of bonded labour within contemporary India. Forced to work for landlords who get away with offering extremely low wages, as they know that the employment they offer is often the only means for survival for most Dalits, this can lead to bonded labour. Fear of socio-economic boycotts and the threat or violence is an effective means of keeping the workers off

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from demanding higher wages, ie asking for an equivalent of the minimum wage and better conditions of employment. The true tragedy of bonded labour is the amount of children trapped because of it. According to a (albeit old) 1979 evaluation study of centrally sponsored scheme for rehabilitation of bonded labour, the proportion of labourers that were bonded below the age of 15 was a staggering one at 43 percent.³⁹

Justice P.N. Bhagwati, member of UN Human Rights Committee describes bonded labour as a systematic process of dehumanisation, in which the bonded labourers, "are non-beings, exiles of civilisation, living a life worse than that of animals, for the animals are at least free to roam about as they like....This system, under which one person can be bonded to provide labour for another for years and years until an alleged debt is supposed to be wiped out, which never seems to happen during the lifetime of the bonded labourer, is totally incompatible with the new egalitarian socio-economic order which we have promised to build...".⁴⁰

A large number of international conventions, which India has ratified, abolish debt bondage in its various forms. Most notable of these being the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which defines debt bondage as:

"the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined."⁴¹

The Bonded Labour System (Abolition) Act of 1976, clearly states in article 4 that "on the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render, any bonded labour". The statute is however poorly enforced and an estimated 40 million people in

39 Programme Evaluation Organisation, Evaluation Study of Centrally Sponsored Scheme for Rehabilitation of Bonded Labour
URL consulted 16.07.07 at: <http://planningcommission.nic.in/reports/peoreport/cmpdmpeo/volume1/131.pdf>

40 Justice P.N. Bhagwati quoted at antislavery.org
URL consulted 16.08.07 at: <http://www.antislavery.org/homepage/campaign/bondedinfo.htm>

41 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
URL consulted 16.08.07 at: <http://www.unhchr.ch/html/menu3/b/30.htm>

India – of which an estimated 15 million children – continue working in conditions, which are akin to slavery.⁴² According to the government figures, 86.6 percent of these bonded labourers belong to Scheduled Castes and Scheduled Tribes.⁴³ While there exists a number of administrative mechanisms to address the problem and further facilitate rehabilitation for the victims, as per the decision of Supreme Court according to which, “it is the plainest requirement of Article 21 and 23 (of the Constitution of India) that bonded labourers must be identified and released and on release they must be suitably rehabilitated”, the lack of political will at national and state level has rendered the mechanisms largely ineffective.⁴⁴ The general lack of effective means of surveillance of labour rights within the private sector, where the bonded labour takes place, partly ensures the continuation of one of the cruellest consequences of untouchability within contemporary India.

Kedar Ram of Ghazipur, Uttar Pradesh

A school employ ee has been underpaid since he was hired

Kedar Ram belongs to a Dalit community and works as a cleaner in a school in Ghazipur. He was appointed as a *safai karamchari* worker in a government aided senior basic school, Ghazipur, Uttar Pradesh, in 1974 against a clear substantive vacancy. He occupies a permanent substantive post. His primary duties included cleaning the campus, classrooms, toilets and bathrooms. His wages from 1974 to 1976 were Rs 7 per month. He received wage through cash. His wages increased to Rs 13 per month in 1976 and till 1991 there was no hike. Now he started receiving his wages through a state bank account. His wages were further increased to Rs 30 per month in October of 1991. The last wage increase came his way in April 1998 and this brought his salary from Rs 30 to Rs. 150 a month. This was transferred to his state bank account. The school’s headmaster awarded a certificate acknowledging his 20 years experience and his wages. When the secretary of elementary education board was approached, he said that the post is not a permanent one, whereas Kedar Ram had a regular appoint-



42 ‘Untouchability’: The Economic Exclusion of the Dalits in India

URL consulted 15.08.07 at: http://www.international-council.org/paper_files/113_w_07.pdf

43 Ministry of Labour, Government of India, Annual Report 2000-2001

44 Babasaheb Dr.B.R. Ambedkar Adhyayana , The Chained Bonded Labourers Of Karnataka

URL consulted 15.08.07 at: <http://www.ambedkar.org/books/bl.htm>

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ment against a substantive post of permanent nature. He is grossly underpaid as the minimum wages for unskilled labourers in Uttar Pradesh is fixed at Rs 2,600 per month. The pay scale for class IV employees in Uttar Pradesh is Rs 2550 to 3200 a month. He has not been able to obtain justice and is being denied the income he rightfully deserves on account of his caste. His expenditures are rising as his kids are growing up and it's becoming difficult for him to live on such menial income. A case filed in Allahabad High Court is still pending.

The episode is a clear breach of

- Section 3 (1) (iv) of SC/ST Prevention of Atrocities Act.

Bant Singh of Rajpura village, Patiala District, Punjab

Released bonded laborers and human rights activist attacked during enquiry



In village Rajpura, under sub-division Bhawanigarh, in Sangur District, Punjab, five bonded labourers were identified and they faced inquiries in a very peaceful manner. One Sat Singh, son of Dev Singh, who was a bonded labourer employed with Malkeet Singh. Kala Singh wanted to abandon the bonded labour. The employer forcibly took his three buffaloes away in lieu of Rs 5,000 he had once paid to the labourer when he joined the service. After that, nothing was paid to Sat Singh for his work, which went on for two years. Makhan Singh,

Gurmeet Singh and Yugraj Singh (all Dalits), who raised their voice against this injustice were arrested by the police of Bhawanigarh and booked under section 107 and 151 Code of Criminal Procedure. A Complaint was made to the District Magistrate, Sangrur to free Sat Singh from the debt bondage, the District Magistrate appointed Social Welfare Officer to investigate the matter. On June 14, 2005 the welfare officer fixed the inquiry in Rajpura. The officer overlooked all the procedures laid down to investigate bonded labour cases and the directions issued by the Apex Court. The landlords and bonded labourers were called together. The landlords were allowed to beat the bonded labourers and the members of social action group. After the incident happened, Bant Singh tried to file a case in the police station. The village *Panchayat* objected to it and said that the matter should stay within the village. Initially, they began with attempts to bribe Bant Singh with land and money for abandoning the matter. Bant Singh went to the police station against the will of the *Panchayat*. With the support of Mazdoor Mukti Morcha he and other Dalits had to picket before the police station and finally after 32

days on August 8, 2006 a FIR was lodged. The fight continued for more than two years but the organisation carried on the struggle and also managed to testify in the Session's court. On July 19, 2004 the session court pronounced life imprisonment for three of the accused. After that verdict, the attacks on Bant Singh became more frequent and lethal. The upper caste members of the village began to target Bant Singh. In the first attack, he escaped with few injuries. The incident was reported but a false case was made against him under the section 107 and 151. But the second attack was severe. Bant Singh was attacked at night on December 8, 2005 but the villagers came to his rescue. However, on January 5, 2005 Bant Singh was cordoned off in the fields and then tied up. Then his knees were brutally maimed with repeated assault, the same was done to his forearms. Bant Singh would have died in the field but the goons went to his sympathisers and blurted out that they have flattened their leader and he is lying in the fields. The villagers formed a search party and went to the fields at night and found him. He was immediately rushed to the hospitals in the district town but the goons had the doctor roped in this conspiracy. Bant Singh's treatment was neglected and deliberately delayed. This led to formation of gangrene in his arms and therefore they had to be amputated. The medical report prepared by the doctor called the injuries to be minor. Bant Singh registered a case against the goons under the section 323 and 325. The Labour Liberation Front has played vital role in the survival and struggle of Bant Singh.

A cousin of Malkeet Singh alias Kala Singh is Gurnam Singh. He is the husband of the cousin sister of H. S. Chahhal, Senior Superintendent of Police in Sangrur district. The Police arrested the bonded labourers: Bant Singh, Charan Singh, Mohinder Singh, Dev Singh (father of bonded labourer Sat Singh), Makhan Singh (Brother of Sat Singh) and Kulwant Singh (human rights activist). The police have also implicated falsely Yugraj Singh, Bant Singh, Sat Singh and Charanji Singh. All those arrested and falsely implicated are members of the Scheduled Castes. Mr HS Chahhal is misusing his official powers to help his relatives. He is perpetuating the legally banned practice of bonded labour system. There was so much pressure from the landlords that to get the bail, they could not find any lawyer who could fight the case. Finally, they managed to get bail from High Court where they had to produce Rs two lakhs as surety. Bant Singh and other victims are being supported by DDVA. They approached the Punjab state commission for SC/ST. The case was then referred to the DIG Patiala. The only conclusive recommendation was that the charge under the section 307 should be dropped. After this, the organisation has also approached the State level Human Rights commission and the National Human Rights Commission.

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Multiple crimes have occurred and there has been violation of

- Article 21 of Indian Constitution
- Article 23 of Indian Constitution
- Article 8 (3) (a) of ICCPR (International Covenant for Civil and Political Rights)
- Section 3 (1) (vi) of SC/ST Prevention of Atrocities Act, 1989

Bittu of Upo Khadyal village, Sangrur District, Punjab *Landlord murders Dalit youth*

Twenty-two-year-old Bittu son of Madhar Singh was from Upo Khadyal village, which comes under the jurisdiction of Mehla Police Station, of Sangrur District in Punjab. Bittu worked as a daily labourer under Jagdev Singh, son of Karnel Singh, the landlord. He was the eldest son and the sole breadwinner of the family. He fell sick and did not attend work for four to five days. Therefore, on November 2, 2006 at about 8.00 am Jagdev Singh and Bhola Singh went to Bittu's house and forcefully carried him on a motorbike to their home. Bittu's mother kept pleading them to leave her son alone. She followed them, having reached the residence of Jagdev Singh, she found her son Bittu, almost dead. The wives of the accused were standing nearby. After a while, some of her relatives reached the spot. The victim's relatives along with Jagdev Singh and Bhola Singh and their wives carried Bittu to a jeep and drove him to Vishal hospital at Sunam at 10.30 a.m. He was pronounced dead in the hospital at 2.30 pm The body was sent to government hospital at Sangrur for postmortem the same day. Harbans Singh, the village *Sarpanch* tried for compromise by giving Rs one lakh to the victim's family. However they did not accept the money and they lodged a complaint in the Sadar Sunam police station on November 3, 2006 against the perpetrators. A case was filed under the section 306, 341 of Indian Penal Code. After 20 days, when Mazdoor Mukti Morcha raised the issue, the accused were arrested and were soon released on bail. Later, the activists of the organisation were framed in a case and they were put behind the bars. The victim's family has not yet received any compensation from the administration. The case is under trial.

The case shows a clear violation of:

- Article 23 of Indian Constitution
- Article 8 (3) (a) of ICCPR (International Covenant for Political and Civil Rights)
- Section 3 (1) (vi) of SC/ST Prevention of Atrocities Act of 1989

**Jarnail Singh of Babanpur village, Dhuri Tehsil, Sangrur District,
Punjab**

Bonded labour in Punjab

Jarnail Singh was a *Siri* (a form of bonded labour system in Punjab) under an employer called Surinder Singh. It is an illegal system. While joining the service, the employer paid Jarnail money in advance. However, no subsequent payment was made to him. Whenever he demanded money, the employer used to beat him up. The victim was also socially abused. The employer threatened the victim with death if he reveals that he did not pay him any wages. He did not allow him to avail any leave. If he took any leave, he had to pay for the person to be employed in lieu of him. When Jarnail Singh asked the employer about his salary, the employer claimed a debt against him. When the victim approached the administration, through an organisation, the employer filed a suit for recovery in civil courts. Summons was never served on the victim and ex parte decree in favour of the employer for Rs. 35,205 was passed on March 9, 2006. On May 8, 2006 execution proceedings began in the court of Additional Civil Judge (Sr. Division) Dhuri. DDVA, Phillaur has been following up the case and has approached the DM and SSP of Sangrur but they declined to accept that the victim is a bonded labourer and thus refused to register any case. This is in spite of the fact that the employer has openly admitted that the victim was a *Siri* in the years 2003 to 2004.



The incident is a clear violation of:

- Article 21 and 23 of Constitution of India
- The bonded labour system (Abolition) Act, 1976
- The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

**Lali Bai of Dharivakhedi village, Mandsour District,
Madhya Pradesh**

Atrocities committed on Dalit woman on refusal to do degrading work



Members of the *Valmiki* community of Dharivakhedi village, Mandsaur district are forced to carry human excreta to make a living. After Lali Bai married in *Valmiki* community, she was forced to accept the practice owing to the pressure posed by orthodox members of the community. She was 12-year-old at the time of her marriage. Her in-laws personally coerced Lali Bai to work as a manual scavenger. Eventually, she contracted skin

diseases, which are very common amongst the scavengers due to the extremely unhygienic nature of the work. In 2003, ActionAid India activists visited Dharivakhedi village, promoting a project called *Garima Abhyan* which is aimed at bringing end to the practice of manual scavenging. Encouraged and inspired by the activists, Lali Bai decided to give up her work. This led to severe resistance from the orthodox members of the village. The upper caste village members argued that the Dalits are meant to work as manual scavengers as it is not deemed fit to be performed by the upper caste members themselves. The upper caste members of the village conducted a systematic process of turning her family members against her decision by circulating false accusations against her. Her husband was served alcohol and was encouraged to oppose his wife's decision. Through her example she inspired other Dalit women of the village to quit manual scavenging, which outraged the higher caste villagers. During her daughter's marriage some of the villagers attacked her house destroying all household utensils and food items. The dowry she had arranged for her daughter's marriage was also looted. The villagers insisted that Dalits could not be allowed to celebrate the marriage ceremony in the village. Lali Bai went to the police station to lodge a complaint, which the police refused to entertain. Three days later, the police came to the village and reprimanded her to maintain harmonious relations with the other villagers and abstain from agitating against them. Lali Bai pointed out that she had not initiated the aggression in the first place. It was directed at her due to her refusal to continue with manual scavenging. In November 2004, members of the *Thakur* community attacked her house again and set it ablaze, burning down the house along with the cattle inside. Following this, the police registered her complaint. Incidentally the fire spread

and the neighbouring house was also razed. The villagers got false piece of news published in the newspaper blaming Lali Bai to be responsible for the fire. As stated by the victim, the case is a clear violation of:

- Provisions of Employment of Manual Scavengers and Construction of Dry Provisions of Human Rights (Protection) Act
- Latrines (Prohibition) Act, 1993
- Provisions of SC/ST (PoA) Act, 1989

Manjunath, Rural area in Bangalore District, Karnataka

Dalit beaten up for asserting right to wage

Manjunath son of Balayya was working as a bonded labourer with a landlord, Subhash Singh son of Govind Singh, for the past three years before 2006 in Kananur Gate, Kudur Hobli, Magadi taluk, Bangalore Rural district. His father had taken an advance payment of the labour. This amount was Rs 5000 for a year from the landlord. He was shifting sand, grazing cattle, working on the farm and helping in preparing ayurvedic medicines. On October 13, 2006 Manjunath returned home because he could not work due to falling ill. The landlord came to his house on October 16, 2006, called him out and asked him to go to work. On resisting, Manjunath was dragged to the farm. When the boy pleaded his inability to work due to illness, the landlord abused him with vulgar words, asked him to repay the advance and threatened him not to go anywhere else for work unless he repaid his loan. All of a sudden, he beat up the Manjunath and attempted to strangle him. Manjunath managed to escape from the landlord's grip and ran back home. Manjunath filed a complaint on October 17, 2006 with the *tahsildar*, who is authorised to take action on bonded labour. The *tahsildar* directed the assistant *tahsildar* to conduct an inquiry and report on the matter on October 17, 2006. The assistant *tahsildar* together with the Revenue Inspector conducted an inquiry on October 18, 2006 and reported to the *tahsildar* on October 26 asserting the truth about all the statements made by Manjunath in his complaint. On October 18, a number of villagers also testified before the assistant *tahsildar* and the Revenue Inspector that Manjunath was a bonded labourer for Subhash Singh for three years, that he had come home on October 13 and that he was beaten up by his employer. On October 21 Subash Singh filed a counter affidavit before the *tahsildar* stating that the complaint of Manjunath was false and that he was not working for him as

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a bonded labourer. But he acknowledged before the *tahsildar* in person the same day that Manjunath was working for him. The *tahsildar* forwarded on October 28, 2006 all the complaints and verifications to the Assistant Commissioner for taking further action. The *tahsildar* directed the Sub Inspector Kudur police station on November 9, 2006 to register a criminal case against Subhash Singh since he was extracting bonded labour from Manjunath against the provisions of law. The Assistant Commissioner wrote back to the *tahsildar* on November 14, 2006 to initiate criminal proceedings against the offender under the Bonded Labour System Abolition (BLSA) Act 1976 and asked him to furnish the details of caste, age, land holdings and income of the complainant. The *tahsildar* wrote to the Assistant Commissioner on January 8, 2007 giving him the details he had sought: ie the Revenue Inspector visited the village of Manjunath and found out that his family belonged to Adi Karnataka caste, had no land. The Assistant Commissioner wrote to the Deputy Commissioner on February 5, 2007 putting forward all the facts of the case with all the documents forwarded by the *tahsildar* for further action from Deputy Commissioner. The Assistant Commissioner wrote to the *tahsildar* again on April 4, 2007 stating the actions to be taken under the 1976 BLSA Act, ie, initiating action against the offender and releasing the bonded labourer by issuing a release certificate and asked the *tahsildar* to furnish all the details about the criminal proceedings initiated against Subhash Singh. But no FIR was lodged, nor a complaint registered. The Assistant Commissioner has also not yet certified that Manjunath was a bonded labourer and not given any release certificates. Case is also not booked under Section 3 of the SCs & STs POA Act. Hence no compensation is provided to the bonded labourer either under the BLSA Act or under the SCs & STs' POA Act and no punishment have been meted out to the offender under both the Acts. JEEVIKA, Vimukti Trust, and a few other organisations have supported and assisted the victim in his struggle for justice.

The case shows a clear violation of the following provisions but no complaint under them has been filed as yet

- Article 23 of the Indian Constitution
- Section 4, 5, 6, 9, 16, 17, 18 of the Bonded Labour System Abolition Act
- Section 3 of SC/ ST Prevention of Atrocities Act

Sundarammal and others, Muthunagar, Coimbatore District, Tamil Nadu

Dalit woman put to forced labour and sexually assaulted

In Coimbatore, Erode, Salem and Karur districts, Dalits who are involved in cultivation are forced to become bonded labourers. Sundarammal and her husband became bonded labourers. They are made to work for 12 hours and they are paid very poorly. The owner Vardharaj never gave the yearly bonus during *Deepavali* festival. He kept their money and they incurred debts. Eventually they decided not to go to his godown for work anymore. The owner tortured them continuously to settle the debt. To repay the debt, the victims went to work for different employers. On January 20, 2007 Vardharaj and few people of his community attacked the Dalit woman, her husband and their house. They abused them verbally on caste lines and beat them up. They tried to rape Sundarammal also. She shouted for help and on hearing her voice, the people in and around the village came and rescued her. The family went to the police station and filed a case on January 21, 2007 under the section three of SC/ST Prevention of Atrocities Act 1989. She has been tortured by members of higher castes so that she is forced to withdraw the case. Yet she has refused to do so. Currently, the family is under threat and has no protection from the upper caste members. The cause of Sundarammal has been taken up by an organisation called Tamil Nadu Dalit Women's Movement.

Manju Devi and others, Uttar Pradesh

Dalit women harassed and beaten up when she demanded her wages

This incident happened during the time of harvesting. Manju Devi works as an agricultural laborer along with other workers of her village. One day they had reaped the standing crop of more than seven *bighas*. The landlord asked them to make it fast as he intended to start sowing the off-season crop. The labourers replied that the crops are drying fast and need to be cut before they are destroyed.



They asked to start the sowing on the plot where the reaping had been finished. This reply did not go down well with the landlord and he started abusing a labourer who was the husband of Manju Devi. When she went ahead to defend her husband, she was also abused and both were physically assaulted. The landlord refused to pay the wages for that day also.

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Hurt and injured they returned to their hamlet and told their caste members what had happened in the fields. When the Dalits went to talk about the matter of wages, members of the upper caste began to cordon the public tank with barbed wire. This tank is a major resource of water to Dalits as they did not have any other means of acquiring water. A group of Dalits women went to the spot and protested the cordon. Meanwhile, the police were brought by the upper caste and with their assistance they forcefully fenced the tank with barbed wire. There was a confrontation and a Dalit woman was hurt as the baton of gun was used to push her back from the scene. She was pregnant and consequently she suffered a miscarriage. The village has two organisations, the *Mazdoor Sabha and Naujawan Inquilabi Sabha*. Under their banner and with the help of their funds the Dalit families, including the victims, picketed that night before the office of the block office (Tehsil Parishad). The picketing continued for 18 days. The District Magistrate then acted and stated that within three days the barbed wire would be removed and Manju Devi would be given her wages. However, that was not done. So on January 20th, the victims and the sympathetic villagers picketed before the police station of the village. The picketing went on for 35 days. When the police station refused to listen, then the villagers began to prepare for a long march through the village. A day before the march began, Manju Devi's FIR was lodged and subsequently a case under the SC/ST Act was filed. This was followed by the arrest of the accused. The march also took place. And in the presence of the police station in-charge, SDM, DM there was a round of negotiation with the arrested bullies, in which the villagers demanded that within 24 hours the barbed fence would be removed and the victim would be paid. Again there was no follow up. At that time, the elections were nearing and under the leadership of a local political leader Rajiv Baswad the agitators went on a 50-hour hunger strike. This was followed by a worker/peasant rally. Everyone taking part in the rally was arrested. This was followed by an indefinite hunger strike. This hunger strike went for 28 days. The hunger strikers were arrested and sent to the district jail. In this particular village, all these rights which the Dalits were enjoying till then were restored to them after the agitation by *Mahars* (a Dalit movement of pre-independence days which won Dalits the right to public facilities). But after 80 years of that movement, there is a revival of such forbidden caste practices. In this case, the Home secretary had also passed the order to remove the barbed fence but the local administration did not show any sign of its being implemented. Recently a case was in the High Court which ordered the immediate removal of the fence under the supervision of the SDM. Yet nothing has happened.

- Forced labor is a criminal offence under section 3 (1) (iv) of SC/ST Prevention of Atrocities Act and negligence of a public official who is not from the SC/ST community of any duty on the grounds of untouchability is also a punishable offence under section 4 of SC/ST Prevention of Atrocities Act.
- Denying access to water resources on grounds of untouchability is also an offence under section 3 (1) (ii) of SC/ST Prevention of Atrocities Act.

(vi) DISCRIMINATION IN RELIGIOUS MATTERS AND SOCIAL INTERCOURSE

Absolute control over religious and social intercourse of Dalits is cornerstone of caste system. Historically Dalits have been denied access to temples, they have not been able to become priests and have been denied the opportunity of reading sacred texts. The system that has aimed at obstructing their understanding of Hinduism still continues in multiple forms through unwritten rules governing the social interaction with upper caste Hindus. Casteism also exists within the confines of non-Vedic religions in India. Discrimination in religious matters and social intercourse has contributed to the undermining of confidence and self-esteem of Dalits.

Discrimination on purely religious context takes multiple forms and is not confined to Hinduism alone. Until the Temple Entry Proclamation of 1936 in what is now known as the state of Kerala, Dalits were almost categorically prevented from entering Hindu temples throughout India. While a great deal has changed since the proclamation, Dalits are still being denied entry to the temple in 64 percent of the villages surveyed in the *Untouchability in Rural India* report (ranging from 47 percent in Uttar Pradesh to 94 percent in Karnataka).⁴⁵ A number of violent conflicts throughout the country are closely related to temple access and the hostilities arising out of this. It is ironic that the people most vehemently against allowing Dalits to access temples are the same people who justify the subordination of Dalits through religious discourse. At the same time they include Dalits in the *varna* system but exclude them from any religious activity and organised worship. In nearly half of the surveyed villages Dalits are barred from organising marriage processions within the villages. Half of the surveyed villages also imposed restrictions on the use of cremation grounds. Dalits are forbidden

⁴⁵ Shah, Mander, Thorat, Deshpande and Baviskar, *Untouchability in Rural India*. Delhi, Sage Publications, 2006

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the use of cremation grounds where upper caste Hindus cremate their dead. Untouchability is not restricted to Hinduism alone but has also found its way with time into other faiths like Sikhism, Christianity and even Islam, which are otherwise known for their radical egalitarianism. Many Dalit Christians are forced to pray in segregated areas in the churches and are made to bury their dead in segregated cemeteries. Muslim Dalit converts face discrimination from the segment of Muslim population that can trace its origins to Arab, Persia or Central Asia.

The social intercourse of Dalit population is strictly controlled. The separation of Dalits from the upper caste population – besides the forms of spatial segregation in housing – prevails particularly in the private sphere. In 73 percent of the surveyed villages, Dalits were forbidden from entering the homes of upper castes, and in 70 percent of the villages, Dalits were not allowed to eat with members of upper castes.⁴⁶ The restrictions with regards to food and eating are particularly strict due to the notions of purity/pollution attached to food. Many upper caste members refuse to consume food prepared by a Dalit and also forbid their children from eating with Dalit children in schools. In many teastalls Dalits are forced to use separate glass to ensure that upper caste members do not run the risk of getting polluted. Restrictions to the colour of ones clothing or restriction on wearing *chappals* on public roads are blatantly arbitrary with the unabashed motive of systematically oppressing the Dalit population. Still common in rural India are practises such as removing ones shoes when moving in areas that are inhabited by members of upper castes, or adopting a submissive posture in the presence of member of upper caste like standing before them instead of sitting.

The following list displays some of the results gathered from the *Untouchability in Rural India* survey.

46 Shah, Mander, Thorat, Deshpande and Baviakar, *Untouchability in Rural India*. Delhi, Sage Publications, 2006

INDIAN PEOPLE'S TRIBUNAL ON UNTOUCHABILITY

Discriminatory Restrictions on Public Behaviour

(Forms/Sites arranged in decreasing order of incidence;
pooled data from 11 states)

Form / Site of untouchability Practice	Percentage of Villages where Form is Practised	Percent Villages Not Practised	Total Surveyed Villages
Ban on marriage processions on roads	47.4 (229)	49.9	483
Forced to stand in front of upper castemen	25.6 (136)	67.9	532
Ban on festival processions on public roads	23.8 (114)	64.2	478
Cannot wear new/'bright' clothes	19.0 (101)	75.1	531
Cannot use umbrellas in public roads	16.7 (82)	80.4	490
Cannot wear dark glasses, smoke, etc.	13.7 (66)	82.5	481
Cannot use chappals on public roads	10.6 (47)	86.9	443
Cannot use bicycles on public roads	7.1 (32)	90.6	448

Source: Untouchability in Rural India

Figures in brackets are number of villages where form is practised. Villages where status of practice is ambiguous are excluded from both 'practised' and 'not practised' categories. Total surveyed villages exclude villages where relevant institution/site is absent.

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Dalit community of Keredagada village, Kendrapara, Orissa

Dalit community was denied entry into a temple



Keradagada village is situated 40 kilometres away from Kendrapada town under Balisahipatana Gram Panchayat. The population of the village is approximately 7000, with the Dalit population constituting 1500 of this. The caste wise family distribution is as follows: *Kaibarta* – 25, *Pana* – 18, *Kandara* – 32, *Hadi* – 15, *Dhoba*– 25, *Mahuria* – 6, *Kela* – 1. In all there are a total of 132 Dalit families in Keredagada (population of 500). The Jaganath temple of Keredagada is 300 years old. Traditionally, the Dalits have not been allowed to enter the inside of the temple. The wall of the temple has nine holes in front of the statue of the Lord Jagannath, and Dalits are expected to offer their worship through these small holes. Despite this prohibitive norm, Dalits have tried to enter the temple from time to time. This has given rise to disputes. The incident arose on the evening of *Kartik Purnima* on November 15, 2005 when a group of six Dalit women tried to enter the temple. They were spotted by the priest and subjected to verbal abuse and a penalty of Rs. 1001/- per head in order to purify defilement of the temple. They were coercively detained until they paid up. Upon hearing the news, the head of the Dalit community in the village went to the temple. By this time the local police had also arrived and both helped secure their release and the penalty was also cancelled. As a result of this incident, a campaign for temple entry started. It was led by Shri Raj Kishore Mudul. Dalits drew attention of eminent leaders for their right to enter the temple. Petitions were signed and submitted to the State Chief Minister, Minister for Harijan and Tribal development, National Commissioner for Scheduled Castes and Scheduled Tribes, State Human Rights Commission, Orissa Debottar Commissioner, and also to the Collector and Superintendent of the Police of Kendrapada. As a result of the petitions the DSP of Kendrapada and Tahasildar of Rajnagar initiated a joint inquiry into the issue on March 23, 2006.

This joint inquiry report clearly mentioned that the Jaganath temple of Keredagada is a public place and entry of Dalits cannot be restricted. However, no action was outlined as to when entry of Dalits should take place. On October 16, 2006 Keredagada's Dalit community submitted a proposal to have the organisation Ambedkar Lohia Vichar Manch to intervene on their behalf. This organisation deals with Dalit and Tribal rights. Copies of the petition submitted to the various government officials along with newspaper clippings. After some discussion

with representatives of Ambedkar Lohia Vichar Manch, it was decided that a fact-finding team would visit Keradagada on October 26, 2006. It was also decided that a congregation of Dalits would take place, followed by *Satyagrah* to enter the temple. The state administration, which had not taken any action on the matter for one year now became active. On November 5, 2006 the matter was discussed with five representatives from both caste groups with the district administration. The administration requested to postpone the day of temple entry. There were many rounds of discussion. The Dalit leaders agreed to delay the temple entry date to November 26, 2006. Two days before this, state Secretary of Harijan and Tribal Development Department, Shri Taradutta visited Keradagada and requested all upper caste people to desist from illegal action. On the same day Orissa High Court gave an interim order of a PIL and directed that until the final disposition of the case, entry to the temple was restricted to all except the priests and the temple servants. This order was honoured by the Dalits and again the date of entry was postponed until the case was decided. On December 5, 2006 the High Court ruled that the Dalits have a right to enter the temple and no one can deprive them of this right. In the interim period between the PIL and the ruling, the Chief Administrator of the Puri Jagannath temple and RDC (central) Sri Suresh Mohapatra tried to resolve the problem by organising a meeting between both communities. After this meeting on December 2, a convention at Kendrapada DRDA hall was held. In light of the High Court verdict, the Dalit community decided that entry would be conducted in a simple manner and without any sort of ceremony. On December 12, the Kendrapada SP was informed that date of entry was set for two days later. On the set date, at 12pm five Dalits entered the temple under the leadership of a 70-year-old man named Shri Baidanath Jena. Other men and women followed suit. After the Dalits had entered the priests closed the doors to the inner sanctorum and stopped all prayers. On December 15, a meeting was conducted by non-Dalit caste members and they organised a rally and all shops, the bazaar (market) and schools were closed. The following day was the ceremony of Sankranti, and on this day some 5,000 upper caste people, including women and children, sat on a demonstration, in front of the temple in protest. Tension was rising and people were becoming restless, and it was believed that the Dalit Sahi would be attacked at any point. The matter was brought to the attention of the Chief Minister, Chief Secretary and Home Secretary in the hope that they would intervene. The Collector and S.P. addressed the crowd, and by 9 pm the chief trustee of the temple Sri Rahindra Naryan Bhanja Deo arrived and asked the people not to take the law into their own hands. He made it clear that the Dalits had a right to enter

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the temple as any other individual and that prayers should recommence. After this the situation calmed down. The following day, December 17, RDC Sri Mohapatra and DIG Sri SK Upadhyaya visited Keradagada and organised a meeting with both the parties and came up with a new formula. Accordingly a new gate was opened demolishing the infamous wall with 9 wholes. And the Dalits entered into the temple on January 28th, 2007 through the new gate and nobody obstructed them. Throughout, this movement the victims have been supported by ALVM, Orissa.

The account clearly shows that the following laws were violated

- Article 17 of the Indian Constitution
- Section 3 of PCRI Act Of 1955
- Section 3 (1) (x) of SC& ST Prevention of Atrocities Act, 1989

Babulal Das and family of Haldera village, Jamui District, Bihar *Drenched with spit and beaten up for sitting with the upper caste at mealtime*



Babulal Das, 70, is a cobbler by profession. He belongs to the Chamaar caste. He also works as a labourer in the fields of his village. He looks after a family of 12 people. In general, the villagers especially the higher caste does not pay regularly for his services. Once when he was invited to attend the death rite ceremony of a higher caste family, he happened to sit with the rest of the guests when the meal was served. When he was eating no one objected to his sitting with the higher caste. After the meal was over, the village headmen Virendra Singh and few others took him some distance away from the village. He was verbally abused and spat at. There was so much spit on him that he was drenched in it. Then the attackers started digging a hole in the earth, where they could bury him after killing. The victim pleaded for his life, so the accused let him go only with the condition that he would pay a fine of Rs. 2,000. As he was released, he fled for his life crossing his village to Jamui where he asked for help from the SP. He feared that he would not be able to pay the money and would be killed. The accused along with some of the caste brethren barged into Babulal's house and searched for him the next day while he was away. They threatened to hurt the family if the victim did not pay the money. When the family asked them about what money they were talking about, they were badly beaten up. An inquiry came the following day along

with the victim, which questioned the host of the death ceremony. The host denied that he had any knowledge of any ill treatment of Babulal by Virendra Singh. Immediately after this, the host told Babulal in the presence of the local police that he would not be spared as he had dared to file a case against the village headmen. After that day, his access to the police was blocked by a group of upper cast members. A child of his family was constantly harassed at school. Apart from that, Babulal's had to shift their house as well. A local NGO that followed up the issue could not lodge a fresh complaint even after several attempts at the office of the SP, local police, and minister. All of them declined to believe that such an incident had happened. The case has been followed up by Dalit Mukti Mission. Since, it could not be reported officially at the time of the incident, it has been reported to the NHRC afresh.

Going by the account of the victim, the incident shows a clear violation of

- Section 3 (iv) and (x) of SC and ST Prevention of Atrocities Act, 1989

Bhagirath Ahirbar, Pyarelal and Gaju Patel of Saddapura village, Chhatarpur, Madhya Pradesh

Dalits beaten, painted black and paraded on a donkey alleging them of witchcraft

Member of the upper caste suspected that the Dalits of their village who are small in number practiced witchcraft on them. This suspicion stemmed from the sudden death of an upper caste villager. The relatives of that villager complained the same to the local police station. Police was convinced that due to witchcraft inflicted by Bhagirath Ahirbar, Pyarelal and Gaju Patel, the person had died. Hence a murder charge was made out against them. On November 22, 2006, Sharman Patel and about 20 youth of the dominant caste from the village caught hold of the victims and brutally beat them up. They then painted their faces black, festooned slippers around their necks and paraded them on a donkey throughout the village beating drums and singing songs. The victims approached the sub-inspector and superintendent of police and a FIR under the SC/ST Act was registered. The victims received a compensation of Rs 6,000 each, but there has been no follow up of the case against the accused by the state agencies.

The incident as it happened is a clear violation of

- Section 3(1)(iii) of SC/ST Prevention of Atrocities Act.

Indu Devi of Ithamanikpur, Supaul District, Bihar
Dalits threatened with death on breaking caste conventions

Ithamanikpur village is situated 80 kilometres away from district headquarters. Twenty-year-old Indu Devi, daughter of Amirik Ram and resident of this village, belongs to *Chamar* caste. Indu Devi, 20 fell in love with an upper caste youth named Ranjan Yadav, who is son of Laxman Yadav of the same village. As per Hindu customs and rituals the couple married on December 15, 2006. After the marriage the newly wedded couple stayed together with the groom's family. The family members of the groom did not object to their son marrying a Dalit girl. But some of the villagers, namely Mohan Yadav and Suresh Yadav, sons of Kamta Yadav, Suraj Yadav, son of Ramjit Yadav, Manoj Yadav, son of Ramjit Yadav, objected to their marriage. On December 20, 2006 the above mentioned persons accosted Indu Devi in one of the alleys of her hamlet and abused her by her caste name and said that she ought not to be married to an upper casteman, as she was a Dalit. They urged her to be separated from her husband and flee from the village or else they would kill her and her family members. Indu Devi and her husband went to Supaula police station to lodge a complaint against the persons who had threatened her. On December 28, 2006 the couple went to the District Collector with an appeal letter to ensure security for their lives. The District collector assured them to protect and prevent them from further harassment. But the District Collector did not initiate any action against the persons who had threatened her. Neither a FIR has been registered, nor have the victims been ensured protection by the administration.

The atrocity committed on the couple in this incident is prohibited under Article 17 and 23 of ICCPR (international covenant for civil and political rights)

Suman Rawat of Mohammadabad, Ghazipur district, Uttar Pradesh

Practice of untouchability in matters of social intercourse



Usha is an activist working with an organisation in UP. She comes from Mohammadabad in Ghazipur district. She deposed on the behalf of some victims of untouchability which are occurring in her district. The first case is of a Dalit woman who is a manual scavenger living in her village. Her name is Suman Rawat. A religious ritual was scheduled to take place in the village in the month of August. Some village women decided to collect Rs.10

per person from the village. Donating money for the festival is an established

practice known as *Ram Lakhuri*. Suman Rawat was approached for this donation as she was returning home after work. Suman agreed and went inside her house and came out with the money. While Suman extended her hand to give the money, the women backed off and asked her to give it to some other women nearby so that they were not fouled. At this, Suman asked that if she is untouchable and source of impurity then why her money is accepted? The women who had come to collect the donation asserted that they were Brahmins, and Suman had just returned from work and her hands were soiled. If they took the money from her hands then they would have to bathe and ritually purify themselves. Suman retorted back "if you want my money from my own hands I will give you, otherwise I will not give you the money". Suman refused to pay the money and asked them to go away. The women went away but came back in the evening with a battery of young bullies and pointed to her saying that she had not only refused to pay the donation but also insulted them and argued back when she was asked to hand over the money through someone else. The young crowd threatened her with dire consequences and had a heated conversation with her. After this incident, Suman approached activists and reported the matter. She was obstructed in this also. Her way was blocked and her children could not go to school. The activists went and talked to the women in question but harassment on her has continued till this day in one way or other. A meeting was held in the *Panchayat*, where the village headmen connived with the act of the bullies. They simply held that as she was an untouchable she should not go out of the way and should obey the upper caste women.

There is another incident concerning another individual in the district of Balia in a village called Basanwaar. This person belongs to *Chamaar* (leather craftsman) caste and had risen to the rank of a *Pradhan*. A death occurred in the village due to starving. When inquires were made as to how could this happen as ration was supplied. The village headman said that two days before the death in the family, he had approached them with grains but the person who was the head of the family said that he would rather die than take food from the hands of an untouchable. The family belonged to an upper caste. After his death, the entire village collected money at the orders of the village headman and performed all the last rites that the person was entitled to. It cost the village around Rs 2,500. This incident took place in July 2006. The local administration in order to save their skin claimed disease as the cause of this death. This case was also forwarded to the National Human Rights Commission, in Delhi by the NGO-NCDHR.

- The practice of untouchability in any form and any disability arising out of it is a punishable offence under Article 17 of Indian Constitution.

(vii) DENIAL OF POLITICAL RIGHTS IN PANCHAYATS

Panchayat (literally the assembly of five) is a system of local level governance where each village has significant responsibility and freedom to make decisions concerning issues affecting the villagers. Following the 73rd constitutional amendment in 1992, the decentralisation of the government administration allowed for a new level of communication between the local government and the villagers. While one of the reasons for the implementation of the panchayat system was to improve the status of Scheduled Castes in the local decision making processes, the results have been mixed. While in some cases the Dalit community has managed to get their representatives to the panchayat, the discrimination of Dalits within the system has proven extremely widespread and has resulted in the killings of a number democratically elected Dalit members of the panchayats by upper caste members.

The forms of discrimination which prevent the Dalits from actively engaging in political participation within the *panchayat* system are manifold but have the sole aim of disempowering the Dalit community by excluding them from village level decision-making. Many upper caste members hold the view that Dalits are not supposed to take part in the decisions affecting them – but should yield to the will of upper castes – as has historically been the case. These upper caste members often consider the *panchayats* as instruments for the Dalit community to assert their constitutional rights, which they see conflicting with their own interests as the superior members of the society. They think that due to their caste status they should have the final say on issues affecting the village. This tendency has led into widespread discrimination as well as violent outbursts. Perhaps the most famous case is the Melavalavu village in Tamil Nadu, where six people belonging to a Scheduled Caste – including the newly elected *panchayat* president – were brutally killed due to their active participation in local politics, previously dominated by the upper caste. The state of Bihar continues to see extensive caste related violence during the *panchayat* elections. In 2001, according to the Institute of Social Sciences, at least 96 people were killed during the polling.⁴⁷ According to Indo-Asian News Service, in August 2006, seven Dalit women were raped at gunpoint after refusing to vote for an upper caste member in local elections.⁴⁸

47 Institute of Social Sciences, *Panchayati Raj Update*, Vol. VIII, April 2001

48 Human Rights Watch, *Hidden Apartheid: Caste Discrimination against India's "Untouchables"*

URL quoted 14.08.07 at: <http://www.hrw.org/reports/2007/india0207/9.htm>

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Members of Dalit communities are prevented from reaching a position in the *panchayats* by harassing them in numerous ways so that they do not take part in the elections. This includes anything from economic boycotts to physical attacks and killings of prospective candidates. The polling stations can be controlled by armed groups who prevent Dalits from voting, or make them vote for an upper caste candidate at gunpoint. This practise commonly known as booth-capturing. In many cases the local police – regularly consisting of members of the dominant upper caste – are colluded with the perpetrators, thus many of the cases go unreported. According to the *Untouchability in Rural India* survey, segregated seating arrangements were imposed on Dalits in nearly 30 percent of the *panchayat* offices. According to the same report, in 14.4 percent of the villages, Dalits were altogether forbidden from entering the *panchayat* building. Democratically elected members of *panchayats* belonging to Scheduled Castes are made to sit either outside the *panchayat* building, or on the floor, while the upper caste members sit comfortably. Often elected Dalit members are forced to sign their attendance register in order to give legal validity to the decisions. At times this is without their actual participation in the meeting in any meaningful way.

The elected women candidates from Scheduled Castes bear worst kind of discrimination within the *panchayats*. The system has reservations for women candidates, who constitute 37.46 percent of the elected members – a number significantly greater than the actual reservation of 30 percent. The fact that there exists a quota for women has led many to assume that women are not chosen for their qualities and skills but rather as a result of the quota. This is despite the fact that India boasts a long tradition of strong women leadership at the national level. In rural India many stereotypes nevertheless hinder women's participation in local governance. This affects especially Dalit women, who are generally poorly educated and therefore lack access to the judicial system to seek their constitutional rights. While there is not much statistical information regarding the subject, the disproportionate discrimination encountered by Dalit women in *panchayats* appears to be a common trend all over India. Currently the government is running a programme titled *Mahila Shakti Abhiyan*, which aims at empowering the female representatives, with special attention given to the members of Scheduled Castes.

Allampalli Kalawathi of Kovvuru village, East Godavari District, Andhra Pradesh

Elected representative restrained from discharging her duties



Allampalli Kalawathi, 37, W/o Srinivasa Rao of Kovvuru village, East Godavari district, belongs to the Scheduled Caste called *Mala*. She was elected as the Kovvuru Village *Sarpanch* in the recent elections held in August 2006. *Kapu* is the dominant caste of the village. After Kalawathi got elected, the former *Sarpanch* Pilli Suryakantham, challenged her election and also filed a case against her at the city civil court at Kakinada. The judgment however came in Kalawathi's favour. Since then they dominant caste of the village has started harassing her. The former *Sarpanch* did not hand over the records to her. Furthermore, the secretary of the *Panchayat* did not even allow her to enter the office. On December 8, 2006, State Minister JC Diwakar came to attend the foundation laying ceremony for the village *Panchayat* office building. After JC Diwakar Reddy left, Kalawathi along with the other ward members laid the foundation stone at 4:00 pm. While this ceremony was in progress, at 5:00 pm, Arava Sat-tibabu, aged 38 years, S/o Pandurangarao (*Kapu*), Urava Srinivasarao, aged 45 years and son of Ramaswamy (*Kapu*), Damadora Surya Prakash, aged 43 years, son of Ramaswamy (*Kapu*), Urava Intobbayi, aged 50 years, son of Ramaswamy, (*Kapu*), Urava Anjaneyulu, aged 30 years, son of Ramaswamy, (*Kapu*), Pendem Krishna, aged 40 years, son of China Darayya, (*Kapu*), attacked them. They abused Kalawathi in casteist language, saying "*mala lanjavu, nuvve shankusthapana chesukovadam ente*". Shesharatnam and Kalawathi were beaten up. At 9:30 pm, Allampalli Kalawathi lodged a complaint in Indrapalem police station but the case was not registered. Then she filed a writ petition in the High Court of Andhra Pradesh asking for the registration of case, arrest of the accused and police security for her so that she could discharge her duties. The SI then changed his statement and said that FIR is registered and the case is under investigation with the DSP. Kalawathi's husband Srinivasa Rao was former MPTC. During his tenure, there was a dispute between him and the *Kapu* community regarding the distribution of land to Dalits. Pendem Veera Venkata Satyanarayana (landlord) of *Kapu* community played a key role in this dispute. A case was registered and Satyanarayana was remanded for 30 days. They are still at daggers drawn. Kalawathi is being harassed still through threats and official exclusion. Anishetti Bullebbai Reddy, MLA of Sampara is supporting the *Kapu* community.

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The victim has no say in the *Panchayat*; she is just made to sign the register to show that she has attended the meetings. Dalit Sthree Shakti and Dalit Women Access to Justice have supported the cause of the victim and assisted in carrying on the struggle.

The incident shows multiple violations of the following legal statutes

- Article 17 of Indian Constitution
- Article 3 of UDHR (Universal Declaration of Human Rights)
- Article 5 (b) and (e) (i) of CERD (Convention on Elimination of Racial Discrimination)
- Article 6 (1) of International Covenant on Social Economic and Cultural Rights
- Section 4 of SC/ST Prevention of Atrocities Act 1989
- Section 3 (1) (xi) of SC/ST Prevention of Atrocities Act
- Section 323 and 352 of Indian Penal Code

Jakkaiyan of Nakkalamuthanpati, Thoothukudi District, Tamil Nadu *Dalit killed for asserting his democratic rights*

Forty-five-year-old Jakkaiyan, who belonged to Arunthathiyar community, died as result of casteist attack. He left behind his wife Arumugam Pappa (38), a daughter named Jamuna (17) and a son named Kanagaraj (13). He resided at Arunthathiyar Housing Board colony provided by the Government, working as a coolie. He had won the *Panchayat* election. Regina Mary, an ex-president of the *Panchayat* and her husband took bribes and indulged in corruption during her tenure. Jakkaiyan assumed his office and asked Regina Mary to submit all of the *Panchayat* accounts. He was offered a bribe of Rs 10,000 in order to conceal the previous misappropriation of funds. The correct accounts and bills were not settled. Marisamy, a ward member, found this out. He disclosed the truth to other members, except to Tirupathi who was vice-president. All five members and the President wanted to pass a resolution to elect Marisami as vice-president. In due course, Tirupathi threatened Jakkaiyan to either resign from the post of President or to be his puppet. Tirupathi was of higher caste, and did not like to work under a Dalit President. On November 22, 2006, in the morning, Jakkaiyan, his wife Pappa, Seenivasan, the brother of Jakkaiyan and Moorthy, son of Perumal, were talking in front of



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the Panchayat office in Naklamuthanpatti. Tiruppathi and his wife Regina Mary came there with a spade-handle and stopped Jakkaiyan. Tiruppathi raised his voice "you are not obeying me" and hit Jakkaiyan on the head with a spade-handle. Tiruppathi beat him once again and Jakkaiyan blocked the blow by his left hand, which started to bleed. The next blow hit on the left side of Jakkaiyan's head and he died. The persons mentioned above witnessed the murder. Pappa and her relative Paramasivan, son of Perumal, came to the Tiruvankadam Police Station and lodged a complaint against Tiruppathi and his wife Regina Mary. The Police Inspector received a complaint and he prepared an FIR. The case was registered against the accused under the SC/ST (PoA) Act and IPC. KALAM & Arunthathiyar Mahasabai sheltered the following witnesses in K. Velayuthapuram, near Kalugumalai:

1. Pappa
2. Moorthy
3. Seenivasan
4. Kanagaraaj

The above witnesses of this (Jakkaiyan) murder case have given their evidence statement in the presence of judicial magistrate court, Sivagiri on December 28, 2006. A Petition was submitted to the special District session (PCR) court for speedy trial through the Public Prosecutor on December 8, 2006. The above mentioned organisations that have sheltered the victims are continuing to support the unfortunate Dalit family.

Purushothaman and others, Pathiarakottai village, Cuddalore District, Tamil Nadu

Physical violence on Dalit Panchayat candidate



During the local government election in 2006 in Pathirakottai village a 22-year-old Dalit Purushothaman, son of Pichaikaran,, contested for the post of Union Counsellor in Panruti Panchayat Union, Cuddalore District, Tamil Nadu. The Dalits in Pathirakottai village supported him. The casteist candidate Kumar, of Vaniyar caste, was enraged that a Dalit dared to contest against him in the elections. At first, he threatened Purushothaman to withdraw his candidature. But Purushothaman refused to do so. Kumar along with a mob of supporters forcibly entered into Ambedhkar Nagar and brutally attacked the Dalits in the evening of October 13, 2006 which was the day of polling. The assailants used lethal weapons. More than 125 houses were

damaged and more than 60 persons were injured by the mob. Purushothaman registered a complaint that very day in the local police station. The cause has been followed up by SASY and is trying to get the victims justice. No compensation has been paid to the victims yet.

- The incident is a clear violation of Section 3 (1) clause (v) (vii) and (xv) of SC/ST Prevention of Atrocities Act 1989
- And also Section 326 and 327 of IPC (Indian Penal Code).

Munia of Koilaspur village, Banaras District, Uttar Pradesh
Dalit Pradhan not allowed to perform her functions

For more than twenty years the families of the *Thakur* caste have been discriminating the Dalits of Koilaspur village. Since Munia was elected the *Pradhan*, the *Thakurs* have resorted to violence and torture so that she would step down from her position. The former *Pradhan* along with the *Kotedar* conspired against Munia and the 150 Dalit families that the village houses by withholding the supplies of fair price shop in the village. As the distribution



of the rationed food was managed by the *Kotedar* and the secretary, they stopped the rations for over a year. They also raised the price of the essential commodities. Whenever Munia tried to talk about these issues with the *Kotedar*, she was insulted and assaulted. Undeterred she went to the office of the *Tehsildar*, and also to the office of the SDM. The *Kotedar* accosted her at both the places and tore her blouse. Munia retaliated and took hold of his collar and replied him curtly with equal abuse. Then her husband and others also charged him similarly. The quarrel went on and an FIR was lodged. The *Kotedar* was suspended immediately after this. A lot of money for the development of the village was also sanctioned by the government and all the decision and utilisation of the funds had been the prerogative of the *Thakur* families. When Munia was elected from a lower caste there was an outrage against the Dalit families. There are almost 150 families in the village who have no land to cultivate. Most of them are labourers and depend on the fair price government shop. Even now, though officially Munia is the *Pradhan*, there is no consultation on the part of the *Kotedar* and the secretary regarding all these issues. Both the positions are occupied by people from upper caste *Thakurs*. Though she lodged a complaint and the *Kotedar* was suspended, he was soon reinstated. Munia also complained about the situation to the DM but he has not followed it up with any action.

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The incident shows that the following legal provisions have been violated

- Section 3 (1) (x) (xi) and Section 4 of SC/ST Prevention of Atrocities Act of 1989

(viii) DISCRIMINATION IN GOVERNMENT POLICIES AND PROGRAMMES

In 1979, as part of the five-year plan, a new policy titled Special Component Plan (SCP) (recently renamed as Special Central Assistance to Scheduled Castes Sub Plan) was initiated for empowering the population belonging to the Scheduled Castes. The initiative resulted from realisation that there was a need for more horizontal coordination amongst the different departments within the government in order to improve the status of Scheduled Castes. According to the policy, every department of government is supposed to take concrete measures at creating programmes which aim at empowering the Scheduled Caste population. By earmarking funds to be used on a variety of projects, the government wants to ensure sufficient allocation of financial resources to implement the constitutional safeguards aimed at empowering the Scheduled Castes. While a powerful strategy at a theoretical level, the SCP has not proved to be particularly successful in practise, as it has not been utilised to full extent.

As noted in the report *Reservation in India* by the ambedkar.org website, "budget allocation and spending are often telling indicators of a government's policy interests and priorities".⁴⁹ The implementation of the SCP tells a lot about the government's approach to lifting the Dalit population out of poverty and inferior social standing. While budgeting alone cannot diminish age-old social conventions, it does play an important part in creating the context in which these conventions can be abolished with time. While the SCP scheme has undoubtedly created consistency within the government budgetary strategies and at such has benefited the execution of various projects around India, as the Ministry of Law & Justice reports, "there has in general been an inherent lack of interest and seriousness on the part of the planning and implementing machinery to achieve the objectives of the Constitution. ...benefits secured by SCs and STs do not appear commensurate with the funds spent so far"⁵⁰. The programme, run by the Ministry of Social Justice

49 Ambedkar.org, *Reservation in India*

URL consulted 18.8.08 at: <http://ambedkar.org/News/reservationinindia.pdf>

50 Ministry of Law & Justice

URL consulted 18.08.07 at: <http://lawmin.nic.in/ncrwc/finalreport/v2b1-2ch9.htm>

& Empowerment is monitored by a Steering Committee. The earmarking of funds for the SCP should be, at minimum, in proportion to the Scheduled Caste population of the State/Union Territory. This is one of the main principles of

the scheme, which at all-India level would mean allocation of approximately 16 percent of the total budget. Despite the continuous economic growth the budget allocations for this remains low. As noted in the chart below, in year 2006-2007, the percentage of total plan allocations by all departments/ministries of the central government accounts to only 4.25 percent.

Status of Implementation of SCP for SCs by the Central Govt. in 2006-07

Total Plan Allocations by All Departments/Ministries of the Central Govt. in 2006-07	Plan Allocations Earmarked for SCs by all Departments/Ministries in 2006-07	Proportion of Total Plan Allocation of the Central Govt. Earmarked for SCs in 2006-07
Rs. 1,65,499 crore	Rs. 7,031.86 crore	4.25 %

Source: Wada Na Todo Abhiyan (Keep Your Promise Campaign), *Fulfilling The Promise To End Social Exclusion: A Review of the Dalit Agenda in the National Common Minimum Programme*

Naturally, earmarking of the funds is not enough. Its effective monitoring is essential. At present, scheme is poorly monitored. As noted in 1995 in a letter by then Secretary of Ministry of Welfare K.B Saxena, "the system of monitoring and evaluation is either non-existent or where it does exist; it cannot be taken as effective." As long as the monitoring processes remain centralised and detached from the district level, the evaluation schemes will remain largely ineffective.

One of the main problems facing the effective implementation of SCP is the habit of state governments to reallocate significant percentage of the SCP earmarked funds to other sectors of the state budget. They often have nothing to do with ensuring the socio-economic development of the Scheduled Castes. Another tendency is to simply avoid implementation of the schemes and allow funds allocated for the various projects remain unspent.

**Status of Implementation of SCP for SCs by
Central Government Departments / Ministries**
(having Actual or Notional Plan Allocations for SCs) in 2006-07

Department/ Ministry	Total Plan Allocation for the Dept./Ministry in 2006-07 (Rs. Crore)	Plan Allocation for Earmarked for SCs (Rs. Crore)	Proportion of Total Plan Allocation of the Dept. Earmarked for SCs (in %)
Dept. of Science & Technology	1340	2.5	0.17
Ministry of Social Justice & Empowerment	1750	1226.68	70.1
Ministry of Labour & Employment	311.36	0.53	0.17
Dept. of Women & Child Development	4795.85	635	13.2
Dept. of Secondary Education & Higher Education (Ministry of HRD)	3616	371.2	5.9
Dept. of Elementary Education & Literacy (Ministry of HRD)	17128	2493.5	14.6
Ministry of Youth Affairs and Sports	600	16.45	2.74
Source: Wada Na Todo Abhyan (Keep Your Promise Campaign), <i>Fulfilling The Promise To End Social Exclusion: A Review of the Dalit Agenda in the National Common Minimum Programme</i> ⁵¹			

Despite the criticism that has been heard since the 1980s over the way in which SCP is implemented, very few far-reaching alterations to its basic structure have been carried out. Lack of effective monitoring and evaluation schemes has led to a situation in which the budgetary allocations remain shot

51 Wada Na Todo Abhyan (Keep Your Promise Campaign), *Fulfilling The Promise To End Social Exclusion: A Review of the Dalit Agenda in the National Common Minimum Programme*
URL consulted 22.08.07 at: <http://www.wadanatodo.net/images/160407/DaliteNCMP%20Eng.pdf>

of their proper implementation, signifying failure of the government at the state or local levels and to install Dalit empowerment.

Shanti Devi of Paranjapur village, Varanasi district, Uttar Pradesh

Dalit woman removed from her position as cook

A Dalit woman Shanti Devi, 48, wife of late Ram Bachan, belongs to *Chamar* caste. She lives in a hamlet of Paranjapur, P.S. Lohata, Varanasi district with her only son. Two of her daughters are married. She is the only earning member of the family. For a long time, she aspired for a job in the village school. She managed to get the job of a mid day meal cook in the primary school at the village. On August 15, 2006, she was appointed officially. Accordingly, she went to the



school and cooked the mid day meal for the school children. The upper caste members of the village took note of it and started to conspire for her removal. It was intolerable for the casteist villagers to have a low caste cook for their children in the school. Hence, the 23 dominant caste children at the behest of the elders of the village refused the food cooked by her. The headmaster of the school and the chief of the village, both upper caste members, were a party to this design of ostracisation of Shanti Devi and removing her from her position. She was not even allowed to use a bucket from the school. Instead she was referred to the chief of the village, Anita Srivastava, for a separate bucket for her use. On the second day of her job the chief of the village came and kicked her out of the school premises alleging that the children refused her food as it was prepared badly. However, feeling insulted, she returned to her hamlet and told her story to her caste brethren who came with her on her third day of the job to the school and left her there. Then, the villagers went to meet the chief of the village. When they arrived at the residence, she was not there and instead her father-in-law met them at the doorstep and knowing about what had happened the other day directly resorted to abuse and told straightaway that Shanti Devi won't be allowed to retain her position. When the villagers told that it is a reserved post for women of SC/ST category and that it is their constitutional right, the father-in-law of the village chief laughed, saying "Dalits have no rights". He also challenged them to try all means and told them that nothing is going to change. The Dalit villagers returned home without saying anything. Shanti Devi worked for a few days and was again kicked out on the same pretext, i.e. that her cooking was so bad that children

would not eat. This time, the headmaster manipulated the allotment of ration and gave fewer pulses and asked her to cook with that. Naturally most of the children could not eat the dry rice and left most of the food. At this point, the chief of the village called up local media and the local police and made false allegations against her. She was asked not to come back again. On the next day, the victim with a handful of sympathetic villagers – mostly people from her caste – came along with her. The father-in-law of the village chief called up the police to disperse the crowd. The police arrived at the scene to reconcile the villagers and make them go back. When the villagers opposed this and threatened that they would fight for the rights of the Dalit woman, the Superintendent of Police arrived and convinced the chief of the village to retain Shanti Devi for a month at least. After a month, the victim faced the same rejection. She was again removed from the position by force. After that Shanti with the help of her associates sought administrative assistance. Petitions were given to the District Administration, DM, Collector, BDO and other higher ups. Not a single department took note of the case. An official close to the chief of the village tried to dissuade her from pursuing the matter. She approached the Assistant to the Basic Education Authority and Dayaram Yadav, the SHO of the Lohata police station. Both the authorities visited the school. Yet Shanti Devi has not been accepted in her present position by the upper caste villagers. The organisation which has conducted an investigation into the matter and carrying it forward is NCDHR UP branch.

This incident is violates the following legal provisions

- Section 3 (1) (ix) (x)
- And Section 4 of SC/ST Prevention of Atrocities Act in 1989

Dalit community of Wardha village, Raipur district, Chhattisgarh

Victim of selective discrimination with regards to land policies



Kunti Ratre along with many other Dalit families have settled in a particular plot of fertile land in their village for the last 20 years. The land for cultivation is allocated by the village Panchayat. These allotted plots have been encroached by many upper caste families. The portion of land owned by the Dalits is smallest in acreage. They have been living off that land for 20

years. Now an issue was made against Dalits for encroaching village land. The local police officer, the village headmen known as *Nayak* and the officials of land revenue known as the *Tehsildar* gathered at the plot, which had standing crops. Dalits requested them repeatedly to allow them to cut the ripe grain before taking any action. But the officials did not comply and tried to destroy the crops in front of them. On September 20, 2006 the menfolk of the Dalit community went to the SDM for help. The SDM issued stay orders against seizure of their fields at noon, which was sent to the local police station and the village council. But they defied this order and in the afternoon razed the standing crops in spite of repeated pleas by Dalit women working on those fields. The officials also abused and maltreated the women as they implored to spare the crops.

At the same time two other incidents occurred. Their Dalit settlement is separated from the village. In that settlement, there are villagers of upper caste residing as well who are members in the village council. These villagers on that day took the advantage of the absence of the Dalit menfolk who had gone to meet the SDM. They gradually moved into their hutments. They broke inside their houses. They also looted their animals and desecrated their places of worship in the hutments. The Dalit men returned late only to find that their crops were already gone. Then they also heard about the incident that happened later. Early morning the next day, they went to the police station to lodge a FIR, where for 12 hours they were held back, abused and their FIR was not registered. Local activists got to know about all this the next day. That very day they went to the village and surveyed the land and met the families. Subsequently, they went to the police station. The activists inquired at the police station in front of the women as to why the FIR was not lodged. In response, the police accepted the FIR and visited the village for inquiry the next day. On the third day, when the activist had gone to meet the SDM, that particular police officer was called in and asked by the SDM himself as to what had happened. He simply denied that anything troublesome had happened in the village and nothing as reported in the FIR had happened. The case was dismissed immediately. Till today nothing has been done about it. The Dalits were not given any compensation. The SI was asked to prepare a report about the inquiry. He retains the power to extend this investigation till three months. After three months, the SI gave a report that no untoward incident had happened in the area.

Puthu Vype Village, Elamkunnupuzha Panchayath, Kerala

Discrimination by government and NGOs in providing posttsunami relief



Nirmala Devi and her caste brethren resided in a village that was destroyed by the tsunami of December 2004 that hit various coastal regions of India. The victim lost everything in the tsunami, save their lives. In the post-tsunami scenario, she was hospitalised for 19 days and was in ICU for five days. She argues that in the process of distributing relief, she was neglected and treated differently from the upper caste victims, despite the fact both communities suffered in equal measure. She and victims of her community were given only Rs. 5,000/- as immediate relief and nothing else was

done to help them and to put them back on their feet, while the victims of the higher castes were provided with the equipments of their trade, houses, utensils, etc. There is no Dalit representation in any of the committees organised by the government and the NGOs. Complaints filed by the Dalits have been repeatedly ignored. There was a mass petition given to the District Collector on March 28, 2005 but it was overlooked. And when the National SC/ST commission asked for the petition, the DC did not provide it.

This is a clear violation of

- Article 14 of the Indian constitution, which guarantees equality before law and equal protection of laws.
- A case of discrimination has been filed under the State Human Rights Commission and a PIL is being currently heard by Kerala High Court

(ix) DENIAL OF ACCESS TO COMMON SERVICES

Spatial segregation of Dalits hinders their access to common services, which are often practically excluded from the Dalit population. The everyday experience of millions of Dalits around India includes being denied entry to, or being discriminated in access to the most common services. While the tendency is gradually disappearing in the urban environment where ones social standing is hard to detect, in rural arena ones caste status can easily be identified leading to a number of restrictions that are still firmly in place.

The most extensive research on the limitations put to Dalit population's access to common services that has been conducted in recent years is the *Untouchability in Rural India* report. Conducted in 2001-2002 and covering 11 states, the report documents the extent to which the Dalit population is being discriminated vis-à-vis access to common services, defined as what one of the authors of the report, Sukhadeo Thorat refers to as a 'secular public sphere', which includes access to "water sources, public thoroughfares, transport, and other village level services and amenities like tea shops, barbers' or watermen's services and so on". Perhaps the most common manifestation of untouchability is the discrimination encountered when trying to access the public water sources, as notions of purity/pollution still hold sway especially when it comes to water whether for drinking, or bathing. According to the report, Dalits' access to water resources was denied in nearly half (48.4 percent) of the villages surveyed; despite the fact that Article 15 of the Indian Constitution prohibits discrimination on basis of caste when it comes to the use of wells, tanks and bathing *ghats*. The report lists the following forms of differential treatment forced on Dalits when using common water resources:

- Dalits and non-Dalits do not stand in the same line to fill water.
- Dalits and non-Dalits use separate pulleys to draw water from a well.
- Dalits cannot dip their pots in a well or pond when a non-Dalit is drawing water; Dalits can draw water only when non-Dalits have finished drawing water.
- Non-Dalits can draw water from water sources 'allotted' to Dalits when their own water sources have dried up, but Dalits cannot use non-Dalit water sources under any circumstance.
- There are separate water sources for Dalits and non-Dalits; however, either group can use the other's water source in an emergency.
- Yet at places there are separate water sources for Dalits and non-Dalits and neither group can use the other's water source even in an emergency.
- Dalits cannot take water from any source on their own; they have to request non-Dalits to pour water into their pots.

Source: *Untouchability Still Strong in Rural India*, a report by the Poorest Areas Civil Society Programme⁵²

⁵² Poorest Areas Civil Society Programme, *Untouchability Still Strong in Rural India*
URL consulted 09.08.07 at: <http://www.empowerpoor.com/backgrounder.asp?report=475>

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While the example of the restricted access to water resources is just one of the many ways in which the Dalit population is being discriminated against in the public sphere, it serves as a potent example, as it displays the extent of the physical exclusion that is encountered by Dalits within the most simple and everyday tasks. Similar tendency is apparent in other forms of restrictions in accessing services. Out of the surveyed villages, in nearly half, the access to barber and laundry services were denied of Dalits, the reason usually being their fear of losing upper cast clientele in case they would provide services to Dalits. In more than one-third of the villages Dalits were denied visits by health workers and were discriminated against at police stations. Also, in almost one-third of the villages, Dalits were denied the access to public distribution shops, which sell subsidised food for the poor. This adds to their plight by denying access to cheap foodstuff. The rationale being excluding the Dalit population from services is two fold. First, it aims at maintaining the physical separation between the Dalit and upper caste Hindu populations. Secondly, it aims at further ostracising the Dalit community (especially at the village level) from any economical and political sphere through excluding them from normal social interaction.

Dalit community of Tundra village, Raipur District, Chhattisgarh *Dalit locality destroyed*



On the night of January 10, 2007, 40 Dalit families in the village of Tundra faced the wrath of the members of the *Manuvadi* upper caste. From 10 pm until 5 am on January 10-11, the entire Dalit basti in Tundra was under siege by the upper caste hooligans. This is the third major incident in Tundra of this kind. The first one was in 1988-89, in which action was taken against 72 people. But a compromise between the parties was eventually reached that led to the withdrawal of the case. One month later, one of the main complainants of the earlier case, Dukhiram Barle, his wife and son Manharan Barle were murdered in a land dispute. The younger son survived with injuries and based on his statement the culprits were convicted by the court. In recent times there has been tension on account of mid-day meal scheme in schools. The Dalit womens' group managed the scheme and where daily obstacles were put to spoil their task. Since the village is overwhelmingly populated by the non-Dalits, it was difficult for the Dalit women to operate the mid-day meal scheme. Further, the children from the upper castes

did not eat the food cooked by Dalit women. For about a week, there was a cycle show going on as a part of a circus for children, which attracted all segments of the village including the Dalits who are mostly of the *Satnami* cast. On the day of the incident Dalit youths Rahul Barle, Rajendra Baghel, Gore and Yudhistir Banjare were at the spot watching the show. All of them were standing. Jagdish Verma, Dhaniram Patel and others asked these *Satnami* youth to sit. The *Satnami* youth replied that, if they sit and those standing in front of them don't sit, they won't be able to see. A verbal duel began and soon it led to a major violence. Elders of the village interfered and settled the matter. After they dispersed, the upper caste groups in order to teach a lesson to the *Satnamis* immediately called a meeting. At around 10.30 pm, *Satnamis*, who were already asleep, heard noises of breaking, banging and thrashing. Before they could understand what was happening, they heard loud abuses hurled on them. A mob was rushing towards their homes. They were looking for the male members of the family. By this time, the *Satnamis* had begun to run. Soon they got scattered to fields and the women hid in the inner rooms of their homes and barns. But by then they had been trailed by the upper caste mob. Khoribai Ratre, aged 70, was hit on her head and breasts and she suffered internal injuries. The assailants broke the doors and entered 40 houses and began to destroy all that they could find. Four motorcycles, 40 cycles, innumerable bags of paddy, clothes that they could take, beds, bedcovers, blankets, table fans, coolers, cooking utensils, VCD players etc, were instantly taken out of the houses. All these things were taken out and burnt at ten different places. Those things that they couldn't take out were smashed and destroyed completely. Front doors of 37 houses were fully destroyed in the attack. Documents such as certificates, mark sheets, caste certificates etc. were all destroyed. Lalit Barle, a student of 10th standard, Mevalal Banjare a graduate student and Kanshiram, a student of 10th standard, lost their mark sheets, certificates and caste certificates. According to Ishwar Banjare, nearly 3000 litres of kerosene was unloaded the same day in the village for public distribution under PDS, which was utilised in burning these things. Yudhistir Banjare says that this incident was instigated by the family members of those who had convicted in the triple murder case of 1989. So far, the state organisation Dalit Mukti Morcha has been fighting for their rights. After the incident, it has been lodged as a case in Bhilaiagarh Police Station under sections 294, 506, 456, 147, 149, 435, 395 of IPC and u/s 3(1) [1-10] of SC/ST Prevention of Atrocities Act, 1989 Now the case is in the court of the First Class Judicial Magistrate Balodabazar with case no. 82/2007 as State vs. Jagmohan and 30 others. The initial response of the

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state was reluctant. The arrest of the first eleven accused was made on January 11, 2007, a month after the incident. The rest of them named in the case were arrested after a week on January 17.

Dalit community of Satikipur village, Puri District, Orissa

Dalits not entitled to sit in the village mandap

Benudhar Sethi belongs to the community of washermen. Upper caste Hindus dominate the village. The *Bartan* system, which is a kind of slavery, is continuing in the area till today. Dalits, (who are barbers and washermen in the village) have been used by the members of upper castes in that area not only for their services but also for other purposes. The upper caste members pay the Dalits in goods; they were not paid any proper remuneration. The Dalit community of the village has promoted a Bhajan Association (Spiritual song association) involving seven neighbouring villages. On August 24, 2006, the *Dhobi* Dalit community had called for an emergency meeting of all the members of the Bhajan Association. They were supposed to assemble in Satikipur village at about 8 pm in the village *Mandap* which was constructed by the government in the wasteland. Some members of the upper castes, namely Angada Majhi son of Dama Majhi, Madhu Biswal son of Benu Biswal and Kalu Patnaik son of Narayan Patnaik rushed to their meeting place and abused them with filthy language (in Oriya "sala magia Dhoba, bedha pila, achhua jati"). The meeting was disrupted. Madhu Gopal, one of the oppressors caught the collar of Benu Sethi. In the meantime, Kalu Patnaik came from behind him and attacked Benu. He fell down, after which Angada Majhi kicked and pushed him away. The perpetrators abused the Dalits on caste lines and attacked the rest of them. Further, they threatened the Dalits by saying that, "if you conduct any further meetings in this place, then the situation will be very bad, none of you will be spared and you all will be expelled from the village". The villagers approached the police station of Brahmagiri and registered a FIR under Section 3 (1) (x) of SC/ST Prevention of Atrocities Act. According to the statement of Dilip Kumar Tripathy, IIC of Brahmagiri Police Station, the dispute arose due to previous enmity on account of a land dispute. The matter is currently looked into by the city of DSP of Puri, A.K.Singh.

The incident shows violation of

- Section 3 (1) (xiv) of SC/ST Prevention of Atrocities Act

Dalit community of Kadityamvari Pally village, Kadapa District, Andhra Pradesh

Depriving Dalits' access to electricity

In Kadityamvari Pally village, the relationship between the upper castes and the Dalit family in concern has been sore for the past 40 years. The upper castes have been subjecting the Dalits to many degrading activities. On application by the Dalits to the Electricity Board they were supplied electricity, and electricity motors were issued to each and every house. Since there was no permanent power line to the Dalit colony, with the permission of the AE, Penagaluru (government official), Dalit families drew power from a pole near the house of Katta Narayan Naidu, who is an upper caste person. The Dalits have paid their electricity bills regularly. Without any legitimate reason, Katta cut off the electricity supply of the Dalits. His actions can be attributed to the hostile attitude towards Dalits and also to disgust at their economic improvement. This is evident from Katta's demands to know "who gave them [Dalits] the right to access electricity." P. Narayana, a Dalit, questioned Katta as to why the power was cut off. Katta along with the other accused persons attacked Narayana and others living in the Dalit hamlet in the middle of the night. The culprits used weapons and attempted to kill the victims; they also verbally abused the Dalits by employing words such as "malanaa kokdukularaa". Furthermore, they threatened to burn the victims if they set their feet on the patta lands of the accused. Katta has since continuously abused and attacked Narayana and other members of the Dalit community and they are under constant threat. In spite of this, the victims have filed a complaint with the police against Katta Naidu and others and also filed a lawsuit under Section 507 of IPC and Section 3 (1) (x) of SC/ST Prevention of Atrocities Act. The case is currently pending in court.

Dalit community of Kotha Cheruvu Village, Kadapa District, Andhra Pradesh

Dalits access to water supplies denied

In 2002, the APSRIC Authorities dug a well in Survey No. 409 of Nandipalli in order to provide drinking water to the residents of Kotha Cheruvu village. The well was dug near the land of Pitchi Reddy, who belonged to the upper caste in the village. On the night October 8, 2004 Pitchi removed the handle and pipes of the well; damaged the platform and fixed a submersible electrical motor in order to cultivate his land and thus stop water flow to the Dalits.

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On December 20, 2004 Pitchi along with 70 other men from the villages of Mallampeta and Konasamudram brought agricultural implements and tried to damage the well. Chatla, one of the Dalits of the village brought his camera to take pictures of the accused in action. Soon he was confronted by the accused. The victim was verbally abused and was then struck on his head with an axe, which resulted in severe head injuries. The women accompanying the accused were also verbally abused and beaten up. The women fled fearing further attacks but the accused pursued them with sticks, axes and shovels in hand. The women sought shelter at G. Chary's home in the village. The victim attempted to go to the hospital but was threatened by the accused and the 70 other men from seeking medical attention. They also threatened him if he tried to seek help from the police. Thus, he had no other option but to return to the village. Upon his return he phoned the police, who came and recorded the statements of the victim and the women. They also took him to the hospital for the necessary medical treatment. A case was filed under Section 3 (1) (v) of SC/ST, Prevention of Atrocities Act and is currently pending in the Committal Court of Kadapa.

(x) SEXUAL EXPLOITATION AND ASSAULT

Dalit woman faces triple burden of caste, class and gender. Multiple forms of discrimination confront her both from Dalit and non-Dalit community. Being at the very bottom of societal hierarchies, the means for asserting her constitutional and legal rights are minimal. This is being taken advantage of by upper-caste men, who employ the body of Dalit women as an instrument for reinforcing the caste divisions through sexual violence. In these instances the prevalent dichotomy of purity-impurity is conveniently set aside. Sexual exploitation and custodial rape of Dalit women are also widespread.

Dalit women, who constitute 16.3 percent of Indian female population, experience the brutality of casteism in its full vigour. While bearing the weight of multiple forms of socio-economic discrimination, Dalit women are also subjected to severe sexual exploitation. Reasons for becoming the victim of a rape can be as bizarre as using the common village water supply, or being a family member of someone who is in conflict with the upper caste community of a particular village. Ultimately any action, which in any way undermines the caste divisions, can initiate sexual violence, which is often carried out in

disgusting ways with the intention of maximum physical pain and psychological humiliation. The public nature of sexual violence committed on Dalit women is an integral part of the humiliation process. The rapes are often carried out within the village in broad daylight, usually accompanied with parading the victim naked around the village. Similar ramifications follow from women's attempts to assert their constitutional rights if they happen to clash with the interests of the upper caste members. This is usually the case with access to land, property and *panchayats*. The pattern of Dalits' systematic subordination through exclusion from economical and political spheres is at the core of sexual violence; rape is used as a retaliatory act in order to restrain any form of dissent within the Dalit community.

The Annual Report of the National Crime Records Bureau reported a 'mere' 1,172 cases of rape of Dalit women during 2005.⁵³ Although the number is minimal compared to the estimates of the actual number of cases, as estimated in a number of reports, e.g. Amnesty International report *India: the Battle Against Fear and Discrimination, The impact of violence against women in Uttar Pradesh and Rajasthan*, it is nevertheless showing an increase from previous years.⁵⁴ Institute of Development Education, Action and Studies research that was conducted in four states and spanning a timeframe of five years reveals that 23 percent of the interviewed Dalit women had been raped, and 46.8 percent had experienced some form of sexual assault.⁵⁵ These statistics come from a country that has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which obliges the government to take extra measures to ensure that the rights of the women are respected. In reality, Dalit women have minimal access to the legal system, which systematically discard majority of the reports filed by women regarding sexual assaults. As the punishment rate in sexual assault cases against Dalit women remains catastrophically low – bearing in mind that the overwhelming majority of the incidents never get registered in the first place – there exists a widespread notion of impunity vis-à-vis sexual assault on Dalit women. Influential upper-caste men in rural India are almost guaranteed to go unpunished on committing a rape of a Dalit woman. The perpetrators often have close ties

53 *The Annual Report of the National Crime Records Bureau 2005*

URL consulted 07.08.07 at: <http://ncrb.nic.in/crime2005/cii-2005/CHAP7.pdf>

54 Amnesty International, *India: the Battle Against Fear and Discrimination, The impact of violence against women in Uttar Pradesh and Rajasthan*

URL consulted 07.08.07 at: <http://web.amnesty.org/library/Index/engasa200162001>

55 Study quoted in *New Internationalist*

URL consulted 07.08.07 at: <http://www.newint.org/features/special/2006/12/06/Dalit-women/>

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with the police and thus the victim of the rape is intimidated until she drops charges amid fear of even more serious consequences to her and her family. A large body of evidence gathered from around India shows that often rape is committed with knowledge and tacit support of police. This is often under the very eyes of the law enforcement apparatus.

The discourse of sexual exploitation has also been religiously codified within the *Devadasi* (Servant of god) system practised mainly in South-India, in which a girl in her pre-puberty is ceremoniously 'married' to a deity and moves to live in a temple. In practise this means that the girl cannot get married later in her life and in effect, is forced to serve as a prostitute for (mainly) upper-caste men. As noted in the publication *A Report on Trafficking in Women and Children in India 2002-2003*, "after initiation as Devadasis, women migrate either to nearby towns or other far off cities to practise prostitution".⁵⁶ The fear of sexual assault on young women is partly to because of child marriage still prevalent in rural India, despite its abolishment through Child Marriage Restraint Act in 1929. The stigma of rape is so overwhelming that a rape victim is not considered marriageable; therefore marrying a girl at a young age serves as an insurance of sorts against this scenario.

Tetali Satyakala of Bhadrachalam village, Khammam District, Andhra Pradesh

Dalit wife deserted by her husband

Tetali Satyakala, Daughter of Oleti Raju, a Dalit aged 19 years is a resident of ILTD Watchman Quarters, Anaparathi, East Godavari district, AP. She was undergoing Staff Nurse training in 2005. Tetali Rajesh Reddy son of China Venkata Reddy, aged 20 years resides in Anaparathi, East Godavari district. He promised to marry Tetali Satyakala. On November 16, 2005 Rajesh Reddy threatened to kill himself if Satyakala refused to marry him. The couple got married in Bhadrachalam where they rented a room. After a while, Rajesh's friend Shiva Reddy started visiting Rajesh's house whenever he came to Bhadrachalam on business. On July 24, 2006 Rajesh Reddy left Bhadrachalam, as Tetali Rama Reddy, his relative and MLA, had asked him to work with him. Satyakala waited three years for his return. Apprehensive of her husband's whereabouts, she called up Rajesh's mother, who informed

⁵⁶ Institute of Social Sciences – National Human Rights Commission – UNIFEM, *A Report on Trafficking in Women and Children in India 2002-2003*

URL consulted at 02.08.07 at: <http://www.ashanet.org/focusgroups/sanctuary/articles/ReportonTrafficking.pdf>

her that, "you belong to Dalit caste, I won't ever accept you and the marriage. I won't let you enter the house. Leave my son." Not knowing what to do, she consumed poison. Her neighbours took her to hospital and informed her parents, who brought their daughter back to Anaparathi and filed a complaint in the Anaparathi Police Station on August 16, 2006. The police however refused to register the case. Upon hearing the news of police's refusal to register the case, a women rights organisation Sthree Shakti approached Satyakala and expressed their solidarity. The police however continued to refuse to register the FIR despite the intervention by Sthree Shakti. The organisation lodged a complaint in the Human Rights Board and before the Joint Collector. The matter was directed for immediate action. The Joint Collector asked the SI to arrest the accused Tetali Rajesh Reddy. The Police took Rajesh's parents and his friend Shiva Reddy into custody on August 26, 2006. As soon as Tetali Rajesh Reddy was informed of the arrests, he went and surrendered in front of the court. Satyakala asked Rajesh to accept her and their marriage but Rajesh refused. His relatives threatened Satyakala, so she gave a representation to the District Magistrate asking for protection. The magistrate said that he would take immediate action. On September 4, 2006, Satyakala said that if Rajesh agrees to register their marriage, she would take back her case. Yet Rajesh did not agree. On October 4, 2006, a representation was given to the SP to alter the provisions in the FIR. Satyakala was sent for medical examination. Presently Rajesh, his parents and friend Shiva Reddy are out on bail. Even today, they are not accepting the marriage and offered Satyakala Rs 20,000 to leave Rajesh. The case is also supported by Dalit Women Access to Justice.

The legal provisions of the following are being violated in this incident

- Section 3 (1) (xi) (xii) of SC/ST Prevention of Atrocities Act
Article 10 of the ICESCR

Tarini Nahak of Samukha Pahada village, Ganjam District, Orissa

Gross violation of human rights of a Dalit girl

Late Tarini Nahak, 17 years of age was daughter of Devaraj Nahak who resided in Raghunath Pally village of Ganjam district, Orissa. She belonged to the *Pano* caste. She was a day labourer, working in a brick kiln and of Basanta Mohapatro who is son of Khetrabasi Mohapatro of Kabipurjyanagar (Patel Road) for the past five years. Tarini Nahak and Basant Mohapatro

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had a sexual relationship, and Tarini became pregnant. Basant Mohapatro threatened Tarini to undergo an abortion. On June 25, 2006, he went along with Tarini Nahak and her two aunts to the local private clinic for abortion. However, the attempt failed. While returning to village, Basanta Mohapatro strictly told Tarini and her aunts not to disclose the matter to anyone. After two or three days, Tarini Nahak went missing. Her relatives searched her frantically. However, she could not be located. Finally, they went to the Local Police station to file a missing complaint of Tarini on June 30, 2006. The Police personnel who were on duty did not take the matter seriously. Repeated attempts of the relatives to lodge a missing complaint failed. A group of women from Taliampally village went to collect firewood from Samuka Hill, situated in between Athagada and Bada Agula village and onwards. They saw a corpse lying there. They came and informed the villagers of Raghunath Pally. Five or six women from Kabipurjanagar went to see the dead body; they recognised that it was the corpse of Tarini Nahak. The villagers reported the incident to the Kabipurjanagar Police Station on the same day. The accused Basanta Mohapatro used high power chemicals to destroy the evidence in order to prove that the death was suicidal. On July 14, 2006 the Police personnel reached at the spot and seized the body. The murderer of Tarini was identified, but the Police did not arrest him. Following mass agitation, he was arrested. The High Court granted him bail. Presently, the chargesheet has not been submitted to the Court, it is pending in the office of DSP, Chatrapur of Ganjam Orissa. The family has demanded compensation for the death of their daughter. To fight for their rights, the organisation VICALP is providing them assistance. Petition has been filed before the State Commission of SC/ST, the Chief Minister and the Home Minister of the state.

This is a clear case of murder under Section 302 Indian Penal Code among other violations of law, including Section 3 (2) (v) of SC/ST Prevention of Atrocities Act

Sukanta Mallik of Kholanai village, Kendrapara District, Orissa *Dality youth killed because of inter-caste relationship*

Sukanta Mallik was one of four brothers and lived in the small village of Kholanai. Kholanai is an underdeveloped village of Baidihi Panchayat, Mahakalapada Block, District Kendrapada in Orissa. The village has four families

belonging to *Kandara* caste and two families belonging to the *Gopal* caste. Only a few families have good farmstead, while others are marginal farmers or agricultural labourers. The village has only one primary school. There is a village temple but the Dalits are not allowed to enter. Such caste discrimination and untouchability dominates the villagers' mindset. Dalit children sit separately while they take mid-day meals in schools and also during festivals in the primary school. Sukanta was a graduate from Rahama College and had also completed his LI (Live Stock Inspector) training when he returned to his village. He was also knowledgeable in veterinary science and thus helped villagers by treating cattle. He was one of the few educated individuals in the village. The incident being narrated arose from a romantic relationship that he formed with Lotani Bhola, who was the daughter of an upper caste *Khandara* family of the same village. Lotani managed a small pan shop in her village. According to her, "we had promised to get married in front of our village Goddess". The majority of the villagers were aware of this relationship but Lotani's family refused to acknowledge it given their different caste. Her family fixed her marriage to another man and the engagement was set for June 19, 2005. This was against Lotani's wishes. The night before her engagement Lotani moved out of her home after dark and went to Sukanta's home. His family members refused to give permission to continue their relationship. According to Lotani, "brother of Sukanta, Tapas threw me out of the house and also beat Sukanta. After this, sisters of Sukanta, Lipi and Badamaa took me to Rahama near Babar." Meanwhile, Lotani's family noticed she was gone and were furious because they believed her to be at Sukanta's home. They entered Sukanta's house looking for the couple, but when they did not find them there they threatened Sukanta's family. Later that night they went again to Sukanta's house. They beat up his brother Arun and forcibly tied their father, grandfather and uncles with a rope. They then took them to one end of the village and inflicted torture on them, and when the victims cried for water they were given urine in their mouths. They found Sukanta and forcefully dragged him from the neighbour's house, and in front of everybody they beat him to death in a half-excavated pond. Though four other Dalit families heard Sukanta's screams for help they refrained from helping due to fear of backlash against them by the Bhola family. After Sukanta was dead, they hung his body in with a tree near the boundary wall of a Dalit neighbourhood and left. The rest of Sukanta's family was released after they had signed blank papers. Villagers and family members said, "there were scratch marks of beating on his chest and back and there were clear marks of his body being pulled from the pond. His hair was matted with mud and dirt as he had

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been pulled out from the pond. His private parts had been so severely hit as to have ruptured." Villagers from both higher castes and Dalits were shocked at the killing of Sukanta. No police officers were sent to look into the matter. AVLM, a state level organisation made a fact-finding team to investigate the matter after 15 days of the incident. Their protests and petitions to different officials made the police arrest three accused and two of them who were involved surrendered. The government response has been slow and till date the 25 percent of the relief money which is due to the bereaved family is yet to be paid still due.

Murder of a person of SC/ ST category on grounds of his status is a grave crime under Section 3 (2) (v) of SC/ST Prevention Act and Section 302 of Indian Penal Code.

Mamta Devi of Bisunganj, Jehanabad district, Bihar

Dalit woman attacked and urine passed on her



Mamta Devi, wife of Sanjay Mochi and his family belong to *Chamaar* caste. They live in Bisunganj village. On September 13, 2006, Mamta Devi was coming home. While passing through the house of Pashu Ram, she felt some water dripping down her face. When she looked above, she saw Kundan Sharma and Upendra Sharma zipping their pants. When she objected, the perpetrators reopened their zips and threatened to urinate on her. They came down, caught her by her hair and abused her verbally on caste lines. She was beaten and her sari was snatched away. She ran home and told her husband about what happened to her. The accused came to her home and started beating the couple. They also snatched her blouse and wounded her on the shoulders and arms with their nails. Her husband reported the matter to the SP but the police took no action. In the evening, the victim lodged a complaint at the police station. The next day, the DSP visited the victim's house and threatened the victim on caste lines. On the day of quarrel, Sharma kicked on Mamta Devi's stomach, since then she has been suffering from pain as she was in the second month of her pregnancy at that time. The perpetrators also slapped her son on his ear, since then he is unable to hear properly. The couple has been constantly tortured since upper caste bullies came to settle down in their neighborhood in 1999. The upper caste have evicted all other low caste residents from that village and the victimised couple has been

the only family that refused to move away. Before this incident, the couple has been beaten several times. Sanjay's father has been slapped in midst of market. Sanjay has been framed in a case of theft. Then, his small shop of leather goods and sandals was burnt and razed to ground on February 18, 2003. He tried to do some other business in another area. He was evicted from there as well. Many times, goods from his residence and cash were looted by the accused. Till 6 pm on the day of the latest incident, no police arrived for help. The case was followed up by the state branch of NCDHR. The SP and the DSP of the area were approached and even they used filthy language and behaved mostly rudely while reluctantly lodging the FIR. The police have once threatened the couple and are now asking them to withdraw the case.

There are instances of violating multiple legal provisions, including

- Section 3 (1) (xi) of SC/ST Prevention of Atrocities Act
- Section 4 of SC/ST Prevention of Atrocities Act

Bhurra Dhanamma of Iruvalli village, Nellur district, Andhra Pradesh

Dalit woman succumb to trauma after being raped by upper caste villager

Bhurra Dhanamma and her husband Lakshan Marsaiah, were both Dalit agricultural labourers. On September 14, 2006, both of them went to their assigned plot of field to work. In the field, an upper caste fellow villager Ramakrishna Naidu of the *Kaman* caste, accosted Bhurra Dhanamma and attempted to rape her. She raised an alarm by shouting and her husband rushed to the spot and rescued her. The culprit fled from the fields. Immediately the matter was taken by other Dalits of the village on behalf of the victim. They went to the house of the accused to inquire about the matter. The friends of the accused met them and hurled a lot of abuse on them. The victim approached the police station and a FIR was registered but the accused was not arrested even after 10 days of the incident. Later, accused were arrested only to be set free on bail soon. The victim went in a state of mental trauma after the incident due to repeated humiliation by the upper caste members. She refused food and water and expired because of self-imposed starvation for three months. No compensation has been paid to the victims' family.



The incident is a gross violation of

- Section 3 (1) (x) of SC/ST Prevention of Atrocities Act.

Anju of Puliya village, Oraiya District, Uttar Pradesh

Gross atrocities on minor Dalit girl

Anju, aged 14, daughter of Lal Singh is a resident of Nagla Chinta village. She belongs to *Kanjad-Ahirbar* caste. Viresh Singh Yadav, aged 25, is a resident of Achhalda village, which is a kilometre away from the neighboring village Nagla Chinta. His father is a Government employee who is known for his brash behaviour. Viresh Singh has been eyeing upon Anju and began to pursue her. He thought her to be an easy catch as she was from a poor family and belonged to a Scheduled Caste. Anju did not show any interest in him. He used to pass comments and stare at her while riding on his motorbike. He tried to speak to her as well. She did everything to discourage him from pursuing her. Anju left for her elder sister's home in Firozabad. She stayed there for 15-16 days. Viresh Singh went to Firozabad and behaved in the usual manner. Anju complained to her sister's mother in-law, Sarada Devi. She protested against Viresh's actions. They had a very heated argument for 20-25 minutes. While leaving Firozabad, Viresh warned uttering the following words, "ek din ae Sali konjoriya ka ghaomand jarur chur kar dunga, Sali hamari bejjati ki" which means, "one day or the other I would see to it that the Kanjariya (sub caste) girl learns a lesson, how dare she disgrace me!" After some days, Anju returned to her village. On February 11, 2006 at about 4 pm, Anju went to Achhalda village, which is at a distance of a kilometre from her village, to buy some vegetables from the market. On her way back home, on the bank of river Ganges, close to Puliya, Viresh Yadav, approached her with a sharp-edged weapon. He was with two other friends. As she was going, they obstructed her way and took hold of her. The assailants outraged her modesty. She fiercely resisted all their attempts and tried to escape but Viresh struck her with the weapon and chopped off her right arm completely. Anju fell down and fainted. The assailants escaped from the spot. Some persons of her village saw her in a seriously injured state. They sent a message to her parents. Her parents and some of her relatives came to the spot and took Anju to Achhalda police station. She regained her consciousness in the police station and narrated the whole incident. However a FIR was not registered in Achhalda police station. Anju was taken to Etawa Hospital from Achhalda Police Station, where she was given first aid treatment. The doctor advised them to register the complaint in the police station in order to get their daughter admitted. When they went to the SP of Oraiya District, he did not listen to their plea. He shouted at them saying "bawal banakar laye ho, bhag jao yanhase, nehi to sabko band kar dunga" which means, "get

lost from here or else I will put you in the lock up". On February 13, 2006 they met DM of Oraiya. He gave his car and sent some persons from his office along with the victims to admit Anju in Kanpur Hospital. She did not receive proper treatment in that hospital either. After many press reporters went to meet Anju and the news was published in many newspapers, she finally received proper medical attention. Bahujan Samaj Party of UP state extended financial support of Rs. 1000 to the victim's family on February 13, 2006. The Governor also gave the family Rs 25,000 towards Anju's treatment on February 15, 2006. The victim's family has not been given any protection by the administration as of now. The case was registered under sections. 326, 354 IPC and 3(1) X SC/ST Act on February 13, 2006 by MP Singh, Station Officer. Later, Bipuna Ramvilash Yadav area officer investigated the case. The accused still threaten Anju and her family members. No one in the village or their neighborhood is ready to testify or help them in any way as they have been either threatened or bought over by the accused party. The accused have filed a false case against them. The victim is now in Delhi. NCDHR of the state are fighting for the cause of victim's family.

Birdudu Ramya, St. Arnold School, Maderametla, Prakasam District, Andra Pradesh

Dalit minor girl raped and murdered in her school's hostel

Birdudu Ramya, daughter of Birudu Nageshwar Rao was studying for her 10th in St. Arnold High School, Medarametla Village, Prakasam District AP. The school is run by Roman Catholic Missionaries and has boarding facility. The sisters run the girls hostel and the fathers run the boys hostel. Both boys and girls hostels are located in the same premises. The priest who is the headmaster and correspondent of the school has access to the girls' hostel.



Usually the priest performs the daily mass and everyone in the hostel attends the prayers. Birdudu Ramya, aged 14 years, belonging to the *Madiga* caste, enrolled in St. Arnold Hostel in 2004 when she was in 9th standard. She continued in the same school during her 10th standard also. Ramya often informed her mother that the headmaster, Fr. Fernandez misbehaved with her but her mother did not take the matter seriously as she strongly believed that priests are highly pious people. Ramya's father, Nageshwara Rao is working as a driver in the fire station in Yerragondapalem in Prakasham District.

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On December 8, 2005, Ramya tried to talk to her father over phone, but he was not there in the office. When he returned, he was informed that his daughter had called him. He tried to contact her via phone. He tried calling the institution several times but no one responded. Next day, Nageshwara Rao went to St. Arnold School and was shocked to see his daughter lying dead. Dead body of Ramya was lying on an iron cot. Nageshwara Rao was told by the institution that Ramya hanged herself to death. The management of the institution said that Ramya had stolen Rs.200 and hence out of guilt and shame committed suicide. The body was found to be cleanly bathed and everything had been removed. Other girl students in the institution said that Fr. Fernandez used to harass Ramya and other girl students sexually and this is the reason for her death. Sister Maria Theresa is the warden of the girls' hostel. Fr. Fernandez has access to the girls' hostel, Maria has knowledge of everything that happens in the girls' hostel. The charge that Ramya had stolen Rs.200 is purely fictitious. The hostel and school management did not inform Ramya's parents about the theft. They would have definitely informed had it been true. Fr. Fernandez had visited her several times in the hostel in midnight and harassed her about Rs.200. Though the police came and they had access to the bathroom, they did not conduct proper investigation and just visited the place of incident and went away taking the statements of the priest and nun. The height of the rod in the bathroom to which Ramya is said to have hanged was not measured. The height was not enough for a person to commit suicide and more over there is no reason for Ramya to commit suicide. The school used to inform the family about little things but they did not think it to be important to report the daughter's death to her father. The police did not cooperate with the victim's family. At the post-mortem centre they demanded birth certificate in order to conduct post-mortem. The first opinion said it was not a case of rape while the second opinion found traces of semen on her body. The case has been sent for a third opinion to Hyderabad, the report of which is still awaited. On the other hand, the school at first offered money to the family to compromise and when they refused threats of death came for taking things further. The police on their part have tried to dissuade the family from pursuing the case stating that it would not bring their daughter back. Fr. Fernandez previously worked in St. Anns School in BHEL and was transferred because of his misbehavior. Dalit Sthree Shakti has been following up the case and it has been moved before the state SC/ST commission and National Human Rights Commission. On December 9, 2005, an FIR was registered under the Section 174 of Cr.P.C.

The incident also shows violation of

- Article 21 of Indian Constitution
- Article 6 of ICCPR
- Article 3 of UDHR
- Article 5 (b) of CERD
- Section 302 and 376 of Indian Penal Code
- Section 3(2) (v) and Section 4 of SC/ST Prevention of Atrocities Act

A petition also has been forwarded to the chief Justice of Andhra Pradesh High Court.

Nitu of Chandigarh village, Patiala District, Punjab

Rape and atrocities suffered by a Dalit woman

Nitu is the daughter of Davinder Singh who is a servant of the accused Albel Singh. Albel Singh is a resident of Chandigarh. Kranti, the driver of Albel Singh lured the victim Nitu, on the pretext that he will arrange a job for her in Chandigarh. He brought her to Albel Singh's residence. Albel Singh and Kranti raped her at Albel Singh's residence continuously for three months. She was threatened of dire consequences, if she revealed what happened to her. The victim suffered for three months. In February 2007, she managed to escape and returned home. On February 19, 2007 she consumed poison. However local people saved her. When she was taken to the hospital, it was found that she was pregnant. The matter was reported to the Police. An FIR was registered on February 20, 2007, under sections 307, 376, 506, 120-B of IPC. However, until now only Kranti has been arrested. Albel Singh has not yet been brought to book. Phillaur pursued the matter from the side of the victim. The SSP of Patiala was asked to add all the provisions of the SC/ST Act to the FIR but it was not complied with. No compensation has been paid to the victim and the administration has declined from registering a case under the SC/ST Atrocities Act.

Dalit Community of Kila Jafargadh village, Jind District, Haryana

Attack on Dalit residential area

On August 31, 2006 Attar Singh, a Dalit, organised a religious ceremony that started at around 9 pm. At around 10 pm., 10 to 15 youth came and sat beside Dalit womenfolk at the ceremony. They harassed them by pulling their hair and clothes. The youth also started throwing stones and bricks at the

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Dalit women and some of them were injured. In no time, a scuffle between the youth and Dalit families broke out. Attar Singh abruptly stopped the ceremony and called the police. Upon the police's arrival the youth ran away. Early on September 1, 2006 the youth switched off the village lights and a violent mob of some 150-200 youth, armed with spears, batons, and other weapons attacked the Dalits and ransacked some 76 Dalit homes. Fourteen people belonging to Dalit community were injured.. Police arrived two hours after the incident and the injured were taken to hospital. They were not treated at the Julana Civil Hospital and were referred to P.G.M., Rohtak Hospital. A case was filed against the youth and 32 of them have been arrested. Fearing revenge for going to the police, the Dalits have started to move to nearby towns. The police have been trying to stop their migration with claims of providing protection. Some 15-20 Dalit families left the village by September 6th. A fact-finding mission by an NGO went to the village. They have observed that many of the associates of the assailants are roaming freely and have not been arrested. The director of PGM hospital initially refused to treat the victims. Security measures taken to ensure the safety of the Dalit families are hugely inadequate. They have demanded a CBI inquiry into the matter and immediate government action to ensure to ward off migration.

The incident shows clear violation of

- Section 3 (1) (x) and 4 of SC/ST Prevention of Atrocities Act.

Devi of Palladam village, Coimbatore District, Tamil Nadu *Dalit women sexually harassed and subjected to bonded labour*

Devi belongs to the *Mathari* community. She borrowed Rs. 5000 from Ramasamy Kowandar, who belongs to an upper caste. To repay the money she and her husband stayed in Kowandar's godown and worked as bonded labourers in Palladam. The owner used to habitually misbehave with Devi. He used to consume alcohol, use vulgar words and torture her often. Devi and her husband wanted to leave the job. However, Ramasamy Kowandar did not allow them to leave. After Pongal, they came out of the place and started living in their native area. On January 28, 2007, Ramaswamy went to their place and abused them on caste lines. He removed Devi's saree in the public and forced her on his vehicle. Her husband rushed to the spot and managed to rescue her. Ramaswamy left to the place, ordering them to return back to the godown and work. On January 29, 2007, Devi and her husband went to the police station in Avinasipalayam and filed a case against the Ramaswamy under sections 341, 354 and 506 of IPC. The cause

of the victim has been taken up by Tamil Nadu Dalit Women's Movement. The victims are yet to get any compensation or assurance for justice

The incident shows violation of

- Section 3 (1) (v) and (xi) of SC/ST Prevention of Atrocities Act.

Fodiram of Chhanbilla village, Rajasthan

Dalit's nose chopped off

Ram Avtar, *Thakur* by caste, stole a Buffalo from the *Gujjar* community. He asked Raju who is son of Fodiram to sell the Buffalo in the local Market. Raju did not know that the buffalo was a stolen one. He and Ram Avtar's brother took the buffalo to the nearby market. In the mean time, they came to know of its origin. Raju and Ram Avtar decided to take the buffalo back to the village. On the way, Ram Avtar caught hold of the buffalo and sold it for Rs. 14,000/-. The *Gujjar* community searched for the buffalo and when they could not trace it, they called for a *Panchayat* meeting. The *Panchayat* imposed a fine of Rs. 7000/- on Raju and Ram Avtar. Ram Avtar did not pay the amount. Respecting *Panchayat's* authority, Raju's family arranged the money and made the payment. Ram Avtar kept pressurising Fodiram to pay the rest of the amount supposed to be paid by him. On February 15, 2006, Ramavtar came to Fodiram's house and threatened him with a gun. To take revenge, he cut off the nose of Fodiram by a sharp edged weapon while the latter was returning back to his home from Kela Devi. A FIR was immediately filed under section 325 of IPC. The state branch of NCDHR pursued the matter and a complaint has been filed under the SC/ST Atrocities Act. The victim has not been provided any assistance for medical treatment. There is complete police inaction and no effort has been made to arrest the accused. NCDHR has conducted a fact-finding report of the incident. The family of the victim is constantly under Ram Avtar's threat for compromise.

(xi) UNTOUCHABILITY WITHIN THE CRIMINAL JUSTICE SYSTEM AND JUDICIARY

A number of anti-discrimination statutes and positive-benefit provisions exist in Indian law for the protection and benefit of Dalits, but the implementation of these laws is poor. Dalit lawyers and activists face social, linguistic, and systemic barriers that become virtually impossible to overcome in the face of an often-hostile judiciary and civil administration. The whole system is designed to exclude and ostracise Dalits.⁵⁷

The primary piece of legislation designed to provide a measure of protection to the Dalit community and to enforce their rights is the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989. The Act was passed by Parliament when it became clear that existing laws had not made a dent against the oppression of Dalits by upper castes and the state apparatus even forty years after the independence. The prevention of Atrocities Act is in many ways a marvellous piece of legislation, but it continues to be seriously under utilised. This is despite all the talk among upper caste lawyers and judges arguing that it is being misused. In fact, as the HRLN has found and documented in the last few years, the Act is hardly being used to begin with. The level and scale at which untouchability is manifested within the criminal justice system and judiciary is alarming and in many ways makes a mockery of the whole institution as Dalits encounter discrimination at all levels of the criminal justice system. This is not just at the lower levels of the apparatus, but also at the level of judges, as shown by the example of an upper caste judge in Uttar Pradesh, who had his chamber purified with holy water due to the previous occupant of the chamber belonged to a Schedules Caste.

Dalits who try to register a first information report regarding an offence face insurmountable obstacles. A typical pattern is as follows. The police are arrogant and offensive. A majority of criminal cases do not get registered at all. When the complaints are written by the police, these materially depart from the story orally communicated. The names of accused persons will be found missing. The description of the atrocity will be diluted. The actual words of abuse will be omitted. Finally the police will threaten the victim with a counter case. On the filing of a chargesheet, bail is almost always granted. Immediately on their release, the accused begin to threaten the complainants and

57 The text of this chapter has previously been published on the preface of the book *Dalits and the Law* (2006) by Girish Agrawal and Colin Gonsalves

force them to withdraw their complaints or to turn hostile in the court. Then come the prosecutors to mess up the litigation further. Drawn mostly from the upper castes, they immediately identify with the accused and begin to sabotage the criminal trial. They do not summon the relevant witnesses. They advise witnesses for the prosecution to make such statements as will weaken the prosecution case. They do not produce relevant forensic evidence available to them. Finally, they argue the case with such a lack of conviction that the judge concludes that the case lacks merit.

The entire judicial system, where Dalits are so underrepresented, operates unequally against the victims of these most heinous crimes. The underrepresentation of members of Scheduled Castes, although slowly improving, is still severe. In 2002, only one of the 26 Supreme Court judges was a Dalit. In the High Courts, out of 625 positions, Dalits occupied only 25. Brahmins, who constitute approximately five to nine percent of India's population, hold a staggering 78 percent of the judicial posts. As a result, the Prevention of Atrocities Act remains unimplemented with judges, lawyers, prosecutors, and policemen hardly interested in the implementation of the statute. Studies done by People's Watch in Tamil Nadu and by Sakshi in Andhra Pradesh show that the rate of conviction is less than one percent. Even the government has recognised the disastrous figures. According to the 2001-2002 *Annual Report on the Prevention of Atrocities Act* in 2002, mere 2.31 percent of cases brought under the Prevention of Atrocities Act actually led to any convictions.⁵⁸

Belavendran and others of Arunagirimangalam village, Perambur District, Tamil Nadu

Dalit killed over a land dispute

Belavendran, a member of the community of washerman, had taken a house on lease from an upper caste man belong to *Paryar* community. He has been living in the house for past 15 years. The owner, who had promised to sell it to Belavendran, sold it to another *Paryar* because the *Paryar Ganesan* did not want a member of the washerman community to reside near the *Paryars* permanently. In 2006, Belavendran and his brothers purchased some land across the road. They constructed their own houses on the land. At

⁵⁸ Human Rights Watch, *Hidden Apartheid: Caste Discrimination against India's "Untouchables"* Shadow Report to the UN Committee on the Elimination of Racial Discrimination
URL consulted 14.08.07 at: <http://www.hrw.org/reports/2007/india0207/india0207web.pdf>

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the instigation of Ganesan, Chinnaiyan, Chinnapillai and others encroached the public *Panchayat road*. They tied their cows and goats and dumped waste on the ground, making it impossible for Belavendran and his brothers to reach their houses. When an order was given to evict the encroachment of the public *Panchayat road*, the accused threatened the victims and called them by derogatory caste names. The victims were forbidden from using the common road and drawing water from the public tap. On February 19, 2007 at 5:30 pm, the accused got drunk and they blocked the road with thorny bushes and threatened the victims by using abusive language. When the victims questioned the accused, the latter beat up the former. When Teresa, a victim's relative, went to call the police, the accused physically abused her and molested her. On March 28, 1987, 15-20 men and women on Ganesan's instigation had beaten up the victims. Belavendran was attacked with a sickle; he was seriously wounded in the head. Another person – Aruldoss's leg was injured with a sickle. The Police came to the village after two hours. Belavendran and Aruldoss were rushed to the hospital. Other members of their community, Simion, Gnanapragasam, Sengolmary, Stella and Kanickamary were taken to the police station, under the pretext that they shall be taken to the hospital. One of the victims, Kanickamary, an old and sick woman was released late at night; however, the other four were remanded in custody under Section 307 IPC. They were denied any medical treatment for the whole day. Belavendran became almost blind and he failed to identify the accused persons. TLM is pursuing the cause of the victims. There is complete inaction on the part of the government officials who have been approached and the victims are presently residing outside the village.

The incident is a violation of

- Section 3 (1) and 4 of SC/ST Prevention of Atrocities Act
And Section 7 (1) (b) and (c) of PCR Act.

Nuagaon village, Puri District, Orissa

Dalit woman forced to sign a loan; her family attacked



The incident in question stemmed from the Mahila Samiti (Women's Organisation) that was created in the village and had some 100 members. The upper caste members did not want to include women of lower castes but did so in order to secure funding. Thus, the acceptance of Dalit women into the organisation was purely tactical. They

were not allowed to participate in the meetings or in the decision making process. They were forced to approve the resolutions passed by the upper caste members and were not allowed to raise question or give suggestions pertaining to the resolutions. The incident started due to a decision by the organisation to take out a loan from the bank in the name of 10 women, of which two were Dalits. The victim was one of the two women. The loan was for the amount of Rs. 1,80,000 and was to be distributed among the members of the organisation. They were all responsible for repaying the loans according to their share. The problem arose when the victim refused to approve the proposal because she viewed it as very risky. Her refusal angered the upper caste members; they believed her opinion was irrelevant. The organisation pressurised the victim by threatening her family and went as far as to rope in the victim's father and physically assault him in a village meeting for eight hours. To free her father, the victim gave up and agreed to pay a Rs. 20,000/- fine as punishment for disagreeing with the decision of the upper castes. The victim was again beaten and subjected to verbal abuse when she failed to deposit the file before the village committee within the deadline. She was paraded naked in the village street, while her family was assaulted with weapons and inflicted with serious injuries. The family was also socially boycotted and denied access to public places. The humiliation and boycott worsened day-by-day and ultimately forced the family to leave the village. The victim had lodged a complaint in the police station, approached the district collector and also went to the political representatives. After the police investigation the case went to the court. All the relevant records, including 161 statements and medical reports, proving the incident were put before the court. The court, however, acquitted the accused on grounds that the case was investigated by a police officer below the rank of DSP. The Judge stated, "that being the requirement of the law and the investigation having been done by the ASI police, the offence under section 3 of the SC/ST Act also fails..." The judge also stated that the simple discrepancies in the statements of the witnesses were also grounds for acquittal. The Judge, however, did not take any action when the accused utter verbally degrading and abusive language against the victims right in the court. The family continues to face social boycott.

**Koppula Venkatamma of Kothapalli village, Khammam District,
Andhra Pradesh**

Brutal murder of a Dalit woman

Koppula Venkatamma (35) wife of Koppula Nageswara Rao (late) belongs to a Scheduled Caste. She resides in Kothapalli village, Cherla mandal Khammam district. She has two sons and a daughter. She makes her living by cultivating two acres of land. She used to sell country made jaggery liquor and had developed intimacy with the accused Guntupalli Ganapathi, son of Peda Laxmaiah, who is the resident of same village and belongs to the *Vadrangi* caste. When her husband came to know about the relationship, he committed suicide. This happened nine years ago. She continued her relationship with the accused and some differences arose between them when the accused developed contacts with a lady called Sujatha of the same village. The accused took Rs 20,000 from the victim which he did not repay. Koppula started demanding money from the accused and also asked for some land to cultivate. The accused wanted to do away with her life and called her to the field with the assistance of the second accused. When she came to the field and asked for her money, the accused beat her up. They put a towel around her neck and choked her. Guntupalli took the body to an abandoned building of Gottimukkala Seetharamaraju and covered it with stones and then fled away. Veeti Seethaiah, the father of Koppula, found his daughter dead on February 11, 2005 and suspected that some unknown person killed his daughter. A case was filed in the Charla police station. Crime no. 14 of 2005 u/s 302 IPC r/w 34 IPC and S.201 IPC. The police in the course of the investigation visited the scene of offence and took the statements of the witnesses. The medical officer conducted post mortem and opined that the death was due to hanging. Both the accused were arrested and were presented in the court of Additional Sessions Judge, Khammam. The Court said that the witnesses turned hostile and the evidence of the prosecution witnesses is of no help to establish any suspicious circumstances against the accused. As a result, the accused no.1 was found not guilty for the offence under section 302 IPC read with 34 IPC and both of the accused were found not guilty for the offence under section 201 IPC beyond all reasonable doubt and they were acquitted under section 235 (1) Cr PC. The victims have not yet approached the High Court.

Kotha Laxmaiah of Chinna Adirala village, Mahboobnagar, Andhra Pradesh

Violation of Right to Life of a Dalit

Late Kotha Laxmaiah (25) son of Kotha Ramaiah was a Dalit and resided in Chinna Adirala village of Jadcherla mandal in Mahaboobnagar district. He was working as farm hand for Venkat Reddy in the village. Kotha had developed an intimate relationship with an upper caste girl. Her name was Yarama. Her marriage was fixed to Byramoni Venkataiah. Byramoni came to know about this affair through his friend Chapala Venkataiah. They conspired to eliminate



Laxmaiah. On May 28, 2003, Venkat Reddy's son-in-law came to Laxmaiah and asked to be given Rs.1000/-. The victim left the village on May 28, 2003 to get the money from Amarnath Reddy of Ekwaipally. The accused Chapala Venkataiah and Byramoni Venkataiah met the victim at Kakunur and purchased liquor from a shop. By the time they reached Ekwaipally bus stop, all three of them were drunk. As per the plan the two accused attacked the victim with knives and chased him into the fields, causing multiple stab injuries and killed the victim in the fields of Gaddam Srisailam. Chapala Venkataiah, the first accused, threw a big boulder on the head of the victim, killing him. On May 29, 2003, Kotha Ramaiah found the dead body of his son Kotha Laxmaiah near the agricultural land of Gaddam Srisailam in Ekwaipally village. He found stab injuries on his body and blood stained stone near his body. Jadcherla police registered the case as Crime no 93 of 2003 under section 302 read with 34 IPC and section 3(2)(v) of SC/ST POA Act, 1989. Police visited the place of the offence and sent the body for post mortem. The medical officer opined that the cause of death is due to injury to vital organs (lungs and brain). The accused confessed in front of police and the SDPO did the investigation and sent the accused to the judicial custody. Court said that it is a settled position of law that probabilities however strong and suspicion however grave, can never take the place of proof. In this case the prosecution has not placed any material at all to prove the guilt of accused. Hence the accused cannot be found guilty of the offence. Human Rights Watch of Andhra Pradesh and DBSU have followed up the case and helped the victim to fight for justice.

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Maratwade, Maharashtra

Assault on Dalit woman by police

Sunita Kale is a widow and has five children. She resides in a village of Maharashtra. She works at a distant place and had taken leave for a few days. Her children study at a school in Aurangabad. The children had also come back with her to the village. At a distance of a few kilometres from their residence is a small temple where religious fairs are held and films of various deities are shown. That day, Sunita along with her kids had gone to that place to see a film. While she was coming back, she was followed by a police van. She was asked to stop. After a short conversation the police started to beat her up. She lost her senses. Her youngest child whom she was holding in her arms fell down. The police tore her clothes and even beat up the other children and knocked them out of their senses. Then Sunita was hurled into the jeep with her children and dropped them near the village. She was threatened to keep quiet about the incident or she would be framed and jailed. The next day the villagers came to know about the incident and went to meet the SP of the area and also met the District Collector. Villagers wanted to file an FIR but the SP asked them to wait for a day. Sunita's eldest child had been awarded the benefit of a scheme by the government. He had gone to the *tehsil*, where he demanded to lodge FIR against the police regarding the incident. As a consequence he was arrested and the family does not know the whereabouts of the boy. Campaign for Human Rights has taken up the case. It has asked to pursuing the matter in court as police turned out to be of no help.

This situation shows a clear violation of

- Section 4 of SC/ST Prevention of Atrocities Act.

(xii) OTHER DISCRIMINATORY PRACTICES AND VIOLENCE**Tah Mohadi, Bhandara District, Maharashtra***Dalit mother and daughter paraded naked, gang-raped and killed*

Siddharth Gajbhiye, a Dalit is a police associate who was hired on an honorarium. He has political connections in the Congress. This gave him some advantage to bring to the forefront the constant fear of upper castes that lurks in Dalit households. One such family was that of Surekha Bhotmange, 45, who tilled her five-acre plot in Kherlanji village, along with her husband Bhaiyyalal, growing cotton and rice. In 1996, two acres had been taken away as 'easement area'



to build a road, so that neighboring farmers, who belong to the Powar and Kalar upper castes, could take their tractors across to other villages. Now they wanted more of their land for a waterway also. On September 3, 2006, a mob beat up Gajbhiye. The ostensible reason for this being his alleged illicit relationship with Surekha Bhotmange. Gajbhiye filed a police complaint against 15 men from Kherlanji village, 12 of whom were arrested. Surekha signed on the FIR as one of the witnesses and identified the 12 in an identification parade. Twenty-six days later, on September 29, as soon as the 12 men were released on bail, they were taken away in a tractor by their relatives. They got drunk and went to the Bhotmanges' hut and threatened to finish the entire family. Then, they went looking for Gajbhiye and his brother Rajan, an engineering student. Not being able to find them, the drunken group returned to the Bhotmanges' hut and broke down the door. As per the details provided by all the relatives to the fact finding committee, the barbaric details are that Bhaiyyalal's wife Surekha, 44, his daughter Priyanka, 18, sons Roshan, 23, and Sudhir, 21, were first stripped naked, dragged from their hut to a square 500 meters away and hacked to death by the entire village. Surekha and her daughter Priyanka were humiliated, beaten black and blue and then gang-raped in full public view for an hour before they fell dead. The perpetrators inserted sticks into their private parts. The two sons were kicked and stabbed repeatedly. The assaulters then mutilated their private parts too, disfigured their faces and tossed them in air before the twosome lay dead on the ground. When the dusk had settled, four bodies of this Dalit family lay strewn at the village square, with the killers pumping their fists and

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still kicking the bodies. The rage was not over. Some angry men even raped the badly mutilated corpses of the two women. These are the allegations of Surekha's nephew, Rahtrapal Narnaware. Intriguingly, the post-mortem report says that Surekha and Priyanka were not raped. The Dalits allege that the report was manipulated. Next day, when Bhaiyyalal Bhotmange went to the police station and filed an FIR, SHO Siddheshwar Bharne did not believe him. It was only when the police patrol started flashing reports of the discovery of mutilated dead bodies on the wireless the next day that he filed an FIR. Constable Meshram and SHO Bharne both stand suspended. The victim has not received any compensation. Charge sheet was filed but the case is pending before the Court. As many as 44 have been involved in this gory incident. Arrests however have been few and witnesses are being threatened. This incident has been the most glaring and brutal example of the existence of caste prejudice in the country. In spite of picking a lot of political mileage from the issue not a single political party has come forward to help Bhaiyyalal Bhotmaange; the lone survivor of the incident.

The incident shows gross violation of

- Section 302 IPC
- Section 376 IPC
- Section 3 of SC/ST Prevention of Atrocities Act

Dahola Village, Jind District, Haryana

The story of the victim

The village in question is predominantly inhabited by Jats (upper caste) and the Dalits are a minority group. All Dalits of the village, except for two families, are landless and consequently dependent on daily wage labour. They earn their livelihood as daily labourers for the Jats as rickshaw pullers, rag pickers and so on. The incident at hand occurred on disputed land between Jats and Dalits. On September 3, 2006 Mohar Singh (Dalit) was urinating beside a disputed street. Seeing this, Pratap Singh (Jat) began to abuse Mohar. Due to this an altercation took place between Sudharia Dalits and Pratap, Anurag, Smt Chandra and other Loharia Jats. Some Dalit individuals were hurt and due to this fact Sudharia Dalits disrupted the construction work that was being done by Pratap on the disputed street. Four Dalits that night approached the Sarpanch to rectify the problem. The Sarpanch had to be repeatedly visited before he came to the village on September 14, 2006 but he did not provide any possible solutions. The same four Dalit persons along with another went to the police station where they were told that an inquiry would take place and thus no complaint was registered. In the evening they went to the Deputy Commissioner and again were given assurances of investigation. On the same day, the two accused along with two others filed complaints against 12 Dalits to the police. The following day the 12 Dalits went to the DC and on the same day the Station House Officer released a report stating the Dalits were not in possession of the land in question and had illegally demolished Pratap's construction. The matter was taken to court and Pratap produced papers dated May 29, 2001 showing his ownership of his property. The Dalits produced papers showing the property was given to Kaithpatti Jats on April 20, 1957 and who in turn donated the property to the Dalits on February 19, 1981. Sensing the tension between the two communities the court passed an order on September 13, 2006 appointing the Nayab Tahsildar as the receiver. Pratap tried to rescind the order but a stay order was issued against that case and presently, the matter is pending in court. The matter has worsened as Pratap and his family has threatened the Dalits. On October 19, 2006 they told the Dalits that a bloodbath would occur. Fearing for their lives the 17 Dalit families left the village and moved for picketing before DC's Camp-Office cum Residence. The Sarpanch visited the Dalits on three separate occasions and agreed to divide the disputed property and erecting a wall, but the agreement failed. The Dalits continue to reside on the spot of picketing and do not have access to basic necessities such as water. They claim to have borrowed Rs 27,000 to meet food requirements (of this Rs 17, 500/- is 3 percent interest). They are not working and surviving on loans, begging, and contributions from

others. They are scared to return to the village for fear of retaliation from the Jats for fighting against them. The police have failed in providing safe return of Dalits to the village. And no action has been taken to ensure a solution. A fact-finding team from NCDHR went to the village on January 22, 2007.

This is a clear-cut discrimination with the victims under Section 3 (1) (v) of SC/ST Prevention of Atrocities Act.

Pappu Nat, Santosh Nat, Pappu Nat, Bhadaï Nat and Deepak Nat of Ara village, Bhojpur District, Bihar

Five Dalits beaten to death by a mob



The four youths who were killed were from the Dalit community called *Nat*. Three of them were from Khalaspur village and one resided in Ramapur village. The *Nat* community in that village is denied basic facilities. Most of the members are engaged in selling firewoods, rearing buffalos etc. Late Pappu Nat, 16 years of age and son of Bangali Nat; late Pappu Nat son of Pappu Nat; late Santosh Nat 17 years of age son of late Bhadaï Nat and late Deepak Nat 17 years of age Son of Lalan Nat of Ara, were allegedly beaten to death by the villagers. According to the testimony of their mother these four youths on August 6, 2006 were coming to the market for trade of buffaloes. They had Rs 10,000 in cash with them. They were charged with stealing Krsihna Rajat's Buffalo the day before. Some people of the *Yadav* caste, Shyam Rajat, Kamlesh, Bimal Pandey, Anil Yadav, Sunil Yadav, Etwaru Yadav, Sushil Yadav and Bhola Yadav took them aside and snatched their money. Soon they were chasing and yelling to call them as thieves. They were chased to a village of Balbatra, where a large mob gathered and killed them. The police is said to have been at the site. The biased attitude of the police is reflected by their words, "what are you looking at? Kill all the four thieves." After the villagers killed the four boys, the police hauled up the bodies that were later sent for post mortem. The police took no steps to prevent the crime. It is alleged that Rajesh Rajak S/o Maherdra Ram created the whole scene. There are two reasons behind this incident. First, the cousin sister-in-law of Bireder Nat and the wife of Satyender Nat was attempted to be raped by the perpetrators Lalbabu Yadav, Kameshar Yadav, Rameshar Yadav and Nunhak Yadav. Badki Sandiya and the victims' family had registered the case against these perpetrators (the case is under trial in the court). Second, the perpetrators wanted to take possession of the

land belonging to the victims and evict them from the village. Babulal Nat, father of Paapu Nat died due to severe stress. After two months the same accused burnt the victim's house, cattle and other livestock. The survivors of the massacred family are socially ostracised and boycotted. Late Pappu's mother Channa Muni is now homeless. She has forwarded many letters to the state authorities pleading her case. She has no one to support her now. Chief Minister Nitish Kumar has not responded, nor did his predecessor Rabri Devi and her husband Lalu Yadav. Ram Vilas Paswan had assured her that she would be given compensation of Rs five lakhs and other facilities but until today, nothing has been done to alleviate her sufferings nor have the accused been arrested. The NHRC has also been petitioned for an in-depth probe into the matter through Chief Secretary and DGP of Bihar's intervention.

The incident comes under

- Section 302 of IPC
- Section 3 (1) (x) of SC/ST Prevention of Atrocities Act

Dalit Population of Dasnipur village, Uttar Pradesh

Various atrocities committed

A Dance competition was being conducted by upper caste members. Some boys from the Dasnipur village prepared to participate in dance competition. On being informed about the participation of these boys, the upper caste conductors of the competition disallowed them from participating in the competition when they reached the venue. Furthermore, they were abused in filthy language and beaten up badly. The boys managed to escape. The enraged higher caste villagers stormed their village and started attacking them with bricks and rods. Intense violence followed and even young children were not spared. The upper caste attackers started destroying property too. One of them smashed a glass and injured a young girl. Many villagers were attacked. One of the victims was Suraj. When Suraj's uncle came to his rescue, he was badly beaten up and his limbs were impaired. Suraj's father Shankar was also beaten up. Similar onslaught followed against Suraj's mother. The Police were informed of the incident. Police came after the fighting was over. Then, they retorted that the Dalit population



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of the village had staged the scene by scattering and shattering bricks, bamboos, glasses etc. No FIR could be lodged because the villagers considered hospitalisation of injured persons more important than filing the report. Upon arrival at Pandit Deen Dayal hospital, the doctor instructed Suraj to take his injured uncle in his room. There the doctor demanded payment of Rs 700 before treating the patient. Suraj said that he doesn't have such money. On hearing this, the doctor threw the patient outside. Suraj was informed by someone that on bringing the ration card, treatment would be rendered free of cost. He did this. During the x-ray, doctor asked for a sum of Rs 250 will have to be paid. Since Suraj did not have the ration card at that time, he paid the sum. Later on getting hold of the ration card, he asked the doctor to refund Rs. 250. The doctor refused stating that since the bills were given in, refund of money wouldn't be possible. During the period of dressing the broken limb of the victim, Suraj had to pay extra money to the nurse. Apart from that, plastering of a broken limb, which is done within a week, was delayed on several pretexts. This forced the victim to another facility where he spent money but managed to get the treatment. The plastering was put after 15 days of injury. Soon Dalits were accused of hoax by the higher caste people who were granted bail. They also gave their own complaints but no one in the police station paid any attention. The Dalit population of the village continues to face harassment everyday. They do not have the basic facilities of water and electricity.

This is a clear violation of

- Section 3 (1) (x) and Section 4 of SC/ST Prevention of Atrocities Act.

Sankar Bhupati of Manalmedu village, Nagapattinam district, Tamil Nadu

Dalit killed in fake encounter by the police



Sankar Bhupati, a Dalit of *Adi Dravidar Parayar* community resided with his parents and his younger sister in the village Manalmedu of Naganipattam district, Tamil Nadu. He was involved in certain illegal activities. His partners were high caste people of the same village. One of them was the *Panchayat* president

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Anjappan. In order to change the course of his life, Shankar's parents sent him to Salem to work as a lorry driver. This enraged Anjappan who kicked his father and his wife in and hurled abuse on caste lines. Hearing this, Sankar came back and killed Anjappan. This led to a virtual gang war and Sankar also killed another of Anjappan's associate to make him secure. It is alleged that the DSP Moorthy had sought the help of Sankar in getting rid of them. He was arrested in 1998 and from then, until his death, he was in various jails. Meanwhile, it was decided by the local inspector and the DSP of the region that he would be killed in a fake encounter. For this, the associates of Anjappan gave huge amount of money as well. This was told to Bhupati's mother as a warning that it was no use going to the courts. She sought the help of the NGO Peoples Watch. The NGO took up the case and met Sankar in jail to confirm the matter on October 30, 2006. The next day, a complaint was given to the Inspector General of Police and various other commissions. The National Commission for Scheduled Castes, Delhi, responded. At their advice, Sankar deposed before the Criminal court in Keeranur on November 21, 2006 that his life was not secured in custody and that the police planned to kill him in a fake encounter. Through a particular source Bhupati's mother came to know that in spite of the deposition, it was already decided by very senior police officers that Sankar has to be killed. Therefore she filed a writ petition in Madras High court stating the case. At that time, a false case was slapped on her so that she could be taken into custody. Her husband Manian moved to the Supreme Court. This petition was forwarded for hearing on December 5, 2006. The efforts on the part of the family in order to save their son met with obstacles as police officials threatened them and got them ostracised in their village. And this met with success, when on February 5, 2007 Sankar was shot at Kantharvakottai main road. There are witnesses of the fake encounter in which the witnesses have said that they saw the tying up of Shankar. After they shot Shankar they took him to the nearby hospital where he was pronounced dead. Currently the matter is being pursued afresh by the NHRC with the assistance of People's Watch who have followed up the case.

It is a clear violation of

- Section 3 (1) and (2) and Section 4 of the SC/ST Prevention of Atrocities Act.

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Phoolchand Ahirwar of Chhanbilla village, Sagar District, Madhya Pradesh

Both ears chopped off and left femur bone broken of a Dalit



Phoolchand Ahirwar, 45 years lives in a Dalit hamlet in Chhanbilla, Pachanyat Shahgarh, Tehsil Banda, under the Chhanbilla police station in Sagar District. They belong to *Chamar* caste. The Dalits of Chhanbilla constitute around 100 families as against approximately 400 *Yadav* caste families. The *Chamars* are all landless. A few Dalits got together and hired some land in the vicinity of Beela Dam under the MP Irrigation

Department for cultivation. The dominant *Yadav caste of the village* own 50 to 100 acres of land and are politically influential. The Dalits have to depend upon them for their livelihood. On December 20, 2006 around 6 pm Bhupat Yadav and Nathuram Gaud (secretary to the *Panchayat*) allured Phoolchand by talking to him about a job and made him sit inside the *Panchayat* house for two to three hours. Later they took him behind a shop at a bus stop where the accused Sriram Yadav was awaiting for them. He abused the victim on caste lines and asked Bhupat Yadav to hold his ears and Nathuram Gaud to hold the legs. He then took a blade and cut off his ears. Phoolchand shouted in pain. To silence him, they pushed him down, took a stick from the roof of the shop and hit him three to four times on the left thigh till his femur bone broke. The victim fell unconscious after they hit him on his head with the stick. Finding him unconscious, the accused soon escaped the place leaving him by the road. Sanjay Vishwakarma from the same village who was on his way back home at 10 pm saw Phoolchand and informed his family. Soon, Smt. Paan Bai (wife), Pappu Ahirwar (son) and a few others rushed to the spot. On the same night, Pappu Ahirwar (son) ran to the Chhanbilla police station to lodge a complaint but the SHO SBS Chauhan took his signature on a blank sheet of paper and sent him back home. On December 21, 2006 Phoolchand gained his consciousness and recalled the whole incident. The family members and other Dalits took him to the police station in the morning to register a case against Sriram Yadav, Bhupat Yadav and Nathuram Gaud. However, the police suggested them to take Phoolchand to the district hospital immediately. The Police in connivance with the perpetrators registered case no. 75/06 under section 279 (rash driving or riding on a public way) and

337 (causing hurt by act endangering life or personal safety of others) IPC on December 20, 2006 against the victim. The police recorded the statement of the victim eight days after the incident happened. The matter was covered by Hindi daily, *Dainik Jagaran*.

The incident shows gross violation of Section 3 (1) of SC/ST Prevention of Atrocities Act.

Dalit community of Peethampur village, Sikar District, Rajasthan
Dalit locality flooded with dirty water by members of upper caste

Peethampur is situated in Neem Ka Thana Tehsil of Sikar district in Rajasthan. It is 80 kms away from the state capital, Jaipur. The village is surrounded by the Aravali hills. The upper caste form the majority of the residents of the village. They live on the upper areas of the hills as opposed to the Dalits, who live in the valley. Satya Narayan Sharma, an upper caste member constructed a *pukka* wall to stop the drainage water that flows into the valley from the higher areas. As a consequence, the dirty water had accumulated around the houses of the Dalits. Satya Narayan Sharma, in connivance with the village *Panchayat* and even local police officials who are all members of the upper caste diverted outlets of the drains towards the Dalit locality. Due to permanent stagnation of dirty water around the Dalit houses, they have fallen prey to many fatal diseases. The village *Panchayat* and other local authorities submitted factually wrong reports to the higher authorities and various commissions stating that remedial actions have been taken to ensure relief to the Dalit families.

This deliberate denial of proper access to safe environment is a violation of

- Section 3 (1) (ii) (xv) & (v) and 4 of SC/ST Prevention of Atrocities Act and Section 207 of IPC.

Dalit community of Pallinur village, Tirunelveli district, Tamil Nadu
Multiple forms of discrimination of Dalit families



There are three families in Pallinur village who belong to the washermen community. They originally hail from the village Kattasitamur, which is in Vilupuram district. The *Parayars* which is the dominant high caste community in these regions brought these families to Pallinur assuring them security and all kinds of necessities for serving as the village washermen. They gave the families a house to live in. One of them, Chinnaman, lost her husband so they had to go back to their own village in order to perform the last rites. They stayed in Kattasitamur for two years trying to cope up with the loss. When they returned to Pallinur village, they found that the *Parayar* community had sold the house and all the belongings. There was nothing left for them. The plot of land was also sold. The whole episode stemmed from the rivalry of two village groups, each of whom wants to have them as bonded washerman for their own groups. When one of them brought these families for service, the other group took the excuse of their absence to dispose of all the belongings of the families, which was jointly funded by the villagers. Since then, they have been rendered homeless. Chinnaman who is nearing 70 years of age is compelled to work for 35 families and is not allowed to go out of the village for any other work. She is also grossly underpaid. In order to cope with the situation, she borrowed Rs. 1,000 from a resident of that village. This person began to harass her. He collected the same amount of money three times. Chinnaman's husband was badly beaten up for not observing a banned caste norm. Usually, a low caste does not tuck the end of his *dhoti* in his rear. It is supposed to be kept loose. He was beaten up by a drunken upper caste villager for not observing the custom. After the incident a local *Panchayat* was called and they were again asked to pay the sum borrowed which was already thrice paid. The upper caste women suggested that they should not cook on their own and should beg instead. They should not wear clean clothes. Moreover, they were confined to the village and not allowed to leave it. A complaint was lodged by an activist, and police came to warn the *Panchayat*. Presently they are living in a different village and do not have land or house of their own. At the level of government, this group is notified as the *Pudrivanal* community, but the certification is only provided

in the southern parts of the state beyond the Tiruchir district. In northern Tamil Nadu, they are notified as *Adi Dravidar*. The government presently does not have any statistics about this excluded community. The same kind of community has two kinds of certified caste status. They are doubly discriminated because they are Christians. This community has been moved to the Backward Castes. Because of this they are deprived of the benefits, which are obtained through the SC status. Even in the southern districts, the lower caste has to battle to obtain this certificate. The government does not allow them the SC status, so they cannot take recourse to legal action under the SC Act.

Delhi – Experiences of a Dalit activist regarding the discrimination of Dalit Christians

The plight of Dalit Christians is the most hardly known and is seldom talked about. The community is so powerless and so small in numbers in comparison to the population of other communities that in most of the cases they have not been able to access social justice. The only way most of the atrocities have been retained is in memory. Franklin, a social activist, who is an engineer and lawyer by training, is concerned with minority issues. He shared some of his personal experiences and his observations as an activist in the tribunal. This has been the only deposition, which has brought to light the plight of Dalit Christians in the country as reported in the following. In this country, I feel that the media creates a lot of the problems. All over the country, Dalit Christians are losing their blood but it is never being covered in the media. Even the Dalits don't understand that they are under such exploitation. Until they are made to feel that they are slaves they will not rebel. Let me begin by relating how I have faced discrimination. I am engineer by training as well as trained in law. I decided to work with the poor minorities and did so for seven years. Once when I went to my grandfather's house it was raining heavily. To seek shelter, I entered the nearest grocery shop owned by a *Chettiar* and touched him to ask something. He said, "you Dalit, how dare you touch me!" When I asked why he was saying this, he called some miscreants and threatened me. He picked up his slippers and tried to strike me. Wherever I had gone in these years, I had heard only tales of misery from the Dalit Christians. I was already very angry, so at that moment I could not take it anymore. I



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immediately struck him. I believe I asserted my self-respect at that time. I don't trust the courts now. I cannot file a case under the SC/ST Act. Dalits Christians are psychologically affected by this subjugation. This makes them shy away from approaching the law or the judiciary. Close to my native place there is a hamlet called Gondekudi. There the Dalit Christians are living abnormally. The majority community is *Vaniyar* by caste and they are Christians. According to the tradition of the festival (the day of the dead), the priest first used to consecrate the graves of the Dalits and then the upper caste. But recently, when an upper caste priest was appointed to that province, he reversed the tradition. The Dalit Christians told him about the tradition but he did not pay any heed. He was joined by the upper caste and a dispute arose. At last the priest had his way and he consecrated the upper caste graves. This way the hierarchical caste system is carried out in all the churches now.

The caste system and exploitation under it is prevailing in such curious ways. In that hamlet, 10 Dalit Christians were attacked and ended up in hospital. The church reconciled the other Dalit Christians and the legal case that was filed against the upper caste was withdrawn. The case is worse with the Christians who belong to the washermen community. In the church, the bishop, the priest, and all other positions are dominated by the upper caste Christians. Out of 160 bishops of the Church only nine are from the community of the Dalits. The Dalits once raised to a position joins the elite club and the system basically serves them only. A very strange fact with the National Commission of Scheduled Caste is that they state that untouchability is only prevalent within the Hindu fold and there is no untouchability in Christianity. So only the Hindu Dalits will get the status of SC whereas it is clearly given in the Constitution under Article 17 that no one is allowed to motivate untouchability. So in that case, under the SC/ST Act, the hierarchy of the religions should be prosecuted. But the National Commission of Schedule Castes tells that it is only the Hindu religion that motivates untouchability. Isn't this a paradox? Using this small opportunity, I would like to draw attention to this particular fact. I would suggest to the tribunal to communicate this issue to the Catholic Church so that they can do something to alleviate the suffering of the Dalit Christians. As a grass root level activist, I have noticed that communities, which were earlier known as notorious, are now known as ruling communities. These communities form 60 percent of the police force. Therefore, I will say that all politicians and leaders are fostering the rise of a community. The power of the state is concentrated in the hands of this community and under them. The

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Dalits not only suffer but are annihilated. This must be strongly put across to the government so that the administrators who belong to the Dalit community can take care of the matter. The upper castes have mostly grabbed seats of power in all the spheres of public life and they are trying to block the road for Dalits in all possible ways. The reservations are at a huge risk. They are also opposed to the SC & ST atrocities Act. Until the courts consider this sociological and anthropological aspect of the issue, it's ruling would be retarded. I can tell you that 65 percent of the politicians are from high caste in Tamil Nadu. We must eradicate casteism and to do so we have to create awareness, advocate its sensitivity, especially among our children so that we can remove it from our society. We have to make people realise about the prevalence of untouchability in today's world because only then people can be engaged to change their opinion about the caste system and eradicate it. The Christian institutions run big establishments but all their services are for the poor. They also have a quota only for the Dalit Hindus and not Dalit Christian.

Even in the Christian institutions the number of Hindu Dalits enrolled is very small. Even the NGOs working with the Church and the Christian NGOs are not taking up the issue of the continuance of such discriminatory practices. I would like to recommend to the tribunal that they write to the SC/ST Commission to include the Dalit Christians in the list of scheduled caste status, which would be of great help. It has been a historical mistake to try and reform the upper caste from above. Till today, a lower caste, even if he is an IAS officer, will be called by his caste name in his village and therefore it is no harm to enjoy the privilege, which have been constitutionally granted to Dalits. This request is not just mine but has been recommended by international agencies on racial discrimination to the Indian Union. This status will help us get legal remedy for the atrocities committed against us. It is important that a vigorous movement is launched to annihilate caste system. I think this matter should be taken up immediately and discussed in this tribunal.

(xiii) THE JURY MEMBER'S REFLECTIONS, OBSERVATIONS AND ADDRESSES

Justice Yakoob introduced to the panel of May 13, 2007 of IPT on untouchability

Justice Mohd. Zakaria Yakoob has been the judge in the Constitutional Court of South Africa. This court is the South African counterpart of the Supreme Court of India. He has been very active on human rights front both as a judge and as individual. He delivered a famous judgment in the housing case. Unlike India where we see demolitions taking place at such a wide scale, the Constitutional Court has protected the peoples right to housing. Justice Yakoob was a very active member of the African National Congress (ANC) and participated in many movements against the apartheid regime in South Africa. Unlike the Indians, Africans had no right to vote. Only the white people had the right to vote.

Justice K. Yakoob's address

Till today, I did not know what is untouchability and it is only after listening to all the testimonies today I feel confident enough to say that I not only understand it but also feel it. I feel ashamed to think of myself as a human being when I come to know that a human being can do these horrible things to another human being. Untouchable people in India are better off than the blacks in South Africa, because they have a right to vote. African people were untouchables to the white people. Thousands of South Africans were displaced from their lands and houses by force. But it was a struggle by the oppressed against the system of apartheid. In this struggle there was no support from the courts and the civic administration, because both the judiciary and the executive were run by the whites and in favour of apartheid. African National Congress was impaired in 1961. The struggle was divided into two parts. The first part, the struggle was conducted from outside South Africa. The struggle being conducted outside South Africa consisted of gathering support from various countries and making them aware about the deplorable state of affairs. The inside struggle consisted of organising and mobilising and integrating the oppressed blacks. The aim was to congregate and offer resistance to the oppressors. Offering resistance entailed a great deal of sacrifice, because the government did not sit quietly. Thousands of people have

died in the course of our struggle for democracy. Thousands of people were killed without trial. Thousands of people were tortured by the government. The white government opined that the African people were not human and, thus, they were meted out animal-like treatment. But the struggle ensued. As they killed more leaders, it led to the birth of more and more leaders. People began expressing themselves and standing up against the government.

Justice K. Ramaswamy's address

The two days that we have spent here have been very sad days. The victims who have approached us for getting their grievances addressed were rather emotional and in our hearts we also feel very emotional, but in a tribunal like this, we will be able to give some recommendations to the people associated and I'm sure they will be able to take up these battles to the appropriate bodies, they are going to meet the Prime Minister, they are going to meet the President and people in power, and I am sure they will definitely do something about the issues. We have made some important recommendations. First the victims who are eligible for getting the compensation on the basis of the Prevention of Atrocities Act regarding the SC/ST – 50 percent when the FIR is done, 25 percent when the case is heard and the remaining 25 percent when the case is disposed. This is an important decision, but for arriving at that decision, a FIR is important. How many Police Stations will co-operate, how many Police Officials will do this? We have heard the weeping women coming from far off places whose daughters were raped and murdered. Even after that the police officials did not take any action. So, for this, we have to fight, not only the Dalits but all of us irrespective of their caste along with the poor people for getting their rights. I say this because there are others who are not Dalits who are prepared to fight for you. Get the co-operation of those people. The third recommendation is that the Abolition of Manual Scavenging Act should be enforced. This kind of a heinous caste system has to be done away with. Don't stop with this, go to your homes and organise, strengthen yourselves. I am reminded of the words of Shree Narayana Guru who was responsible for abolishing the caste system in 1888 in Kerela. He said that there is one God, one religion for all men, all human beings are born free with equal dignity and equal rights, the Dalits and tribals have equal rights. You take up the cause of the poor Dalits, go on fighting and you will win.

Dr. A. Ramalah's address

With every case that I heard, I was reminded of the fact that we are living amongst uncivilised Indians, every case that we could hear it reassured and cleared my understanding that we are not living with human beings but we are living with uncivilised animals, that is the realisation that comes again and again because of the kind of atrocities committed. Actually it is unfair to say even animals because even animals will not indulge in such things. But we are faced with such kind of indignities by the so called fellow Indians, so it is high time that Dalits all over India realise that we are not living with civilised human beings, which we call citizens of India, at least now everyone should at least develop the understanding that we are not living with civilized human beings. When I was learning how to drive a two-wheeler, the person who was training me told me to think that when you are driving on the road, everybody all around is a lunatic, anything can happen, be prepared for anything. I think that example seems very much ideal when people in our own village, in our own country commit such atrocities. That we are living amongst lunatics who cannot sense a fellow human beings minimum human dignity and who indulge in all kinds of possible rage, violence and all possible kinds of indignities. I think that should come as a very clear message to all of us. But, when we realise that we are living with such uncivilised hopeless scoundrels that we call fellow citizens of India, what do we do? I also want to underline that this does not mean that every non-Dalit is like that, we have some great, amazingly humane people around, some of them are here shouldering, sharing with you your agony and your pain and your sufferings. I do not want to name anyone here, some are from India and some are from abroad, there are people but they can be counted and I do not want to attach them to any caste, because they have lost the caste, the moment any non-Dalit identifies himself/herself with the Dalit, they lose their Brahmin identity because you cannot be a Brahmin and be into the Dalit movement at the same time. So there are many non-Dalit who have lost their caste identity and who are standing for Dalit rights, so we have to recognise them. There are young students, young lawyers, and young scholars, there are activists but their numbers are very few. Now, sitting here as part of the panel – the jury panel – I realised also through whatever readings and research that I have undertaken so far, regarding judicial system, police and the courts that justice is something very costly that the Dalits cannot afford. Each time an atrocity takes place, there will be many many enquiries, did you go to get a FIR done, yes I've got the FIR done, did you go to Human Rights Commission, did you

go to the Myriad's Commission, did you inform the SC/ST Commission? All this has been going on for the last 50 years now – even longer – and there is nothing wrong with the laws and the commissions and the many apparatuses that we have created. I don't think there's any country that has such a well-established and detailed apparatus to address the issue. The problem here is who handles these issues. Whether there is a will to actually implement this law. Nobody in this country, I would say, wants to implement this law except for a few exceptions and again I would say that they are here. Given this situation, how will you permanently address this problem? How will you permanently bring an end to this problem? How will you protect the innocent minorities? What I propose is not something new. It was way back in 1920s that Dr BR Ambedkar had a separate settlement for the Dalit community where he said that there would be only Dalits; there would be no scope for touchable and untouchable community.

Vimla Deshpande's address

First of all I want to congratulate Mayawati for her spectacular success. The message coming out of this success is more important. As we have this campaign against untouchability, I just want to say that as a worker, that we have sustained this campaign for six decades. Wherever there is injustice in this country, we do what we can. Recently referring to the case in AIIMS, whatever injustice has been happening in a premier institute like AIIMS, we have raised the issues in Parliament. So many members of Parliament have signed and given the list to Prime Minister. I am happy that the Committee of Enquiry under Professor Thorat has investigated this matter well and has produced shocking evidence as a proof of the discrimination. This is a tool in our hands, which will help us to fight for the rights of the people, and I'm sure that we will be able to get justice for these students. It is our duty to do that. We are planning to raise the matter again with this tool in Parliament very soon, but this case is raising a very important question, which is how that we allowed this to happen for so long right under our nose? Signatures have continuously been taken to end untouchability but that kind of work has not happened. So how can every good citizen become active for the cause of humanity? For this it is very important that the dirt in our minds is removed. We have to sweep this dirt from our minds. Now how to do this kind of cleaning and sweeping is what we all have decided to work so that this old casteist mentality goes away. Just an example on how we can start. One such step that we undertook was vis-à-vis *Safai Karamcharis* in the last *Kumbh Mela*. We washed their

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feet, put a *tilak* on their foreheads, fed them and gave them gifts. I think it is very important to try to create a new society, which is an equitable society.

Swami Agnivesh's address

I want to first of all congratulate Colin Gonsalves and Paul Divakar who brought us together here. I want to thank Bhaiya Lal and Bant Singh and Urmila who have come here and have touched our hearts through their pain that was seeping through their voices. Some of that pain was conveyed by speaking and some without speaking. All their pain is not theirs alone; it is the pain of the whole nation, the whole civilisation, and the whole culture. Today we all have gathered here to launch a campaign; a great effort as pointed out by Mrs Vimla Deshpande and towards which Justice H. Suresh has been constantly fighting — to all the brave people here. This is a big day, when the media of the whole nation is busy with reports of Mayawati's victory — it is not hers alone — it is the victory of all the Dalits in India. It is the victory of the poor, the downtrodden and the speechless in India. I think we are realising for the first time that the small button on the voting machine can change the face of this country if it is used properly. And they have proved is that their slogan right — the slogan of '*vote hamari jeet tumhari, nahin challegi nahin challegi*'. That those who thought of themselves as privileged and who were habitual of occupying chairs of power have been pushed away and are biting dust while a Dalit's daughter has taken the helm of U.P. Today it seems like Baba Bhim Rao Ambedkar's blessings are being showered from the sky. Baba Ambedkar had said that if we are to fight casteism, then it is not enough to remove untouchability; we will have to cut down the very roots of the caste system. It is a disease that we have to cut down and when these are gone, then the social hierarchies of power will also go and the deep gulf between the rich and the poor will also have to go. I am struggling since the past 40 years and I have been constantly raising the slogan to remove '*jaativaad*', '*bhagyavaad*', '*casteism*' and '*hierarchies*'. We should also vouch to end these. Tell them that we will not tolerate this anymore. We are also the culprits since we tolerate this system of caste and untouchability. Since we have tolerated this for so long, it still exists and thrives. Today we have undertaken a big responsibility to end this system of discrimination. The fight has actually been going on since a long time — since the times of Buddha, Guru Nanak, Kabir, Gandhi, Baba Saheb Ambedkar, Periyar and Phule. It was all over the country and now it has reached the peak. Now with the help of this scientific and technological age with the power of the votes of the people as a tool

to fight with, we will abolish caste system; we will not tolerate it anymore. I want to once again thank Paul Divakar, Colin Gonsalves and everyone for this public hearing. I am sure a new voice will emerge from here. I remember I had requested my Dalit brothers wherever I went that you would not be a part of such an occupation like scavenging anymore – even if you have to die of hunger, pull rickshaws or steal – don't do this. Stop this work – we have to generate a feeling of rebellion against this. The whole society is rotten with this practice of casteism and the *thekedars* of *dharma* are have dirtiest in minds. They are spreading the dirt of untouchability and casteism all around. The political leaders are no better – our own delegates and representatives in Parliament join hands with casteist forces. That is why since so many years there has been no end to casteism and that is why we are having this public hearing today to invoke and awake the public and with the help of that, we will produce a public campaign to remove untouchability and casteism. I congratulate the media people for being here though they are few in number. I don't know how they have come, if it was Amitabh Bacchan here, then the hall would have been filled only with them, we would have no place to sit. But I want to congratulate Mayawati who has even left behind Amitabh Bacchan with her recent political victory and how she has attracted the media.

I remember when I was lecturing on casteism in Kurukshetra University, a very educated man, a lawyer by profession, stood up and said that 'Swami whatever you are saying is ok but how can we embrace those who do the cleaning job and scavenging, how can we touch them or involve them in our other activities like cooking etc'. I want to narrate an incident from Bhagat Singh's life when he was waiting to be hanged and asked for lunch made by his mother. The authorities were thinking how to do it because the time for his execution was running out. Bhagat Singh said do not worry, my mother is far away, but I would be happy if my mother here who comes every day to clean the toilet can cook for me. This was Bhagat Singh. I am now thinking about this young man in the Kurukshetra University who seemed to be in a dilemma. I told him not to worry so much about it and asked him to call his *Panchayat* meeting and ask them to pass a proposal saying that whoever will do scavenging will be called 'untouchable' or *Bhangi* etc. But before you pass that proposal, you should put your hands on your heart and ask yourself who cleaned your shit first in your life and then you will have to point at your mother and say that she is a *Bhangan* or Untouchable. And once you accept this then only you will have the right to call my Dalit sister and mother as *Bhangan* and untouchable. Then he smiled and said that my mother cleans

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the shit of children only and not adults. Then I asked him that do you think that shit smells great or is it edible or is it like sandalwood paste? If that is the case then why don't you smear some of it on you just like those pandits who smear sandalwood paste onto themselves. So friends, you see how hypocritical this society is? We have to change this society and for that we will have to rebel. This conference is for that rebellion – it is not happening for fun or to make news. This is not even to absorb the pain of these victims. So much pain of all these centuries of this kind of inhumanity is present here today in the form of these cases. It is a challenge for us here today. If we remain quiet after today, then it will be our worst mistake. In that case our lives will be of no use and will have no meaning. History will not forgive us any more if this is allowed to continue. For whatever happened with Bhaiyya Lal in Kherlanji, he is not even able to speak about. There is so much pain in his heart. The way his family, daughter and wife were murdered, they were cut into pieces, and even after Khairlanji, the Government is running just as it was. There has been so much of injustice and inhumanity that it doesn't seem to matter to anyone. Injustice is happening everyday, but it doesn't seem to matter. We have to work towards removing this practice.

(The IPT tribunal was accompanied by a series of meetings of the jury members in which each case of atrocities were analysed and new insights provided by them. These were summed up in the form of recommendations. This was a painstaking process on part of the jury members and at the end of the tribunal these recommendations were forwarded to the victims, media, important people and activists.)



**PRELIMINARY OBSERVATIONS &
RECOMMENDATIONS OF THE JURY ON
“INDIAN PEOPLE’S TRIBUNAL ON
UNTOUCHABILITY”**

**May 12 – 13, 2007
ISI, New Delhi**

(i) JURY MEMBERS

Justice K. Ramaswamy, Former Justice of Supreme Court of India

Justice H. Suresh, Former Justice of Mumbai High Court

Dr S. Balaraman, Former Chairperson of Kerala State Human Rights Commission

Swami Agnivesh, Convener of Bandhua Mukti Morcha

Dr Maja Daruwala, Director Common Wealth Human Rights Initiative

Mr. KB Saxena, Former IAS

Mr. Harsh Mander, Former IAS Founder Director of Aman Biradari

Dr A. Ramaiah, Professor, Tata Institute of Social Sciences

Prof. Nandu Ram, Professor of Sociology JNU

Mr. Sandeep Pandey, Director of ASHA

Ms. Vimla Deshpande, founder of Dalit Shramik Sangh

We, the Members of the Jury of the Indian People’s Tribunal on Untouchability organised by the National Campaign on Dalit Human Rights (NCDHR) and Human Rights Law Network (HRLN) along with 56 other state and national Dalit organisations heard the voices and witnesses in relation to 65 cases of untouchability and atrocities on May 12-13, 2007 at Delhi.

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The Indian People's Tribunal (IPT) was held over two days and was split into three sessions. **In the plenary first session on May 12**, the Jury heard four depositions of the victims/survivors. **In the second session on May 12 and third session on May 13**, the Jury split into two groups to hear the depositions of the victims/survivors and the victims'/survivors relatives. We herewith present our preliminary observations and recommendations.

(ii) NATURE OF UNTOUCHABILITY

Untouchability perpetuated in schools: Children in rural India learn early the rules of caste. These survive unremittingly through their lifetime even in this 21st century. A survey – *Untouchability in Rural India*—about such practices undertaken in 565 villages in 11 major states of India reveals unconscionably that in as many as 38 percent government schools, dalit children are made to sit separately while eating. In 20 percent schools, Dalits children are not even permitted to drink water from the same source.

Untouchability practiced in State institutions: The recently released report of perhaps the first nationwide survey of the continued prevalence of untouchability finds such untouchability in all local state institutions. A shocking 27.6 percent Dalits are prevented from entering police stations and 25.7 in ration shops. Thirty-three percent public health workers refuse to visit dalit homes, and 23.5 percent Dalits still do not get letters delivered at their homes. Segregated seating for Dalits was found in 30.8 percent self help groups and cooperatives, and 29.6 percent panchayat offices. In 14.4 percent villages, Dalits were not permitted even to enter the panchayat building. They are denied access to polling booths, or forced to form separate queue in 12 percent of the villages surveyed. Despite being charged with a Constitutional mandate to promote social justice, various local institutions of Indian state clearly tolerate and even facilitate the practice of untouchability.

Untouchability in housing policy: Dalit settlements are continuing to be segregated from the main villages, and the same practice is being reinforced even by governments, when building Indira Awaas housing colonies for Dalits, or by NGOs such as in the post-2001 earthquake reconstruction programmes in Gujarat, natural disasters in Orissa and other states. In nearly half the surveyed villages (48.4 percent), Dalits are

denied access to common water sources. In over a third (35.8 percent), Dalits are denied entry into village shops. They have to wait at some distance from the shop, the shopkeepers keep the goods sold on the ground, and accept their money similarly without direct contact with Dalit customers. In teashops, again in about one-third of the villages, Dalits are denied seating and had to use separate cups.

Untouchability in public places perpetuating: Across rural India violent intolerance of public displays take place when Dalits take marriage procession through public streets. More than 47 percent villages, bans operated on taking wedding processions through streets since upper-castes arrogate through exercising the exclusive rights over roads and public thoroughfares. In 10 to 20 percent villages, Dalits were not allowed even to wear clean, bright or fashionable clothes or sunglasses. They could not ride their bicycles, unfurl their umbrellas, wear chappals on public roads, smoke or even stand before members of higher castes without bowing heads.

Untouchability continues in temples and other religious institutions: Restriction on entry by Dalits into temples is as high as in 64 percent cases in 11 states, ranging from 47 percent in UP to 94 percent in Karnataka. The research established that such restrictions continue even after conversion of Dalits to egalitarian faiths. Forty-one of the 51 villages surveyed in Punjab reported separate Gurdwaras for Dalit Sikhs, and even where Dalits worshipped in Gurdwaras frequented by upper caste Jats, they were served in separate lines at the *langar* or community dining, and were not permitted to prepare or serve the sacred food. In Maharashtra, despite mass conversions of Mahars to Buddhism, Dalits were denied temple entry in 51 percent villages. State reports from Kerala and Andhra chronicled divisions in the church between dalit converts and others, and even discrimination against ordained dalit priests continuing.

Untouchability in death: Untouchability persists even in death, as in nearly half the surveyed villages (48.9 percent) Dalits were debarred from access to cremation grounds. In Maharashtra, even where Dalits have their segregated cremation grounds, these are permitted only on the eastern side of the village, so that upper castes are not polluted by the winds that pass from west to east.

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Untouchability in access to land and irrigation: Although large majority of Dalits are landless, even in the fewer cases where Dalits are landowners, they are denied access to water for irrigation in more than one-third of the villages. In 21 percent villages, they are denied access to grazing lands and fishing ponds, and violent upper caste opposition reported when Dalits encroached or are allotted government lands for cultivation or even housing or grazing their cattle.

Untouchability in labour market: The study reports discrimination against Dalits even in the labour market. Although normally Dalits are coerced into agricultural labour in unfavourable conditions, sometimes this transgresses into bondage. They are excluded in the lean agricultural season, when work is scarce for all, and therefore upper caste workers are preferred. In 25 percent of the villages, Dalits were paid lower wages than other workers. They were also subjected to much longer working hours, delayed wages, verbal and even physical abuse, not just in 'feudal' states like Bihar but also notably in Punjab. In 37 percent of the villages, dalit workers were paid wages from a distance, to avoid physical contact. The study also sadly found evidence of discrimination between non-dalit and dalit workers where caste overshadows proletarian solidarity.

Untouchability in consumer market: Untouchability is found to extend even to consumer markets, with dalit producers in 35 percent villages barred from selling their produce in local markets. Instead they are forced to sell in the anonymity of distant urban markets where caste identities blur, but this imposes additional burdens of costs and time, and reduces their profit margin and competitiveness. Caste taboos apply particularly to products like milk, so that in as many as 47 percent of the villages with cooperatives, Dalits are not allowed to sell milk to the cooperatives or even private buyers. In a quarter of the villages, they are prevented even from buying milk from cooperatives. Dalits are therefore not only disproportionately burdened with poverty to start with; caste discrimination in labour and consumer markets condemn them to lower wages with harder work in uncertain employment, and restrictions on their access to natural resources as well as the markets for their products.

Untouchability breeds in private spheres: Even more in secular and religious public spaces, the practice of untouchability continues most in upper caste rural homes, in what people regard to be their personal private sphere. The survey confirmed that in as many as 73 percent of the villages, Dalits are not permitted to enter dalit homes, and 70 percent Dalits would not eat together. Even dalit researchers in this study were denied entry into upper caste homes.

Psyche of untouchability everywhere: With untouchability thus persisting unabashedly in state institutions like schools and police stations, in public spaces like temples and shops, in farms and markets, and in homes and hearts, the Dalits still lives in India waiting hopefully and sometimes anxiously, for long betrayed dawn of equality of status and equal dignity.

The depositions before us make it very clear that Dalits do not share even 9 percent economic growth of the country. In the 60th year of our independence they do not enjoy freedom in real sense of the term, but are shackled by chains of untouchability and caste disabilities and deprivation. They continue to experience exclusion, humiliation, degradation, exploitation, abuse and violence due to their low and so called polluting status in the caste hierarchy.

(iii) UNTOUCHABILITY AND RELATED VIOLENCE

Victim/survivors from 14 states have deposed their cases before us. In all 65 cases were examined by us.

All cases present the persistent patterns of traditional and emerging forms of untouchability and gruesome violence based on the casteist mindset prevalent in the society at large. two cases relate to denial of access to public places and services, 12 cases to denial of access to common land and natural resources, six cases to discrimination in educational institutions and workplace and five cases to discrimination in Criminal Justice System and Judiciary. Four cases are related to panchayats and segregatory experiences, nine cases are related to forced/ compulsory labour and discrimination, nine cases of discrimination in Government Policies and Programmes including housing. Eleven cases relate to sexual

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exploitation and assault, three cases of segregated practices in religion and four cases of other discriminatory practices and violence.

Among victims/survivors are children, women and men individually and Dalit community as a whole too. The incidents narrated by the victims are brutal, degrading, and in some cases barbaric, and inhuman. Though victims belong to different parts of the country, Jury found similarity in the form and nature of untouchability practices across the country. The cause for violence also shows fairly common trends, including both social and economic aspects. The absolute dependence for their livelihood and helplessness of the victims/survivors before the perpetrators is evident even as they recount their cases. The neglect of the authorities in performing their duties, non-implementation of mandated obligations and legal provisions clearly encourage the perpetrators to unleash practices of untouchability as well as violence on Dalit communities. Caste system continues to hold itself tenaciously despite the Constitutional provisions, legislative measures, institutional mechanisms as well as special protective measures.

The Tribunal further confirms the extensive practices of untouchability reported in the 'Untouchability in Rural India', Sage Publications, 2006, undertaken in 565 villages in 11 major states of India.

(iv) OVERALL RECOMMENDATIONS

At this 60th year of independence we recommend that the government, first of all, recognise that the practice of untouchability and its manifest forms not only continue, but have grown and become sharper over the years, rather than deny that the practices no longer exist. We recommend that the government of India and the society both recognise untouchability as the reason why millions of Dalit citizens will not achieve millennium development goals, better known as MDGs.

Despite the NCDHR Public hearing report of 2000, public hearing reports by other human rights organisations, numerous reports of NHRC and National Scheduled Caste Commission, the government and state commissions continue to turn a blind eye to unabated systematic practices of segregation as a result of which the dominant castes have come to

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believe that they have licence to discriminate and engage in atrocities. This public perception has to be done away with at the earliest.

The officers of the state in administration, police, and other governmental or semi-governmental agencies are also infected by the virus of casteism. We recommend draft guidelines for all departments on the implications of untouchability in their professional fields. We strongly urge that action may be taken at the highest level by the Prime Minister himself to root out, what Justice M. Katju of the Supreme court has recently called, the 'curse of this nation.'

From the testimonies our view that besides the statistical data of conviction rate of offences under SC/ST (POA) Act and PCR Act being poor the Justice system has generally failed in dealing with untouchability and atrocity cases. The findings of the NHRC Report on Atrocities against Scheduled Caste and the Justice K Punnaiah Commission and the SAKSHI-Human Rights Watch report found that the conviction rate in such cases in the country was one percent. This is tantamount to the breakdown of the Constitutional system of governance.

In case after case we find that very few cases ever get through the legal system because the police are refusing to register FIRs. FIRs that are registered are not being transmitted to the magistrates. In case after case the victims are forced by violence, social and economic boycotts to 'compromise' and 'settle' these cases resulting in the withdrawal of the meritorious cases under threats. We find collusion between the dominant caste assailants and the prosecutors. There are also repeated reports of caste bias in the judiciary itself at all levels. We find cases relating to Dalits taken casually and heinous crimes under Article 17 are not treated as punishable offences. There is a patent anti-reservation attitude in the judiciary. We conclude therefore, without any doubt that the judicial system from top to bottom has become anti-Dalits and that justice is not possible within the system as it is presently constituted.

We recommend that there should be reservations in the judiciary at all levels including the Supreme Court. This is also the recommendation of the UN Committee on the Elimination of Racial Discrimination to India's report 2007.

We strongly recommend that all governments conduct a socio-legal audit of the judgments of the special courts and their appeals to monitor the manner in which the statutes are being implemented.

We also notice that a large number of meritorious cases of grievous crimes are being disposed of on technical grounds such as the fact that investigation was not conducted by an officer not below the rank of DSP. Apart from this a large number of cases are being disposed of due to the deliberate acts of omission of the investigating agency. As a result of which the victim suffers and does not get justice.

We strongly recommend that the percentage of Dalits in the police force should correspond at least to their percentage in the population. In fact it should even be higher. Similarly the percentage of prosecutors from Dalit communities should correspond to their percentage in the population.

We also noticed that the compensation is not paid in the large number of cases as prescribed in the Rules 1995. **We recommend that Government should pay the compensation in all the cases and rehabilitation as per the Rules of 1995.**

Although it is patent that untouchability practices have grown and become more severe it is surprising that the High Courts of the states and the Supreme Court have not cared to exercise their extraordinary powers under writ jurisdiction to combat this menace. Over the last decade there is hardly a decision on these crimes. **Judicial Academy should organise orientation to judicial officers on the practices of untouchability and its manifestation, special legislations, affirmative policies and various rulings of the apex court and make them exercise their judicial powers to stamp out this vice.**

Collectors and SPs who have taken no action in districts where untouchability practices have been brought to their notice should be removed from service. There should be no

place in the IAS, IPS and other services for persons who tolerate casteist practices.

We recommend that a massive campaign against untouchability be promoted by the central and state governments, in hoardings, print and the media to identify the various untouchability practices, to stigmatise them, to inform the members of the public as to the steps they should take to redress their grievances and to inform the public as also to the governmental and non- governmental agencies to help in such circumstances.

We recommend the setting up of an Equity Council directly under the Prime Minister to monitor the implementation of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 and The Protection of Civil Rights Act, 1955.

We recommend establishing national data bank so that Dalits and others can monitor equity and access in all state provisions under the RTI Act.

While we strongly condemn untouchability practices in AIIMS as found in the Dr. Thorat Committee Report and the case presented before this IPT and have reason to believe that such practices in educational institutions are not uncommon. **We recommend that the Prime Minister, the Chairperson of the UGC and the heads of all educational institutions be held responsible for untouchability practices prevailing and that they take immediate and effective steps to eliminate such practices.**

We have been taken through the correspondence between successive Prime Ministers and the state governments, lamenting the fact that the dalit community is not given funds in various programmes corresponding to their percentage in the population and therefore calling for the implementation of the Special Component Plan whereby there would be in every plan a clear demarcation and allocation of funds specifically earmarked for Dalits. Despite directions given at the highest level the Special Component

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Plans have not been drawn up or implemented in any state not even in the capital city Delhi. **We have no hesitation in recommending that the Special Component Plan be made mandatory either by statute or by binding executive orders and implemented forthwith throughout India.**

Cases of manual scavenging have been presented before this IPT. This abhorrent practice continuing to this day in the teeth of the Constitutional and statutory prohibitions are shocking and indicative of the total lack of concern for the implementation of the welfare provisions relating to Dalits. **Manual scavenging should be stamped out forthwith. All scavengers and garbage workers in all municipalities and state governments should be absorbed as regular and permanent employees in alternate jobs, because the only way to eradicate this pervasive form of untouchability is to improve and stabilise the conditions of these workers at the workplace.**

(v) SPECIFIC RECOMMENDATIONS RELATING TO THE IMPLEMENTATION OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

In case after case reported to us, complaints by victims were not recorded by the police. Where they were recorded they were recorded wrongly deliberately leaving out the specific words of caste abuse or the names of the assailants or the public place where the incident had occurred. We found cases where FIR's were not transmitted to the magistrates. Charge sheets were invariably not filed within the 30 days limit prescribed under Rule 7(2). Investigations were undertaken by officer's junior in rank to the Dy SP thereby contravening Rule 7(1). Investigations were shoddy. Bail was invariably granted to the accused responsible for atrocities against Dalits without any demur from the public prosecutor. Thus the PP enabled the accused persons to get out on bail so that they could intimidate the victims and the witnesses. Trials were conducted in such a manner as to invariably result in acquittals. Appeals were not filed by the states even in cases of heinous crimes.

A review of all cases should be done by a high powered committee which should include representatives of Dalit organisations and in cases where the IO's have been found negligent prosecution should be started under section 4 of the Act. In addition disciplinary proceedings should be instituted. The officer should be suspended and ultimately removed.

We recommend that the government should issue directions to all police stations to register all cases related to Dalits under SC/ST (PoA) Act 1989.

In all cases a comprehensive witness protection programme should be implemented to protect the witnesses from the accused. We also recommend that the judicial officer hearing SC/ST Cases follow in camera proceedings to record statements of victims and witnesses.

Although the appendix to the Rules lays down a unique system for the payment of compensation to the victim's right from the stage of the registration of the FIR, we found that the payment of compensation was an exception, rather than rule. **We therefore recommend that each state should undertake through a high-powered committee above mentioned review of each atrocity case from the point of view of payment of compensation. Thereafter compensation should be paid with interest. The officer causing the default should be punished. A similar approach should be taken in respect of provision of amenities including medical aid, legal aid, travel allowances, daily allowances, provision of pensions, provision of government jobs and reconstruction of homes as provided for under the Rules.**

Both in respect of atrocities as well as untouchability cases the state is duty bound to disarm the dominant communities and provide licences to weaker sections to defend themselves. This provision is found in Rule 3. Under section 16 the state is duty bound to impose a collective fine. Under section 17 areas where atrocities take place are to be declared

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“atrocities prone” and preventive action taken. Steps are to be taken under section 21 read with Rule 3 to prevent the outbreak of any violence. Under the Rules, immediately on the outbreak of violence the authorities are required to make a list of the affected persons and the extent and nature of damage so that they may be immediately compensated. Under Rule 8 an SC protection cell is supposed to be established. Under Rule 9 a nodal officer is to be appointed. Under Rule 10 a special officer is to be appointed. Under Rule 15 a Contingency Plan is to be notified by each state government in the Official Gazette providing for a package of relief measures including allotment of agricultural land and house sites, employment in government to a dependant of the deceased, pensions for widows, houses for the victims and so on.

In case after case we found a complete violation of the above provisions. It is almost as if the authorities concerned were blissfully unaware of the law. The only conclusion we can draw is that the state has paid lip service to the sufferings of the Dalits and has no intention of implementing the law. From the highest levels of government it appears that a message has been sent not to entertain such cases. There can be no other explanation for such a blanket and uniform disregard for the law at all levels of government.

The responsibility for such a state of affairs must lie squarely on the shoulders of the senior most officer of the state — the Prime Minister of the country and the Chief Ministers of the states. Unless they publicly show resolve and determination, nothing is going to change. We therefore hold them responsible and call upon them to reform the criminal justice system so that these barbaric offences never go without redressal. **We recommend that the Prime Minister of the country and the Chief Ministers of the states take steps forthwith to perform their constitutional and statutory duties to fully implement the provisions of the Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act, 1989, and The Protection of Civil Rights Act, 1955.**

We observed untouchability and atrocities have been committed on Dalit Christians and Dalit Muslims. The Police taking the religious faith as the basis to falsely register the cases and colluding with dominant caste

perpetrators. **So we recommend Dalit Christians and Muslims should have equal access to faith and they should be given the Scheduled Caste status and extended with reservations vis-à-vis all entitlements. This is also a recommendation of the concluding remarks of the UN CERD to India's report 2007.**

Call for Action on National Campaign against Untouchability

The jury of the Indian People's Tribunal **calls for a National Campaign against Untouchability (NCAU)**, led by the Prime Minister. It should be declared on the April 14, the birthday of the Father of the Constitution. Whereas all forms of untouchability should be combated, this campaign should focus most on ending untouchability, caste segregation and discrimination in public spaces, beginning with the school, which should be declared a zero-discrimination zone: the country owes this to its children. In a Zero discrimination zone there would be no segregation in seating, during the midday meal, no discrimination against dalit students or dalit teachers and a special drive to ensure high admission of SC, ST, students in schools and a sharp decline in the drop out rate. Likewise, discrimination at public drinking water points like the hand pump must also be fought and resolutely ended, as also in election booths and panchayat offices.

The responsibility to end these practices must vest directly with the District Magistrate and Superintendent of Police in the districts, and the Chief Secretary of the states. In case they neglect their duties, these must be a punishable offence and adverse entry made into their confidential records and conduct Rules suitably amended and disciplinary action taken, inquiry should be completed speedily and suitable punishment should be imposed.

It also calls for an end to the demeaning practice of manual scavenging, and once again the District Magistrate in the districts, and the Chief Secretary of the states, made directly accountable for speedy implementation of the Act.

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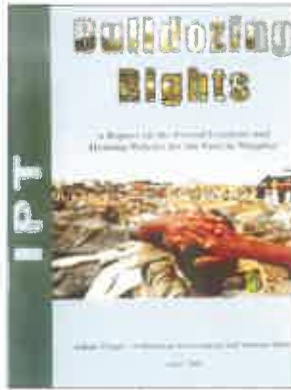
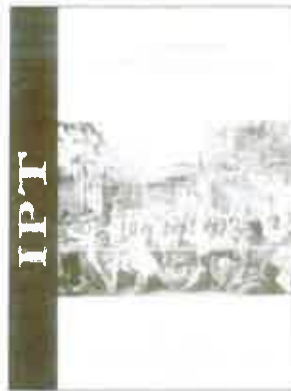
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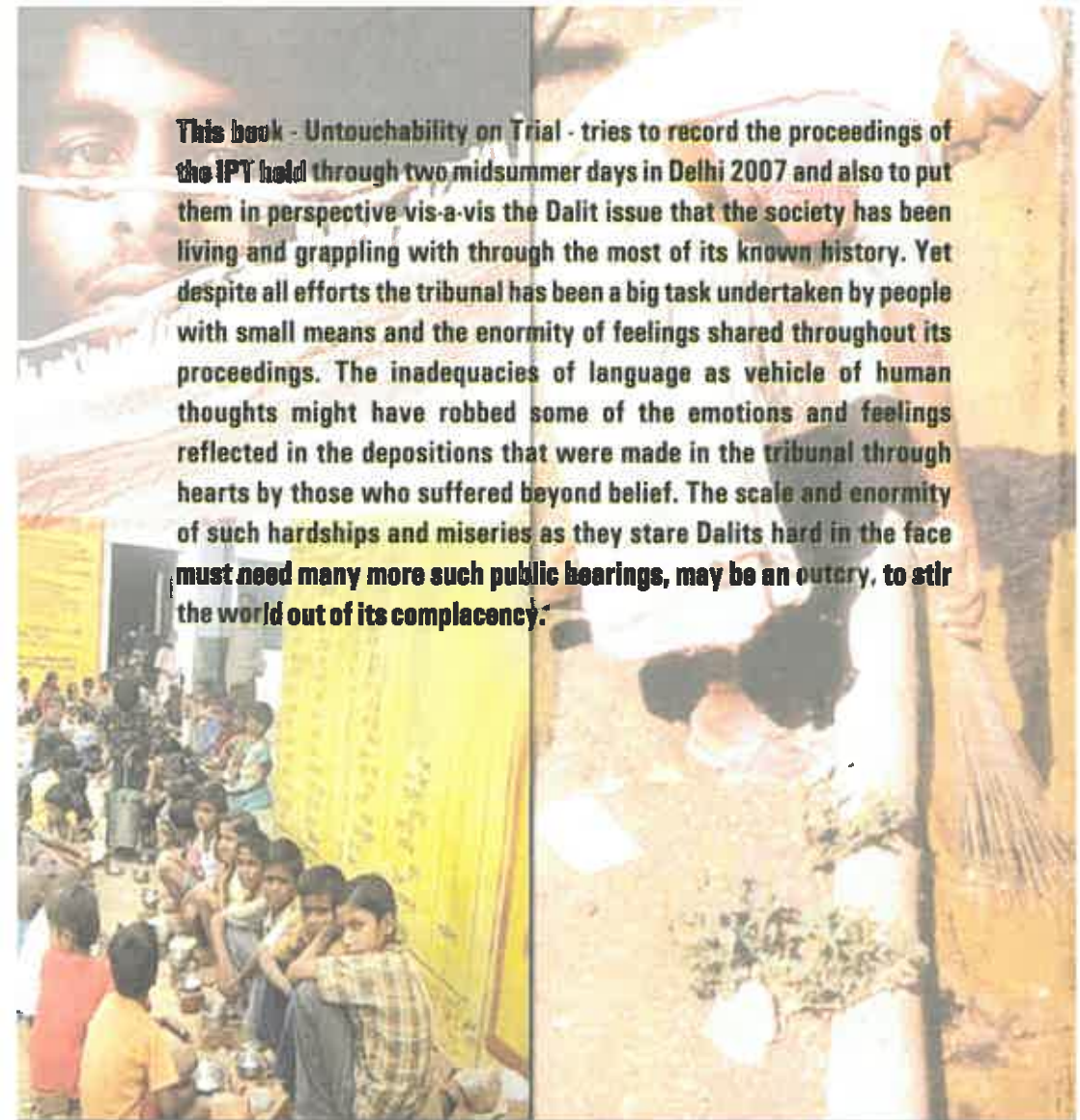
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... and the IPT journey goes on!



Disillusioned with inadequacies of law vis-a-vis human rights, the right thinking organisations have been campaigning for changes in the system through IPTs ...



This book - Untouchability on Trial - tries to record the proceedings of the IPT held through two midsummer days in Delhi 2007 and also to put them in perspective vis-a-vis the Dalit issue that the society has been living and grappling with through the most of its known history. Yet despite all efforts the tribunal has been a big task undertaken by people with small means and the enormity of feelings shared throughout its proceedings. The inadequacies of language as vehicle of human thoughts might have robbed some of the emotions and feelings reflected in the depositions that were made in the tribunal through hearts by those who suffered beyond belief. The scale and enormity of such hardships and miseries as they stare Dalits hard in the face must need many more such public hearings, may be an outcry, to stir the world out of its complacency.

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