

**FACT FINDING REPORT OF
THE INDIAN PEOPLE'S TRIBUNAL**

On the Atrocities against Dalits in the Banskantha District of Gujarat

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(Retd. Judge of the Bombay High Court)

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INDIAN PEOPLES'S TRIBUNAL ON ENVIRONMENT AND HUMAN RIGHTS

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PREFACE

“ We, the people of India, having solemnly resolved to secure to all its citizens - justice, social, economic and political - equality of status and opportunity -
Preamble to the Constitution of India

Article 17: “ Untouchability” is abolished and its practice in any form is forbidden, the enforcement of any disability arising out of “ “Untouchability” shall be an offence punishable in accordance to law.

Article 46: The State shall promote with special care, the educational and economic interests of the weaker sections of the people, and, in particular, of the scheduled castes - and shall protect them from social injustice and all forms of exploitation.”

No thinking Indian can take exception to the sentiments incorporated in the above excerpts from of the Ambedkarite Constitution of India. Strangely enough, even the foes of egalitarianism dare not directly commend a deletion of these provisions from the basic document.

Dr. Ambedkar had no illusions about the average direction of the sentiments he was forced to articulate. That is why in his interventions and addresses to the Founding Fathers he continually cautioned them against believing that utopia had been accomplished by the enactment of the Constitution. Example of this, and of great relevance to the study I have the privilege to introduce, are the following words of the Great Man.

“ Constitutional morality is not a natural sentiment. We must realize that our people have yet to learn it. It has to be cultivated. Democracy in India is only a top - dressing on an Indian soil, which is essentially undemocratic”.

“ What is the village, but a sink of localism, a den of ignorance, of narrow - mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as the unit”.

More than fifty years have passed since the coming into force of the Constitution and things haven't changed much - certainly not, in Modi - Togadia land, which is what Gujarat has been reduced to after the many experiments in the laboratory of Hindutva. Every measure of intended amelioration of the lot of the poor, the lowly, and the disadvantaged has been twisted into a weapon of oppression and mockery.

Gandhiji often extolled the village as the nursery of creative and compassionate abodes. Little did he know that the forces of bigotry and reaction would gain ascendancy and attempt a wiping out of his dearest beliefs by their dark deeds. That Gujarat has been reduced to the last fortress of regression and revulsion is not only on account of the present dispensation ruling that beautiful state. In fact, it is the inability of the progressives to influence the masses and the classes that has made the land a happy hunting ground for all manner of social primitives. What the predominance of this creed has done to the dalits in a district of the State is narrated in this report.

In a sense Banaskantha would appear to be the natural refuge of the 'broken people' who

driven from the fertile and habitable parts of the country, settle down to a precarious existence in hospitable terrain, only to find that even here, they would not be allowed to live in peace. Unkind nature and the cruelty of the 'upper' castes (so, they believe) aided by an indifferent if not colluding administration has denied them the most basic of human rights.

The panel has visited some of the affected villages and recorded statements of those who suffered and / or witnessed the most horrendous forms of torture. Harijans - the children of God - according to the Mahatma - do not get the land promised to them; are driven out of the village to live on the outskirts lest their presence, leave alone touch, pollute the sacred 'sink of depravity'; cannot report atrocities inflicted upon them; cannot prosecute remedies for redressal; cannot vote in accordance with the dictates of their convictions; cannot even build secure shelters; cannot engage in uplifting professions; cannot prevent their women from getting molested - all this and more has been recorded in pitiless detail by the panel.

The readers will do well to ponder long and seriously at what the dalits of India suffer, for Banaskantha is but the entire country in a microcosm. The Panel will have attained its object if it can even stir even a fraction of those who wax eloquent about 'social engineering' without a commitment to ensure the right to life of those who have toiled and yet are denied the compulsion to survive.



Justice S.M. Daud

Introduction

Isolation and exclusion of untouchables is a unique feature of the Hindu social order. Classes or social groups are common to all societies, but as long as the classes or social groups do not practice isolation and exclusiveness they are only non-social in their relations towards one another. "Isolation and exclusiveness" makes them anti-social and inimical to one another. (Ambedkar first published 1987)

The drafting of the Indian Constitution in the late 1947-48 coincided with the UN Declaration on Human Rights in 1948. The section of the Constitution on "Fundamental Rights" and the "Directive Principles" emulates the UN Declaration.

The provision in the Constitution reads:

"[It is solemnly resolved] to secure to all citizens Justice: Social, Economic and Political, Liberty of thought, expression, belief, faith and worship. And equality of status and of opportunity, and to promote among them all fraternity, assuring the dignity of individual and unity."

The Constitution also states that:

"The state shall not discriminate against any citizen on grounds only of religion, race, caste, place and birth or any form." In the Directive Principles, it adds that "The State shall promote with special care the educational and economic interest of the scheduled castes/tribes and shall protect them from social injustice and all forms of exploitation."

In accordance with these Constitutional provisions a number of measures have been initiated by the Government to provide protection to the 'untouchables' (Scheduled Castes or SCs as they have come to be called). These measures are both protective and developmental in nature. In the 'protective sphere', untouchability was legally abolished and its practice in any form forbidden under the Anti-Untouchability Act, 1955. Nearly two decades later, in 1976, the 1955 Act was reviewed in order to make it more stringent and effective, and the 'Protection of Civil Right Act, 1955' (PCR Act) was enacted. In 1989, the Government enacted yet another Act, namely the Scheduled Caste/Tribes Prevention of Atrocities Act in order to prevent atrocities against members of the Scheduled Castes (SC) and Scheduled Tribes (ST) communities. The need for this additional act was felt because under certain circumstances, PCR 1955 and normal provisions of the Indian Penal Code had been found to be inadequate to provide safeguards to SCs and STs against several crimes.

In the economic, educational and political spheres provisions have been made through reservation and representation to improve their access and participation. The provision of political reservation in various bodies, reservation in government services, admission to educational institutions are some of the promotional measures under this category. "Even after the 'progress' made by our country in over 50 years, the status of a person born in the Hindu social order is based on three interrelated elements, namely predetermination of social,

religious and economic rights of each caste based on birth; the unequal and hierarchical (graded) division of these rights among the castes; and provision of strong social, religious and economic ostracism supported by social and religious ideology to maintain the Hindu social order." - S.K.Thorat

Gujarat is one of the states with the worst track record on protection for Dalits. A baseline survey conducted by the Behavioural Science Centre in the Banaskantha district of Gujarat confirmed the large-scale violations of the human rights of Dalits. It was in this context that the Behavioural Science Centre (BSC, Ahmedabad) and Banaskantha Jilla Dalit Sangathan (BDS, Palanpur) requested the Indian People's Tribunal (IPT) to enquire into the cases of violations of Dalit human rights perpetuated by State and non-state actors in Banaskantha.

The IPT, established in 1993 by the mandate of grassroots groups, is positioned as a people's court to investigate into gross human rights violations and environmental degradation. The Tribunal is headed by a panel of retired judges guided by experts in their respective fields and supported by grassroots organisations from around the country.

The Terms of Reference

- To investigate into the alleged Dalit dispossession of land
- To investigate into the practice of untouchability against Dalits
- To investigate into the atrocities committed on Dalits

Programme of the Tribunal

The IPT conducted its inquiry over two days - 22nd and 23rd of February 2003 in Palanpur - district headquarters of Banaskantha. The Jury panel consisted of

1. Ms Aruna Roy
2. Mr. Indu Kumar Jani
3. Dr. Nitin Gurjar
4. Dr. Bela Bhatia

The members made field visits to certain villages in the district in two groups accompanied by the workers of BSC and BDS. Ms Aruna Roy and Mr. Indu Kumar Jani visited Madana (Dangiya), Dhaneri and Shera village while Dr Bela Bhatia and Dr Nitin Gurjar visited Ranteela, Vav and Dheema villages to assess the ground level realities.

The apathy of the government reflected in the fact that none of the government officials were present at the inquiry inspite of invitations by both BSC and IPT. The inquiry culminated with a public hearing in Palanpur with presentations by the victims of atrocities and the community workers of the BDS. Documents of the inaction of the government in specific cases were also produced before the panel.

The Tribunal also made an interim recommendation to the government on 23rd February 2003, after being convinced of the reality of a rape having been committed on Monghiben Thakarshibhai Harijan, a 10-year old Dalit minor from Tharad town (See Annexure 1).

Background of Banaskantha

Physical Features

Situated in North West Gujarat, Banaskantha district consists of territories in and around the river Banas, its namesake -the longest river in Gujarat and one of the three rivers in Gujarat apart from Sipu and Balaram. Adjacent to the Marwad and Sirohi districts of Rajasthan, on the east by Sabarkantha district of Gujarat, on the south by Mehsana district and in the west by Kutch district and the Little Rann of Kutch - the district covers a total area of 12,703 sq.kms. The total population of the district is 2,502,843 (according to the 2001 census) i.e. 5.24% of the **total population** of the state reside in this district of which 19,42,294 reside in the rural area. It has 11 Talukas (blocks), 7 towns and 1,374 villages .

A desert area and the land is mainly sandy and the area is extremely drought prone. **Rainfall** in this district is irregular and insufficient. Consequently it faces drought every 2 to 3 years. The **climate** of the region is characterized by extremes: hot and dry in summer and cold in winter. The northeastern part of the district is characterized by a hilly topography whereas the central part is flat and sandy.

Social characteristics

Banaskantha district is one of the most backward districts of Gujarat and fares rather poorly on the scale of social indicators. This district records one of the highest number of caste related atrocities in the entire state. According to the latest report of the Banaskantha Dalit Sangharsh Samiti (a protest group of the area) the last 3 years saw 203 deaths of Scheduled Castes (SC) at the hands of the 'upper' castes. The position of the SCs is extremely vulnerable and their present condition is as much a result of the continuing practise of caste system as it is of State apathy and neglect. The situation is compounded by a high incidence of bonded labour due to non-implementation of redistribution policy of the government together with a lack of economic alternatives.

Proportion of SC population

SC population of Banaskantha district constitutes 7.41% of the total SC population of the State. Of the total rural and urban population of the district, the quantum of SC population living in the rural and urban areas of the district is 10.55% and 11.41% respectively.

Percentage of Scheduled Castes Population to total population in the State

	Gujarat	Banaskantha
Persons	7.41	10.63
Males	7.44	10.64
Females	7.37	10.63

In Banaskantha except 259 villages, all the villages in the district have scheduled castes population. Maximum number of villages i.e. 321 or 23.46% has Scheduled Caste population

between 6% and 10% to the total population of the respective villages. The next largest number of villages i.e. 254 or 18.57% has SC population between 11% to 15%. 222 or 16.23% have SC population upto 5%. The minimum number of villages i.e. 25 or 1.83% has more than 31% SC population to the total population of the respective villages.

The Situation of SCs:

The SCs comprise castes such as Chamars, Garodas, Barots, Bhangis, etc. and they form the majority of the marginalised communities in the area . The condition of these communities is abysmal and they face abuse at the hands of the dominant 'upper' castes, mainly the Brahmins and the Darbars. Practices such as untouchability and bonded labour thrive in this area. The rate of caste atrocities committed in this district is the highest for the state .

SCs comprise 16.31% of the population of the taluka (10.63% for the district) whereas their share in the total land ownership is less than 5%. They are steeped in traditional practices and social customs which entail expenditure. Social expenditure results in indebtedness to the dominant landed castes leading to them having to pledge their labour for upto a year or more (till the debt is recovered, which it never is), the interest being calculated @ 10% a month for 15 hours of work daily. This vicious circle continues to breed poverty and an ever increasing chasm between the poor and the rich.

Even to this day in some villages Dalits are not allowed to enter the main village; if they do they must do it with their heads covered. Speaking up against the 'upper' castes is unheard of. The Dalits are forbidden temple entry and are not allowed to use the village well to fill drinking water.

The landed castes are also in places of political power and whatever cases of atrocities against the Dalits which get reported to the police are suppressed through bribes to the officials. Such a case occurred recently in Morikha village of Vav taluka where a Dalit youth was killed and left hanging by a tree and the case was turned into one of suicide. Such atrocities have mostly gone unpunished and hence are committed with impunity. A charge of rape brought by a Dalit woman was similarly proved false and was dismissed.

Sex ratio

The FMR (Female to Male ratio- No. of females per 1,000 males) for the district is 932, which is less than the FMR of 934 for the State.

The following table shows the FMR for rural population of each taluka/ C.D. block as well as the district.

The FMR for the total

<i>FMR for Rural Population of Talukas / C.D. blocks, 1991</i>		
Sr. no.	Name of taluka/ C.D. Block	FMR
1.	Palanpur	948
2.	Vadgam	969
3.	Deesa	938
4.	Kankrej	930
5.	Radhanpur	920
6.	Santalpur	914
7.	Deodar	912
8.	Vav	918
9.	Tharad	932
10.	Dhanera	925
11.	Danta	938
	District	933

rural population of the district is 933. The social condition of women is deplorable. Low literacy, no economic independence and an orthodox patriarchal set up are the factors contributing to this situation. Women are engaged in agricultural labour and/or as domestic help at the house of the dominant landed castes (in this case the Brahmins) and very often are victims of sexual abuse there.

Education

Education plays an important role in the field of social and economic growth of the district. Free and compulsory primary education to both boys and girls aged 6-11 was introduced in the Third Five Year Plan. The State Government has been making all efforts to establish at least one primary school in every village of the State, so that this basic necessity can be provided to each rural citizen. After the introduction of Panchayati Raj (local self-government institutions) in the State, the function of primary education has been entrusted to the District Panchayats for the rural areas whereas it is under local bodies in urban areas.

The literacy rate for rural areas of the district is 35.94%. The literacy rates for males and females are 51.84% and 18.90% respectively for all the villages of the district. Among the talukas of the district, Vadgam taluka has the maximum literacy rate of 56.80% whereas Tharad taluka has the minimum of 26.56. Out of total 11 talukas, 2 talukas have the higher literacy rates while 9 talukas have lower literacy rates than the district's literacy rate of rural area.

Dalit Population and Literacy rates

Area	Total Population	Total SC pop.	Literacy among SCs		
			Male	Female	Total
Banaskantha	21,62,578	2,29,983 (10.63%)	53,362 (23.20%)	20,302 (8.83%)	73,664 (32.03%)
Palanpur (Rural)	2,98,139	27,767 (9.31%)	8,536 (30.74%)	4,006 (14.42%)	12,542 (45.16%)
Vadgam (Rural)	1,67,924	27,862 (16.59%)	8,948 (32.11%)	4,732 (16.98%)	13,680 (49.09%)
Vav (Rural)	1,59,246	25,978 (16.31)	4,800 (18.47%)	789 (3.03%)	5,589 (11.50%)
Tharad (Rural)	1,78,228	22,709 (12.74%)	3,486 (15.35%)	560 (2.46%)	4,046 (17.81%)
Dhanera (Rural)	1,91,633	23,886 (12.46%)	4,321 (18.09%)	955 (3.99%)	5,276 (22.08%)

These figures point to the high prevalence of gender discrimination in access to and opportunity for education available to female children in the area and the urgent need to address this issue.

Another crucial problem with regard to education of the Dalits is the practice of 'untouchability', which is being practiced in the primary schools. The teachers of these schools are usually from the "upper" caste and they make the Dalit children sit outside or on the last benches in the classrooms. Often they would be even denied admission to the schools.

Health

The adverse geo-climatic conditions of the district combined with malnutrition leads to various kinds of illnesses and diseases. It adversely affects the physical and mental development of the children. Those involved in handloom weaving suffer from tuberculosis, asthma, and eye problems. Those working in the salt industry suffer from eye problems (due to excessive brightness in the salt pans), various skin diseases and kidney stones. Addiction to tobacco (chewing or smoking) and alcoholism lead to liver and other forms of cancer. The proximity to forests and the presence of mosquitoes has led to a high prevalence of malaria.

The following table provides details of medical institutions in rural and urban areas of the district for the year 1989-90.

Medical Institutions	Rural areas	Urban areas
Hospitals	24	17
Dispensaries	69	43
Family Planning Centres	159	5
Primary Health Centres / Primary Health Sub-centres	370	5

Source : Compiled from Village Directory and Town Directory data of 1981 and 1991 D.C.H.B.

The condition of these PHCs in the rural areas is pathetic and the service is of a poor quality. The doctors and nurses are most often not present or if they are they are apathetic to the patients or interested in carrying on their private practice on the PHC premises. The roads are non-existent and very often patients die on their way to the hospital. The villages in the area have practically no access to health services and women are its worst victims. There are frequent cases of miscarriages because of poor access to trained medical aid.

Economic situation

The total land in the area is 12,231 hectares and its availability is as under:

Irrigated (rural) -	2930 hectares
Non-irrigated -	5604 hectares
Cultivable wasteland -	1156 hectares
Wasteland -	1188 hectares
Forest land -	188 hectares

The area is poorly endowed with natural resources. Industrialisation is minimal and the people face a real problem of sustained employment. Understandably then the economic situation of the district is characterised by an increasing pressure on land - wasteland, pastureland and land for housing. In such a situation the political and economic elites corner the benefits.

The following description of a village gives a detailed account of the economic situation of the Dalits in the entire district.

Village Vansda, Taluka Dhanera, District Banaskantha

Village Vansda is in Dhanera taluka near the Rajasthan border which is just 12 kms. away.

The village has a total area of 356.74 sq. kms. (as per the 1991 census). The total population of the village is 662. The caste wise breakup of the population is as below:

Brahmins (landowners) -	10 houses
Dalits	- 29 houses
Garoda	-- 4 houses
Barot	- 12 houses
Bhangji	- 1 house
Chamar	- 12 houses

The landowning Brahmins of this village hold sway in the village - economically and socially. The Brahmins claim that "our ancestors were landowners and so all villages of this Taluka including Vansda are our property (jagir) and we can lay a rightful claim to everything here (land etc.)". In any matter of the village, their (brahmins) writ runs - a borewell is dug where they want, they cultivate whichever piece of pastureland they wish. In fact, no one can cultivate pastureland without the Brahmins' permission. According to Fulabhai (a resident of the village) about 10 years back, 10 persons belonging to the Koli Patel caste were done to death by the Brahmins because the Kolis refused the tenancy cultivation demands of the Brahmins. The brahmins have seized large tracts of government pastureland and are illegally cultivating it. They have built houses, wells, bores, etc. on it and are taking a good crop (pulses like mag, math, bajari, barley, erada, etc.) here because the land is fertile. The Dalits, by and large, work as bonded labourers with the Brahmins, for Rs. 700 - 800/- p.a. The work includes, besides cultivation of the land, grazing the cattle, taking the agricultural produce to the market for sale. A few Dalits stay on the land in order to guard the land and for this they get 2½ maunds of grains per acre every 4 months.

The Brahmins own approximately 4 acres of land on an average but because they have also illegally possessed the village grazing land they get a huge income from agriculture. They own infrastructure like houses, wells, bores, etc. The level of education among them is also quite high. Among them they have 2 jeeps, 3 tractors and several guns. Among the Garodas (Dalits) 4 families are landless and they earn their livelihood from stitching and tailoring. The Barots either earn from begging or by rendering religious services. The Chamars are either bonded labour or tenant farmers to the Brahmins. Some are involved in animal husbandry and daily agricultural labour.

Political situation

As far as political power and representation are concerned, co-option of the Dalit candidates is the norm. As per rule there is reservation for SC candidates in the State legislature, the district panchayat, the taluka panchayat, and the gram (village) panchayat. The 'upper' castes abuse this provision by themselves selecting SC candidates (who are referred to as 'dummy' candidates) for these seats. These chosen candidates are normally the ones who are not vocal or are so dependent on the "upper" castes that they would be subservient to them. The upper caste members use their money for their election and lodge them in seats of power. Since, these candidates owe their allegiance to the "upper" caste benefactors for giving them a chance in politics, it is a situation of benefactor over community. Besides, the reserved seats are used to field candidates from different SC communities thus dividing the communities and creating conflicts within themselves.

Proceedings of the Tribunal



The panel at the tribunal.

The tribunal hearing started with presentations by the community workers of BDS on their observations and experiences while working in the area.

Presentations covering situation of Dalits in Gujarat and Banaskantha were made by Dinesh Parmar, Amrut Pandya, Shantibhai and Vasudev gave an overview of the issues of untouchability; land issues and issue of atrocities respectively based on the survey done by BSC and BDS.

Situation of Dalits in Gujarat and Banaskantha

Dinesh Parmar, BDS gave a detailed account of the situation of Dalits in Gujarat and Banaskantha.

More than one-sixth of India's population, some 200 million people, live a precarious existence, shunned by much of society because of their rank as "untouchables" or Dalits-literally meaning "broken" people at the bottom of India's caste system. Dalits are discriminated against, denied access to land, forced to work in degrading conditions, and routinely abused at the hands of the police and of higher-caste groups that enjoy the state's protection. The SC population comprises 9 different castes. Banaskantha has a population of 24,897 Dalits with the major concentration in Palanpur, Vav, Tharad and Deesa.

There have been serious instances such as killings of Dalits, rape of Dalit women, torture and atrocities of which no cognisance has been taken. One of the major reasons for the cases not reaching the desired end is the long delay in the entire legal process. Other reasons include hostility of witnesses, late lodging of complaints, withdrawal of complaints and compromise as a result of coercion and threat from the 'upper caste' perpetrators.

The police play a major role in this delay of justice as well. Firstly, recording of FIRs are not done in a proper manner. Either they consider the complaint too exaggerated to be recorded (for eg. use of abusive language towards Dalits) or FIRs are lodged with contradictory evidence and under very flimsy grounds. Complaints that come under the Atrocities Prevention Act get disposed of for technical reasons, as officers below Dy.S.P cannot carry out related investigations. Such lacunae in the redressal system more than often lead to the perpetrator going scot-free or undergoing minor punishment for heinous crimes.

In cases, where compensation is agreed to, the amount is very inadequate. The compensation provided is roughly about Rs. 10,000/-.

Discrimination also exists in the education system, in the Panchayats. Dalit teachers have to live in Dalit neighbourhoods (commonly outside the village), as they are unable to find houses elsewhere in the village. This increases their commuting distances and decreases their accessibility to the schools which are generally located in areas convenient for the upper classes.

Dalits office bearers are discriminated against in the Panchayats. No confidence motions are easily moved against Dalit Sarpanchs or office-bearers under some pretext or the other. Dinesh also informed the panel that the prevalence of untouchability is very high in the Valmiki community due to the shameful practice of carrying human excreta (refinely called 'night soil'.) This is still found in several places in spite of it being considered illegal.

Untouchability

Amrut Pandya of BDS narrated the prevalence of Untouchability in Banaskantha and presented several instances. The Survey clearly showed the shocking prevalence of untouchability in 107 villages in the five talukas. According to the Survey, separate sitting arrangements and utensils for Dalits were found in 22 village panchayats and 15 cooperative societies. At Garbas (Gujarati dance festivals) it was found that in 20 villages separate seating arrangements were made. In 15 villages, Dalit women have to wait for their turn and physical distance is maintained from them. In 61 villages, there is Dalits are barred from entering certain places (e.g. temples), there are separate seating arrangements and their donations are not accepted. Untouchability is practiced in activities pertaining to food, water, and physical contact. In 7 villages, there is an entry bar for Dalits in crematoriums. In 8 villages, separate vessels for Dalits are seen at tea stalls. In 16 villages, barbers don't cater to Dalits. In 13 primary schools and 6 Balmandirs, there is separate sitting arrangement for Dalit children, separate drinking water and discrimination during mid-day meals.

On the whole, in 73 out of the 107 villages (68% of the habitations) Dalits are discriminated against in some way. Of these only, the Dalits of one village, Bawan are courageous and willing to speak out. Dalits of 21 villages are too scared to complain.

Land issues

Shantibhai from BDS presented the situation of Dalits vis a vis land. Most injustices meted

out to Dalits in Banaskantha were related to land, the primary source of sustenance for the major populace.

- Improper survey of land and subsequently improper allocation
- No knowledge of location of allotted land on the part of some beneficiaries
- Non-possession of land in the real sense to those who have received allocation
- Delay in legal redressal where cases have been filed for the receipt of land
- Increasing political affiliations assisting people to usurp land fraudulently.
- Encroachment of rowdy communities on the land allotted to the Dalits
- Unsympathetic administration
- Strong influence and assertion of the upper caste communities like the Darbars preventing Dalits from getting possession of their allotted land

Nearly 7000 acres of land given to the Dalits by the government, as per the Land Ceiling Act is owned by them only on paper, while the actual possession of this land is still with the upper castes.

As per the Land Ceiling Act, land holdings beyond 10 and 54 acres will be forfeited and the extra land will be given to landless farmers.

Aware of the anomalies in ownership patterns as a result of land redistribution under the Land Ceiling Act, BDS obtained Government data of beneficiaries of land as per the above-mentioned Act. A survey of 42 villages - 21, 14 and 7 villages of Vav, Tharad and Dhanera respectively was carried out to find how many people owned land technically but did not have actual possession of the same.

Although the excess land under the Land ceiling Act is allotted to Dalits, in several cases these Dalits are not able to till the land and do not really possess the land.

In short, the land measurement has not been done and the boundaries are not demarcated. Dalits have not been informed about land ownership details and at times, government records are tampered with, at the local level. Although their names exist in government records as owners, they have not been informed about it. The survey numbers mentioned in the records don't match the ground reality. There is malpractice regarding survey numbers. Although the Dalits pay the land related taxes they dare not ask for possession of land actually in their name because this means challenging powerful, upper caste elements. Thus, in spite of redistribution of excess land, the original owners continue to hold it.

Sometimes, Dalits don't pay taxes owing to lack of information about land ownership in their names. As a consequence, the land is confiscated owing to breach in terms and allotted to others.

Atrocities

Vasudev from BDS spoke on the atrocities meted out to Dalits in Banskantha based on the complaints received by BDS. Out of the 42 atrocity cases received by BDS, 17 are of a very severe nature. The victims spoke about these atrocities in the public hearing that was part of the tribunal proceedings.

Field Visits



The tribunal team comprising Ms. Aruna Roy and Inder Kumar Jani visited the family of Chatrabhai. His widow Vaniben, sons Amrut and Bhemabhai and daughter Ramilaben were present. Radha, the daughter married the previous year was not present. Their house was built under the Ambedkar Awas Yojna. Chatrabhai and his two adult sons had received Rs. 40,000/- per head totalling to Rs. 1.20 lakhs.

Amrutbhai Chatrabhai said that, 'My brother Isabhai Chatrabhai's murder accused Khemji Kanji Chaudhary wanted to take away our land. We absolutely suspect him in the murder of Isabhai Chatrabhai but he has taken care not to leave behind any evidence. Isabhai's post-mortem was conducted by Khemji's brother-in-law. The police has submitted 'C' summary of the case. Besides within 4 days of Chatrabhai's suicide co-accused Ishabhai Pirabhai Musalman died. It is said that he died of electric shock. But actually he died under suspicious circumstances and no post-mortem was carried out'.

"After coming here our father had to run from pillar to post. We were told that we will receive 10 acres of land but only 5 acres were given. We were given land but so far the documents of ownership are not given to us. We are not given any compensation for the Morikha land or house. Chatrabhai sat on dharna in front of the Collector's office for 416 days but did

not receive any cash dole inspite of having had to migrate from the village. As Isabhai Chatrabhai's death is not considered a killing, the compensation given for a Dalit-killing is also denied. Till my old father was alive we were not given the dying declaration. After his death we were given a copy of the DSP's order."

Chatrabhai's widow Vaniben narrated with tearful eyes, "I am courageous. My children can't even talk properly. We were denied water and electricity but were given connections on his (Chatrabhai's) death. This government cares for the rich, not poor. I'll wait for a month for the accused to be caught. After this I too shall die."

Thereafter the team visited Vahjibhai Chaganbhai Chamar in Dhaneri in Dantiwada taluka where Dalits were attacked. The Dalits residing in the neighbourhood were present. Vahjibhai has approximately 2 acres of land. He is a bore operator since 1/8/1993 (ten years). Earlier his elder brother, Babubhai did this job but currently Babubhai is a permanent labourer at the dam in Sipu and earns Rs. 4,000/- as salary. Vahjibhai's monthly salary is Rs. 1,000/-. The previous bore was about 17-18 years old and a new bore was constructed on 11/4/2002 under the water supply scheme. The installation of pipes, motor etc was in progress. Some women arrived there and insisted on filling water. Vahjibhai told them that, "We shall give water after the motor starts functioning."

Vahjibhai further described that along with these women there were also certain men of the village. "They started quarrelling. Some men had lathis, dharias etc. Someone struck me with katru [an implement used to kill rabbits]. I immediately ran and entered the nearby house of a Patel. After a while when I returned home, my locality was attacked. I telephoned the police, but they did not turn up. After I contacted the Dalit Sangathan at Palanpur, the police came. We realised later that the other party had made a false complaint against us. Some of us including a few women were put in the police bus. The women told that we have to feed the babies. The PSI said that he would feed them. After they took us, the Mamlatdar and TDO (Taluka Development Officer) arrived. They are against us till date. The Mamlatdar refused to listen to us. We met the Collector and submitted a Memorandum. Our village is in Jegol group gram panchayat. The population is about 3,000. The villages in the vicinity are declared scarcity hit but not ours. As though this were not enough, we were attacked second time in the presence of police. There was stone-pelting and Amrutbhai Kalabhai's hand was fractured. We feel that the police themselves are responsible for the attacks. The Patels, Adivasis and Valmiki in the village support us. Even today, Thakores don't give us work. The fair price shop run by a Thakore denies rationing goods to us. We have to go to Dantiwada for this. The Sarpanch is also a Thakore. My father Chaganbhai Meghabhai is a member of the Panchayat. We made a collective application on 12/4/2002 signed by Patels and Adivasis apart from Dalits but to no avail. Dalits are tortured mentally. The Atrocities Prevention Act should be applied here. The Panchayat passed a resolution about this on 19/4/2002. We are land labourers and don't receive minimum wages. The case is on with the Additional Labour Officer. Please get us justice".

The tribunal then visited Shera in Dhanera Taluka where there is a dispute regarding cemetery land. Rabaris and Dalits have been living in Shera village for years. The Rabaries have been illegally tilling the Government land in the village. For years Dalits have been using a certain portion of land as a cemetery. The rabaris have laid claims on this cemetery land

also. The material placed at the cremation place is destroyed and burnt by them. In spite of this land being a cemetery it has not been recorded in the suitable department.

Besides, Dalits complained that their children were discriminated against during mid-day meals in primary schools by making them sit separately. The barbers refuse to cater to Dalits. They narrated the case of a Dalit girl student. Kantibhai Makawana has been the watchman of Forest Department in this village for the last 13 years. His wife Damyantiben is an Anganwadi worker. Their 14-year-old daughter, Pradeepa studied in 6th standard. A teacher called Kanusinh Parmar (Darbar) was writing love letters to her so she gave up studies in 7th standard due to this harassment.

The second team of the tribunal comprising Dr. Bela Bhatiya & Dr. Nitin Gurjar visited village Rantila -Lavana.

There are about 25-30 Kuchcha Dalit houses on a raised piece of land. We learnt from them that under the 20-point programme of the Government of Gujarat the "Shri Lavana-Rantila Samudayik Sahkari Kheti Mandali" had received 150 acres land under the survey no. 229. The Mandali has 29 members including Dalits, Adivasis and Koli-Thakores. There was a legal dispute and as per the order of the Gujarat High Court, the trees on this land costing Rs. 1,00,000/- and 150 acres land was handed over to the lawful owners. They even started growing radio, arendo, isabgol on this land. But certain anti - social elements of the village illegally entered in this land, created a Kanta fence, and took illegal possession of about 20 acres of land. The Dalits who resisted were attacked and forced to leave the village.

According to Membhai Raichand Parmar of Rantila -Lavana Dalit Neighbourhood, " At 5 p.m. on 18-9-2001 I was attacked by the Rajputs of the village, Viz, Deviji, Uka and Teja were being abused. I was seriously injured on the back and on my knuckles with lathis." With the help of his cousin Membhai he registered a complaint at the Palanpur Police Station on 19-9-2001.

According to Gemarbhai Chauhan of Rantila, on 13-1-2001 the anti-social Rajputs of the village -Bhikhabhai Mehabhai, Haribhai Ratnabhai, Narang Mahadevbhai, vaghabhai Mahadevbhai, Knaji Bhudarbai, Chehra Ratnabhai and Bawa Kailaspuri jointly entered our land and created an illegal fence around about 20 acres land. They also threatened that, "Do what you can, this fence won't be removed." Gemarbhai Chauhan has registered a complaint against these accused at Deodar Police Station on 23-2-2001.

According to Mr. Dinesh Parmar, Secretary, 'Dalit Atyachar Sangharsh Samiti, Banaskantha', on 5-9-2001 in the evening the Rajputs attacked the Dalits in Rantila Lavana. Their huts and standing crops were damaged. As a result, 29 Dalits families with 33 men, 16 women and 12 children did a collective migration out of the village and sat in front of the Banaskantha collectorate for justice. The Banaskantha Dalit Atyachar Sangharsh Samiti organized a massive Dalit rally. A Memorandum demanding removal of illegal Rajput occupants from the Rantila-Lavana land, action against those who attacked the Dalit families and SRP protection of Dalit families of Rantila-Lavana was submitted.

About 2 months after this, in November 2001, the Dalits moved back under SRP bandobast

at the collector's instance. Yet on 24-10-2001, Vihabhai was attacked with sharp weapons and lathis by the village Darbars.

Expressing frustration over the SRP protection, Dalits leaders said that, "SRP takes responsibility only for our land and our neighbourhood. What should we do for going out or elsewhere in the village?" They said that, " This police has rendered us prisoners (Nazar-Qaid) in our home." They said that, " for fear of anti-socials they are not able to till their land. So inspite of owning 150 acres of land we have to starve. It was better when we didn't have any land as we worked as labourers and at least managed our meals."

We visited the SRP tent nearby and found one Jawan present. According to him every 2-3-months a new team takes charge. The Jawan responsible for Dalits safety said that, " they have been withdrawn from guarding national borders and placed here."

The tribunal also had a meeting with the landless Dalits of Vav in the BDS office. About 50-60 Dalit men and women made presentation about their problems and painful issues. The Takahtpura Dalits said that their land was snatched away by Savji Ramji Rabar. They didn't register a police complaint as they were threatened. Hirabhai of Dayeya said that they received 15 acres land in 1985 and also paid their taxes. But Ranchod Patel has illegally occupied this land.

In Dhima, Kumbhabhai Harijan complained about anti-social elements having illegally occupied his land.

In Kundalia, the records shows 10 acres of land in the name of Nanjibhai Paregi but the possession is with anti-social elements of the Nai community. Kankuben of Aashea village said that the 30 acres land allotted to 7 persons in 1985 was illegally occupied by two anti-social Rajputs, Karshan Rupshi and Khoda Rupshi.

Pababhai Kashrabhai of Baluntri said that the records show 90 acres of land belonging to 18 Dalits in his village. But Nagji Rupabhai Rajput has illegally snatched this land away.

The height of exploitation and helplessness was visible when some Dalits complained that, "We work as land labourers on our own land to make two ends meet." The Dalits of other villages also complained about illegal occupation of their land by anti-socials.

The tribunal also met the Gramya Mahila Sabha at Dhima. About 30-40 women were waiting for us for two hours. When we inquired about untouchability, Nilaben said that, " At certain public water taps Rajputs, Brahmins and Kaubhis practised untouchability and Dalits can fill water only after they have finished." Mafiben narrated an example of untouchability, "Just two days ago, it rained heavily when we were on the way and we took shelter in the porch of a Kanbhi Patel. He threw us out even in the heavy rains."

The other women present at the meeting said, "We not only have to do laaj (veil) in front of our elders but also when we come across a Brahmin. Untouchability is practised even when we go to work on the land." They are given tea and one meal from a distance, taking care not to touch them.

Case Studies

There was a public hearing of affected Dalits from the entire district on the next day, 23rd of February 2003. The victims narrated their plight:

(1) Amrutbhai Chatrabhai

Chatrabhai's son Amrutbhai told the tribunal that when they were in village Morikha, Khemji announced that there was a dead body in the village. On inquiring we learnt that this was the body of my brother, Ishabhai. The dead body was with a bush shirt tied to the neck. When my father, Chatrabhai earlier went into the bush, there was no body. Thereafter, when told by the police, Chatrabhai went there and saw the dead body of his son. It seemed to have been kept there. The dead body was found hanging at about four feet height with legs folded and the accused was present there. It had been four days and the body was swollen. The post-mortem was done on the spot. It was carried out by Dr. Karsan Chaudhari a close relative of the accused. We received the post-mortem documents only after one month. The MLA had told us that the CID (crime branch) would investigate into the case. We demanded investigation by CBI but to no avail. We still want the suspects to undergo lie detector tests. My mother is in a very bad condition after my father's suicide. Somebody has to be present with her always to ensure that she doesn't commit suicide. But we shall fight for our demands.

(2) Mr. Mangilal Pandya

Yesterday the Jury team visited the Lavana-Rantila Sahkari Mandli cases location. Mr. Mangilal publicly told that when Jinabhai Darji was acting chairman of the 20-point programme, the land was allotted to the Dalit Sahkari Mandli on his instructions. "The Feudal elements of the village commit atrocities on Dalits. We fought all the way to the High Court and acquired this land after paying Rs. 1,00,000/-, we developed and improved the land with a lot of effort and started farming. Rajputs broke the fence, damaged the huts and stole our crops. The PSI accepted our application but didn't register an FIR. For 45 days, 61 of us including women and girls did a Dharna in front of the Collector's office. We took out a rally and submitted a Memorandum. Later, the collector said that he would fulfil five of our demands. But he only gave SRP protection and nothing else. Next day when 8-10 members went there, Vihabhai was beaten. Five policemen too were attacked. Their doctor did not admit the injured Dalits to the hospital although their X-Rays showed fractures. The Dalits registered a complaint at Palanpur. They burnt down the fodder lying in our fields and yet the police registered a complaint against us. They didn't allow us to click photographs and we were jailed without any offence. The Social Welfare Officer, Mr. Malek was afraid of the Rajputs. 20 acres of our land is illegally occupied and we are not allowed to go there. We are restricted to our huts, how can we do farming? How can we go into the 150 acres of land given to us? Please ensure that we are able to benefit from the land allotted to us."

(3) Mr. Ratibhai Umangi

Mr. Ratibhai Umangi is a Dalit leader of the district. He said that atrocities on Dalits were

on the rise in 14 talukas of Banaskantha. At Lavana village the land is possessed only on record. The land was allotted after a resolution of the Gram Panchayat. And yet the Rajputs had bad intentions. Dalits sold whatever jewellery they had and flattened the land, cleared the bushes and weeds. After this, the Rajputs wanted to snatch away the land. Rajputs harass Dalits since they fear that Dalits will become rich and prosperous. In spite of police protection, Dalits are not given possession of the land and are unable to till their land. "We have not received justice till date. I demand that Dalits should be given justice."

(4) Mr. Mahadev Pirabhai Solanki

As described earlier the jury team has carried out a spot investigation at Shera in Dhanera taluka. Mahadev Solanki said that the Rabaries of the village had illegally occupied the Dalit cemetery. "The material placed after cremation ceremony has been burnt down. We are only 15 families while the Rabaries are large in number. Our cemetery land should be declared "neem"(allotted). After our complaint, the police regained about 50 feet of land but not entirely. The Gram Panchayat passed a resolution on 19-6-2000 allotting 5 acres land but even at that time, it was under illegal possession of Rabaries. The Sarpanch himself has illegally occupied 20 acres. They don't allow us to use any other place as cemetery, instead attack us violently. Since June 2003, Dalits have been killed and the land continues to be illegally occupied."

(5) Tejuben Malubhai, Viruna, Taluka Deesa.

Tejuben Malubhai said that her husband was a labourer with Lilabhai and Bhurabhai Mashru. He had stopped going for labour for 2-3 days, as he wasn't paid, either in cash or kind. "On 27-6-2001, the landowners tricked my husband into going to the farm. He was strangled and the dead body was hung to a tree. The police didn't register a case of murder and instead registered a case of suicide. My husband only smoked bidis and was a teetotaler; still a liquor bag lay there, near his body. I said that I wouldn't allow the dead body to be brought down unless Leela and Bhura are arrested. An FIR was registered after 3 days. The accused are free and the government doesn't take any action against them. We have filed a private petition in the High Court against this offence. We should be allowed to appoint our own lawyer under atrocities case. Currently nobody listens to the poor in the government."

(6) Mr. Vahjibhai Chaganbhai, Dhaneri, Taluka Dantiwada

The Jury team has carried out a spot investigation into this case and the details are described earlier. Vahjibhai publicly narrated the details.

(7) Mr. Shankarbhai Karshanbhai Chamar Khimat, Taluka Dhanera.

Mr. Shankarbhai Chamar said that Raikanji Thakore of his village beat him up and threatened to kill him as he did not vote as per the instructions of the Thakores. "There are 2500 Darbar homes and 175 Dalit homes in our village. But we lack unity and only 10 families stand united. We went to Panthawada police Station after I was attacked. They didn't listen to us and abused us. At 3'o' clock, the DSP was telephoned. In spite of his instruction the PI didn't register the complaint as per my version. Khimat is a village where even Police is afraid to enter. I'm afraid that I will be murdered. They say that Dalits were killed in Bhadath and Vihola, yet nothing happened, and therefore if Dalits were killed here also nothing would happen. We demanded armed police protection. I'm the only Dalit in the Gram Panchayat

and all other non-Dalits support the Darbars. I've sent complaints to the MLA, Jilla Panchayat and Taluka Panchayat members but to no avail."

(8) Mr. Bhikaji Halbaji Bhadli (Jhat) Taluka Dantiwada

Mr. Bhikaji's father, Galbaji was given farmland years ago, he did farming and paid taxes. But the talati tampered with the records and made false entries. Bhikhaji's name was deleted from the records, the Talati and Circle Officer are responsible for this. As per fresh terms, the land cannot be transferred without the Collector's permission but this was still done. These people desire that Dalits should remain labourers. Bhikaji emphatically demanded that his land should be returned to him.

(9) Mr. Valabhai Sagthbhai, Jordiyali, Taluka Vav

Mr. Valabhai Sagthbhai said that about 35 years ago their original homes were drowned in the heavy rains and floods. "We were saved by using helicopters. Since then, we live in Jordiyali village. But for some time our franchise was snatched away. After several presentations, we were allowed to vote in December 2002 as we had identity cards. Dalit women are harassed when they go to fetch water."

(10) Mr. Prakashkumar Sanodaria, Kumbhasan, Taluka Palanpur

Mr. Prakashkumar Sanodaria pointed out that the back-log about Scheduled Castes and tribes recruitment is not cleared by the government. In spite of being recruited, Dalits are not committed in the Gujarat Electricity Board.

(11) Mr. Pirabhai Harsangbhai, Balunti, Taluka Vav

Mr. Pirabhai said that 17 Dalits had received farmland in his village. "I too received 3.37 guntha land but I don't know the physical demarcations of my land. I pay tax, starting this year. Earlier the Rajput Sarpanch and Talati never listened to us. Now I am Sarpanch. I am getting the revenue record prepared as per Dalit benefits. Now, the co-operative society loans too have become available. Only in Vav Taluka there are 264 cases similar to ours."

He also spoke about the issue of untouchability as a Dalit Sarpanch. He said that as a Sarpanch, "I state that untouchability is rampant in the villages in Banaskantha. Of the 360 houses in my village, only 3 give me a chair to sit. The remaining throw a sack on the ground. The Panchayat peon serves me water only when I'm alone but not when others are present."

(12) Mr. Harsangbhai Kasabhai, Lavara, Taluka Dhanera

Mr. Harsangbhai Kasabhai presented several samples of records allotting land to various Dalits and drew attention to a very serious matter: "We received the land declared excess under the land ceiling Act only in 1981. We pay taxes for over 20 years now. In this manner 4 Dalit families have received 13.21 guntha land which, is till date tilled by Darbars and Rabaris. Kaluji, Renuji and Lalsinh are Darbars and one piece is possessed by a Rabari. The Dalit sarpanch is on their side and the Talati is Rabari. Talati tells us openly that you go on paying the taxes and keep waiting for the government to give you the land."

(14) Ms. Neetaben Solanki, Dhelana, Taluka Palanpur

Ms. Neetaben said that in their village when they go to fetch water, the Sawarnas tell them 'Don't use your vessels'. "They create impediments during our weddings. The groom is made

to get down from the horse. Once a bridegroom was humiliated by telling, 'Why are you sitting on a horse?' There is untouchability at public places. During Navratri when we go for Garbas, we are sent away by saying, 'Do your separate Garbas.' We are not allowed entry when yagnas are carried out and asked to watch it from outside."

(15) Ms. Minakshiben Parmar, Kodrali, Taluka Vadgam

Ms. Minakshiben herself is not the Sarpanch but talked about a Dalit Sarpanch She has passed the SSC exam. Our Dalit Sarpanch is not allowed to sit on a chair. He is made to sign blank cheques from his residence. Talati and Deputy Sarpanch carry out the management. The Dalit Sarpanch is like a sacrificial goat.

(16) Mr. Chelabhai Sanodaria, Kumbhasan, Taluka Palanpur

Mr. Chelabhai said that he is a Dalit and yet has been elected on a general seat. "My Patel opponent lost elections. I won because the non-Patel sub-castes supported me. Our village has a grazing grand (Gauchar) of about 338 acres. But 200 acres of this is illegally occupied by the Patels. They are after me. The bore in our village has a leakage right from the beginning and they are still trying to hold me responsible for this. I swear that I have never taken a bribe of even one rupee, still there is a conspiracy against me. Press notes are circulated against me. One newspaper person called me and asked for Rs. 2000/- for not printing news against me." I don't pay bribes. Let them do whatever they want.

The Dalits were given plots in 1974 but 22 have not received the possession as of yet. As a result Dalits have no place to live in. I estimate that every month there must be about 20 cases of atrocities on Dalits. Whenever a Dalit member or sarpanch is elected there is a conspiracy to remove him under one pretext or the other. All this usually happens in our district."

(17) Ms. Parvatiben Solanki, Kodram, Taluka Vadgam.

Ms. Parvatiben said that in spite of the new land allotted to the Savarnas of our village for a cemetery they continue cremating bodies near our homes. "I am the President of the Samajik Nyaya Samiti but they pay no heed to me. We have to see a dead body burning in front of our house when we wake up in the morning. Besides the Dalits too are not united in the demand to prevent this. Our Sarpanch is a Dalit but he doesn't act. He cannot get even one street light then how can he do anything else? The upper castes like Patels, Rabaries burn bodies in front of our homes. We say that if you want to continue this then let us build our homes where you are allotted the new land but to no avail."

(18) Mr. Satish Rashtrapal, Palnpur

Dalit leader Mr. Satish Rashtrapal, said that the office of the National Commission for Scheduled Caste/Tribe is located at Ahmedabad. But the Director's post is vacant since 3 years. There is no resolution of the complaints of this community. Besides, there is a staff shortage in this office. Steps should immediately be taken towards this. After the presentations, it was announced that if any opponents of these cases we present then they should present their case. The public hearing programme was a public programme. The State Government had been given prior informed about the public hearing in writing. At one stage, it appeared that government officials would remain present. A special time was allotted for discussion with officials. A public announcement was made for any government officials present to put forward their case at the meeting. But there was no official present.

OBSERVATIONS AND RECOMMENDATIONS

The Tribunal has been presented with detailed information on the situation of Dalits in Gujarat and in Banaskantha. Besides the activists of Behavioural Science Centre, Ahmedabad and Banaskantha District Dalit Sangathan have arduously provided us with requisite information. Besides there have also been field visits. We have personally met victims of untouchability and atrocities. Village wise surveys have been presented on issues of untouchability, atrocities and land.

Based on all this we recommend the following.

1.0 Land

1.1 The issue of land allotted to Dalits in Gujarat and Banaskantha is really a burning issue. Land is a productive asset and its ownership can enable Dalits to live honourably. Even as per government policy Dalits & Dalit cooperatives society are given priority on excess land as per Land Ceiling Act, Government Land etc. The Tribunal was presented the findings of the surveys of 420 villages of Vav, Tharad and Dhanera Talukas. According to this 227 Dalit beneficiaries have been allotted 749-25 guntha land. Of these 227 beneficiaries all have the problem of illegal occupation, 220 beneficiaries land is yet to be measured, 131 have not received documentary records and in 18 cases there has been a breach of terms.

1.2 The above stated position is very serious. We recommend that the collector should form special teams to following a time-bound program of vacating the illegal occupants from the land allotted to Dalits. Besides the Dalits should be given direct and immediate possession of the land.

1.3 Immediate removal of illegal occupants wherever necessary and police protection till the Dalits are able to till the land and do farming.

1.4 Wherever the documentary evidences of Dalits' ownership of land or houses is not provided, it should be done within 3 months. Also the cemetery land should be made "neem" and the illegal occupants should be removed.

1.5 Wherever the land is not measured, special surveyor teams should be formed and measurement should be done on a war footing.

1.6 Action to be taken under Atrocities Prevention Act against all those found guilty of illegal occupation of Dalit land. For registering complaints about this issue the BDS should provide requisite legal guidance.

1.7. Place armed police wherever the land disputes exist, Dalits are in minority, or anti-social elements harass them.

1.8 Wherever Dalits are allotted land but the records are irregular, necessary amends should be made. The cases of Bhikaji Gablaji of Bhadli and Harsangbhai Kasabhai of Lavara are very serious. Investigations should be made at the level of the collector and necessary steps should be taken if the government does not resolve the issue, then the BDS should initiate legal proceedings to get justice for the Dalit beneficiaries.

1.9 Wherever there is a breach of terms, the government has declared the old terms to be valid for Dalits. Take requisite steps to prevent these land plots from becoming Khalsa and for preserving the Dalits ownership.

2.0 Untouchability against Dalits

2.1 The Banaskantha Dalit Sangathan presented the details of the findings of the survey conducted in 21 villages of Dhanera, Palanpur, Tharad, Vadgam and Vav Talukas. According to it untouchability is practiced at water sources, corporative societies, panchayats, garbas and cultural programs etc. Similarly it is also seen at temples, cemeteries, tea-laris, barber shops, schools, balmandir etc. The survey also showed that Dalits of 21 villages were too scared to even mention it. Also in about 52 villages the people were willing to talk about it. The government should take the people of these 52 villages into confidence to eradicate untouchability. The government should create committees with various NGO's officials and try to settle this amicably failing which legal action should be taken.

2.2 The Public Hearing saw presentations on discrimination during mid-day meals, at barbershops and cemetery related issues. The requisite social welfare officers should camp at these places to resolve the complaints of the Dalits.

3.0 Atrocities on Dalits

3.1 The cases of atrocities presented at the hearing are very serious. It also highlights the tendency of turning a Dalit murder as a case of suicide. This is really shameful we recommend judicial inquiry into the cases mentioned above. Besides in the 24 serious cases narrated by BDS police inaction and by bureaucratic connivance and fail inquiry into these 24 cases by the social welfare officer.

3.2 In atrocity cases special courts to be appointed under the Atrocities Prevention Act.

3.3 The investigations under the Atrocities Prevention Act should be done by a high level officer as junior officers let the accused go scot-free as seen.

3.4 The demand for lie detector test, CBI inquiry and in one case governmental appeal as put forth during the public hearing steps should be initiated immediately.

3.5 The atrocities on Dalits being very serious, Banaskantha district should be declared sensitive

3.6 The hateful words used for Dalits "Is not a crime" attitude of the police is improper. The government should give necessary instructions to the police about it.

3.7 In cases of atrocities a Dalit should be allowed a lawyer of his choice from the panel.

3.8 In murder cases the post-mortem should be done twice. There should be a panel of 2-3 doctors to do this and the process should be video filmed.

4.0 Other Matters

4.1 The police force should be sensitized for a feeling of fraternity and sympathy for the Dalits. They should be trained for a humane approach.

4.2 Dalit houses should get water and electricity on a priority basis.

4.3 A human and generous approach to be adopted while giving cash doles by government and death compensation.

4.4 Dalits should be licensed for shops wherever Dalits have problems at Fair Price Shops.

4.5 The Dalit members on the Awareness Committee should be trained for creating programs for Dalit Justice.

4.6 Wherever Dalits are in this minority and are harassed by anti-socials Dalit youth should be trained and licensed to use weapons.

4.7 High-level police officer or social welfare officer should be the complainant in death cases.

4.8 Immediately fill the backlog in governmental recruitments. Also introduce reservation in the private sector.

4.9 In cases of death, collective attacks, collective migration etc. the Home Minister, Home Secretary or District Police Officer should convene press conferences and provide official information to mass media.

ANNEXURE 1

On 23rd February 2003, the second day of the Public Hearing held under the auspices of the Indian People's Tribunal (IPT) we the undersigned were informed of the heinous rape of Ms. Monghiben Thakarshibhai Harijan, a 10-year old Dalit minor from Tharad town. The tribunal examined the facts of the case through a fact-finding team, and has been convinced of the reality of a rape having been committed.

We, the jury are extremely disturbed by the case, and especially in view of all that has been presented to us during the hearing, we feel that a majority of the cases related to the Dalits have received scant or no attention from the government and the administration. For this reason we are extremely concerned about this case also.

We strongly urge the government and the administration to ensure that proper and complete investigative procedures are adhered to so that the perpetrator/s of this heinous and cowardly act is/are brought to book and dealt with as per the law of the land.

It is a cause for grave concern that the government hospitals in this case did not have the relevant medical officers to conduct medical examination on time. It is unfortunate that the government has no mechanism to ensure timely medical examination in the event of a medical officer being absent, considering the possibility of loss of evidence with the passage of time.

Ms. Aruna Roy

Dr. Bela Bhatia

Mr. Indukumar Jani

Dr. Nitin Gujjar

23rd February 2003

ANNEXURE 2

CASE - 1 : MURDER OF CHHATRABHAI'S SON.

Main Issue	Murder.
Related Issue	Rehabilitation, untouchability and related issues.
Provisions of law applied	[a] FIR No. 9 of 2000 dt. 19.3.2000 of Vav Police Station. [b] IPC Sec. 302, 323, Atrocity (SC/ST-POA) Sec. 3(2)(v)
Legal standards breached	Article 14, COI, Art. 7 & 3 UDHR, Art. 14 of ICCPR, Art. 8 of UDHR, Art. 5(9) of CERD, Art. 17 of COI, Art. 21 of COI, Art.6 of ICCPR, Art 338 (5)(b) of COI, Sec. 300 - IPC read with Sections 3(2)(V) of SC/ST Act, Sec. 322 ,350,351,352,353,of IPC, Sec. 3(1)(x) of SC/ST Act, Sec. 506 of IPC, Sec. 302 of IPC, Sec. 7(b) of PCRA, and Sec.21(2)(iii) of SC/ST Act read with Rule 12(4) of SC/ST Rules.
Dalits affected	Family of Chhatrabhai Ravabhai Valmiki
Date	16.03.2000 till today
Place	Morika, Ta. Vav,
District	Banaskantha
State	Gujarat
Main accused	Isha Pira Musalman, Raimalji Khemji Choudhary, Khemji Kanji Choudhary, Sankara Ratna ChoudharyJala Mehmud Musalman, Vagha Amba Choudhary
State Actors Approached for Remedy	PSI, Vav Police Station/ Dy.S.P., Tharad Zone/ Dy.S.P., SC/ST CellDSP Palanpur/ Collector/Dy. Collector/ District Backward Class Welfare OfficerCM, Governor, Social Welfare MinisterHome Minister of Gujarat State/ Chief Secretary, Govt. of GujaratNational Human Rights Commission/ SC/ST CommissionPrime Minister of India/ President of IndiaUnion Home Minister/ DIG, CID/CBI
Present Status of the Case	Chhatrabhai is no more now. Those who murdered his son could not be punished because of the loopholes of the systems of the Government. The agreement entered into between Chhatrabhai and the Government was not honoured. This lead to severe frustration. The feelings in this regard and the problems of land, water and electricity faced by Chhatrabhai lead him to commit suicide on 30.1.2002. The family is still not rehabilitated and are facing many hardships.
Short summary of the case.	Chhatrabhai had been tormented by the dominant and headstrong people of his village for the last 15 years over a piece of land owned by him. On 16.3.2000 Chhatrabhai's son, Ishabhai, aged 16 years, was murdered and his body was found hanging on a tree in the form. Chhatrabhai immediately went to the Police Station and tried to file a complaint against the

accused. Initially the Police refused to register the complaint. However, the case was registered subsequently on the intervention of the higher authorities. However, no arrests were made till date and the accused are going scot-free. This forced Chhatrabhai to abandon his village and flee to the Collector's office in Palanpur. He camped in front of the Collector's office for 416 days along with his family. This step by Chhatrabhai received wide publicity in the media and various Human Rights organisation and individuals took up his cause on his behalf. During this time Chhatrabhai also managed to get his younger daughter married at the Collector's office. The State authorities had to impose prohibitory orders in the area of the Collectorate. All these led to a written agreement between various Government and Police authorities and Chhatrabhai wherein the Government undertook to rehabilitate Chhatrabhai and his family and to investigate into the case. However, there have been no developments in the matter and the intense pressure and feeling of helplessness has forced Chhatrabhai to commit suicide on 30.01.2002. He is survived by the widow of 45 years, 3 sons and 2 daughters.

Deficiencies Improper investigations.

Documents attached [1] FIR,
[2] Agreement
[3] Newspaper Reports.

CASE - 2 : ATROCITIES SUFFERED BY THE DALITS.

Main Issue Land issue, exodus (forced migration).

Related Issue Atrocities - Land grabbing - economic exploitation.

Provisions of law applied. [a] FIR No. 20/2001 dtd. 23.2.2001 Deodhar Police Station. Offences recorded u/s. 447 & 114 of IPC.
[b] FIR No. 00/01 dtd. 18.9.01 Palanpur Police Station - IPC 323, 504, 114 of Bombay Police Act,
[c] FIR No. 10/01 dtd. 24.01.02 Deodhar Police Station - IPC 147, 148, 149, 325, 323, 504 - Atrocity Act 3 (1) 10.

Legal standards breached Secs. 3(1)(iv), 3(1)(v), 3(1)(15), 3(2)(vii) of SC/ST Act, 217 &
Sec. 21(2) (iii) of SC/ST Act read with Rule 12(4) of SC/ST Rules, 217 of IPC, Art 11(2) of ICSE CR, Art. 25 of UDHR,
Art. 14 & 21 of COI, Art. 338 (5)(b) of COI

Dalits affected All the members of the Lavana-Ratali Co-op. Agriculture Society.

Date 13.2.2001.

Place Lavana Village.

District Banaskantha

State Gujarat State

Main accused	Rajput Bhikhameha, Rajput Hari Ratna, Rajput Nasug Madev, Rajput Vagha Mahadev, Rajput Kanji Budhar, RRajput Chehra Ratna, Bava Kailashpuri.
State Actors Approached for Remedy	PSI, Deodar Police Station/ Dy.S.P., Tharad/ DSP, Banaskantha, Dy.S.P., SC/ST Cell/ Collector, Asstt. Collector & SDM/Dy. District Welfare Board for Backward Classes/ Mamlatdar Chief Minister /Minister for Social Welfare, Home Minister, Governor/ National Human Rights Commission, SC/ST Commission, Ahmedabad/ Director of Social Welfare Department.
Present Status of the Case	Head strong persons belonging to the Rajput community have encroached upon 20 acres of the co-op. society land and have erected illegal structures including a Gaushala. Atrocities are continuing against the Dalit families who live with a fear of their lives under police protection. Dalits are facing devastation.
Short summary of the case	<p>About 35 years ago the Lavana-Ratila Co-op. Agricultural Society comprising solely of Dalits was allotted 150 acres of agricultural land by the Government of Gujarat under the 20-point programme. The State Government had, however, attached a condition for the allotment to the effect that the said Society would make payment towards the cost of the trees standing on the land allotted to them. In the year 1976, the Collector, Banaskantha, by an order revoked the allotment on the ground that the condition referred to above was not fulfilled. The said society immediately challenged the order by filing a writ petition in the Gujarat High Court where in the High Court by an interim order directed that possession of the land should be given co-operative society against which the society will make payment of Rs.1.00 lakh towards the cost of the trees. In 1986 the said order was confirmed by the High Court and also a time frame for payment of the cost of trees was fixed.</p> <p>After the judgement was pronounced, the Rajputs encroached upon 20 acres of land of the abovesaid society. The dalits were beaten up and this resulted into a forced exodus of the dalits who took refuge in the compound of the Collector's office. The plight of the dalits came to the notice of a number of social organisations and individuals. A rally was organised by Banaskantha Dalits Sangathan. Few of the grievances of the dalits were met. They were taken to their original village under SRP protection. Today the situation is that the dalits are not in a position to carry on with any agricultural or economic activities in that area and 20 acres of the land of the society remains encroached by the Rajputs.</p>
Deficiencies	All offences under the Atrocities Act/IPC not applied. No compensation paid

CASE - 3 : MURDER OF A DALIT

Main Issue	Murder
Related Issue	Land - Economic exploitation - Atrocities - Agricultural wages issue.
Provisions of law applied.	FIR No. 119 of 2001 dt. 29.6.2001 of Deesa Police Rural Station For offences of IPC 302, 34, and Atrocities Act Sec 3(1)(v).
Legal standards breached	Art. 14 of COI, Art.7 of UDHR, Art. 14 of ICC PR, Art. 8 of UDHR, Art. 5(A) of CERD, Art. 21 of COI, Art. 6 of ICC PR, Art. 338 (5) (b) of COI, Art. 39 of COI, Art. 3 of UDHR, Sec. 3(1)(x) of SC/ST Act, Art. 17 of IC-FR, Sec 7(b) of PCRA
Dalits affected	Mulabhai Chamar and his family.
Date	26.6.2001
Place	Viruna, Ta. Deesa, Corpse was found in the agricultural farm of the accused.
District	Banaskantha
State	Gujarat State
Main accused	Lila Mashru Rabari; Bhura Mashru Rabari
State Actors Approached for Remedy	PI, Deesa Police Station/ Secretary, State Law DepartmentDSP, Palanpur/ Collector, Banaskantha/ Minister for Social Welfare, Gandhinagar Dy.S.P., ST/SC Cell/ Home Minister of Gujarat State.
Present Status of the Case	The accused were arrested. They were in the jail for some time. Subsequently they were acquitted. The State has not filed any appeal in the matter. Therefore the wife of Mullabhai approached the law department of the State requesting for an appeal to be filed in the Gujarat High Court. The wife of the victim also filed a criminal revision application against the acquittal in the Gujarat High Court which is pending.
Short summary of the case.	The victim, Mullabhai Chamar was a share-cropper cum labourer on the farm owned by the accused. The accused used to habitually underpay him. Mullabhai was also not getting the share of the crop from the accused. Therefore Mullabhai did not go for the work for a 2/3 days. This enraged the accused who came down to Mullabhai's house. There was a scuffle between them and Mullabhai was forcibly taken to the field by the accused at night. Next morning the dead body of Mullabhai was found hanging from one of the trees in the field.
Deficiencies	Post-mortem & Panchnama were done before FIR was lodged. Some very important articles were found nearby of the corpse but these were not sent for FSL investigation. (These articles were 'biris', pouches of liquor, emptied and torn food packets)

CASE - 4 : DISPOSSESSION OF LAND

Main Issue	Dalits illegally and fraudulently divested of their land.
Related Issue	Bureaucratic inaction and partisan treatment and atrocities
Provisions of law applied.	No FIR has been recorded in spite of filing a written complaint on 6.6.2000.
Legal standards breached	Secs.3.1(iv), (v), 2(7) & 4 of SC/ST Act, Sec. 217 of IPC, Art. 11 (2) of ICSECR, Art. 25 of UDHR, Art. 21 & 14 of COI, and Art. 338 (b) of COI.
Dalits affected	Bhikhaji Galbaji and his family.
Dates	6.6.2000
Place	Bhadli Village, Ta. Dantiwada
District	Banaskantha
State	Gujarat State
Main accused/ Persons involved.	Mamlatdar of Dantiwada/ Koli Chhagan Dharma Koli Praka Dharma Thakore/ Koli Shanti Dharma Leviben Shanti Thakore/ Talati -cum - Mantri, Bhadli Circle Officer and ors.
State Actors Approached for Remedy	Gujarat State Vigilence Officer, Ahmedabad Dy. Collector, Palanpur [SDM]/ Mamlatdar, Dantiwada Talati, Badil/ DDO, Palanpur National SC/ST Commission, Ahmedabad National Human Rights Commission, New Delhi
Present Status of the case	Case pending in the District Court. The land of the dalits has been encroached upon. Entries in the Land Records changed illegally.
Short summary of the case.	Bhikhaji Galbaji was allotted a piece of land in the year 16.7.1959 by the Government under the 20-Point Programme. Ever since he has been regularly and solely cultivating the land. His name was duly entered in the record of rights and various other land records. However, on 26-7-98 when he was ploughing the said lands certain head-strong persons belonging to the prominent Koli community challenged him and stopped him from working on his land. They informed him that the land rightfully belonged to them and if he had any problems he could check with the Talati. When the records were checked, to his dismay, the land in question was found to be in the name of the Koli community. He has never entered into any agreement with anyone or had done any transactions of the said land. The Koli Patels have put up encroachments on the said land. Bhikhaji Galbaji's has been running from pillar to post and the case is pending with the District Court.
Deficiencies	Abuse of powers by revenue authorities
Documents attached	Papers of appeal before the District Court Record of Right.

CASE - 5 : THE ISSUE OF THE CEMETERY LAND

Main Issue	Issue of Cremation ground
Related Issue	Issue of cremation ground for dalits
Provisions of law applied.	FIR not available
Legal standards breached	Art-21 F.R./COI, Art-6 ICCPR, Sec. 3(1) (x) SC/ST Act Sec. 3(1) (iv) SC/ST Act, Sec. 3(1) (v) SC/ST Act Art - 17 COI, Art - 338(5) (b)/C, Art - 14 COI, Protection of Civil Rights Act
Dalits affected	Dalit families of Shera village
Date	9/6/2001
Place	Shera Village, Dhanera taluka
District	Banaskantha
State	Gujarat
Main accused	Jayantibhai Raja, Rabhai Mevabhai Vabhabhai, Rabari Mokdabhai Hamirabhai
State Actors Approached for Remedy	PSI - Dhanera, Mamlatdar - Dhanera, Collector - Banaskantha,
Present Status of the Case	The cremation ground for dalit have not been surveyed till today Application for cremation ground was sent to Block Development officer, Executive Magistrate, and sub-divisional Magistrate two years back.
Short summary of the case	<p>Shera village of Dhanera taluka has a population consisting of Rabaris and Dalits. The Rabaris are illegally cultivating the wasteland of the village through illegal encroachment since many years. The Dalits are using a small portion of the wasteland of the village as a cemetery. The land near this area belonged to a Rabari. The Rabari also encroached upon this land (the cemetery land). His intention was to usurp the cemetery land of the Dalits. So there were a number of conflicts between the Dalits and the Rabaris on this issue.</p> <p>Once an elderly dalit named Pirabhai died and he was buried on this cemetery land. According to the social custom a sheet (kafan) and a bowl were placed on his grave. In the meanwhile the Rabaris burned the kafan and broke the bowl and thus insulted the memory of this dalit person. Thus this case shows that Dalits are dishonoured in the village not only when they are alive but also after they die. Moreover the land which the Dalits were using as cemetery was not so recorded in the panchayat records.</p>
Documents attached	Victim's application to panchayat, Dhanera police station and DSP, Banaskantha

CASE - 6 : ATTACK ON DALITS

Main Issue	Assault, atrocities.
Related Issue	Untouchability.
Provisions of law applied.	FIR No. 38 of 2002 dt. 11.4.2002 at Panthawada Police Station Offences registered under Secs. 143, 147, 148, 149, 323, 337, 504, 506(2),350,351,352,353, of IPC, Sec. 3(1)(10) of Atrocities Act and Sec. 135 of Bombay Police Act.
Legal standards breached	Art. 14, 17 and 21 of COI, Sec. 3.1 (x), Sec. 12(b), Sec. 4 of SC/ST Act Sec 506 of IPC, Sec. 21(2) (iii) of SC/ST Act read with Rule 12(4) of SC/ST Act, Art. 3 of UDHR, Art. 7 of UDHR and Art. 26 of ICCPR, Sec. 323 of IPC.
Dalits affected	Entire dalit community of Dhaneri village
Date	11.4.2002
Place	Dhaneri Village, Ta. Dantiwada
District	Banaskantha
State	Gujarat State
Main accused	Koli Sakarben Rava, Kaliben Takhaji, Babbiben Shantiji, Bajuji Radhaji and his two daughters, Wife Shiva Hira Wife of Pratap Modaji and others.
State Actors Approached for Remedy	PSI, Panthawada/ Mamlatdar, Dantiwada /Collector, Banaskantha Dist. Social Welfare Officer, Palanpur/ DSP, Palanpur/ Secretary, Social Welfare and Empowerment Department/ Director, National Commission for SC/ST/ Chief Minister, Gujarat State.
Present Status of the Case	The victims are unable to freely move in the village. They face threats to their life from the upper caste Thakores residing nearby. The dalits are under constant fear of attack.
Short summary of the case	Vahajibhai Chhaganbhai Chamar is the Water Pump Operator of Dhaneri Village. Due to shortage of water on account of some technical fault of the water pump, the Thakore area of the village was receiving limited water. This enraged them and they came to attack the pump operator, Vahajibhai. He ran for his life and took shelter in the house belonging to the Patel community. Because of the underlying caste system of the village, the Thakores did not enter the house of Patel. The life of Vahajibhai could thus be saved. Later on in the evening the Thakores of the village assembled unlawfully and reached the Dalits area and attacked the entire area. A few members of the Dalits community suffered injuries.
Deficiencies	Non-registration of offence of unlawful assembly by the Police.
Documents attached	FIR of the case attached, copy of memorandum

CASE - 7 : ATTACK ON THE DALIT TEACHER OF PAVATHI

Main Issue	Attack on the dalit teacher of pavathi
Provisions of law applied.	IPC, Sec. 147,148, 149, 325, 323, 504, 506(2), 337 & SC/ST (POA) Sec. 3(1)(X)
Legal standards breached	Art. - 21, COI, Sec. - 506 IPC, Sec. - 323, 324, 322 IPC Art. - 19, 14 COI, Art. - 12 UDHR & Art. 17(1) ICCPR Rule - 12(\$) SC/ST Rules, Sec. - 3(1) (X) SC/ST ACT, Sec.-503 IPC
Dalits affected	Savjibhai and family
Date	20-6-2002
Place	Pavthi village, Vadgam taluka
District	Bansakantha
State	Gujarat
Main accused	Narendrasinh Thakor, Karansinh Thakor
State Actors	DSP, Palanpur
Approached for Remedy	Collector, Banaskantha Dist. Social Welfare Dept., Palanpur SC/ST Commission, Ahmedabad Director, Social Welfare Dept., Gandhinagar Chief Minister, Gujarat Minister, Social Justice and Empowerment Chair Person, National Human Rights Forum Chair Person, SC/ST Commission
Present Status of the Case	The accused are moving without fear. The victim left the village because of the fear, threats of the Thakors.
Short summary of the case	This case gives a horrifying picture of the situation of untouchability and its various forms in the interior villages of Vadgam taluka The major population of village Dhori Pavadi is of Thakors and Dalits. These Palavi Thakors have a mentality of the 18th century. When Savjibhai Bhembhai, a dalit teacher of this village, improved his economic condition because of his teaching job and therefore started building his own concrete house (because he did not earlier have a house of his own), the Thakors threatened him that he should not live in a concrete house but should live in a mud house. But he continued and completed his concrete house. As a result of this the teacher was attacked by a mob of Thakors when he was making a boundary wall to his field. The attack was

undertaken under the excuse of cutting the cactus of the boundary wall. They broke his arm, but he still ran away to his house and locked the house from inside. The Thakors surrounded the house and tried to break it. They attacked the iron gate of the house with spades. They gave vile abuses. Since the teacher had a telephone in his house he fearfully telephoned the police. The Thakors did not manage to break the house but did seriously damage the gates. In a short time a police jeep arrived and the Thakors ran away in fear and the injured teacher was admitted to Palanpur Civil Hospital. Two armed policemen were put in charge to protect the family and house of the teacher.

Pavathi has not achieved freedom even after the country has been free for 54 years. On the contrary we can see glimpses of the 18th century mentality in Pavathi. we can see in this village that Darbars behave with even more inhumanity towards the Dalits than they used to do before independence. This is a challenge for politicians and the government. It is not possible (for the Dalits) to live with dignity in this village, and to enjoy human rights. There are only eight to ten houses of Dalits in this village, and the rest of them are Darbars. No other communities live in this village.

The Dalits of Pavathi village are not allowed to enter the temple. They have to address the Darbars respectfully as 'bha'; they have to sit at a distance on the ground in public meetings; there is no possibility of protesting even if an elderly Dalit is insulted by a Darbar much younger than him.

Documents attached F.I.R. copy ; Application of D.A.S.S.

CASE-8 : ATTACK ON A DALIT FOR NOT GIVING MONEY TO DRINK LIQUOR

Main Issue Attack on a dalit for not giving money to drink liquor

Related Issue Kajibhai attacked by Thakors

Provisions of law applied. IPC, Sec. 323, 504 & SC/ST (POA) Sec. 3(1) (X)

Legal standards breached Sec. 323, 324, 325, IPC, Sec. 3(1) (X) SC/ST Act., Art. 21 IC/FR COI, Art. 19, COI, Sec. (2) (iii) SC/ST Act r/w Rule 12(4) SC/ST Rules
Art. 338 (5) (b) COI, Criminal intimidation IPC, Sec. 350 IPC (onwards)

Dalits affected Kajabhai Haribhai Vankar

Date 12/3/2002

Time 6.30pm

Taluka Disa

Main accused Parbat Soma Thakor

State Actors Approached for Remedy PSI, Disa Rural/ Collector, Palanpur/ DSP, Palanpur DYSP, Palanpur

Present Status of the Case The accused are free. No action has been taken against the accused.

Short summary of the case The villages of Deesa taluka are still in the age of inhuman feudalism. The Thakors here are under the illusion that they are the owners of the village. Because of this, they perpetrate any kind of atrocities on the Dalits that they wish. The attack on Kajabhai of Nagfana bears evidence of this.

On 13th March 2002 when Kajabhai of Nagfana started for his home from his farm, the dominant Thakor of the village Somabhai asked him for money to drink liquor. Kajabhai did not have any money, so he refused to give him any. Soma Thakor then abused Kajabhai and attacked him with a stick. Kajabhai's arm was broken in the attack. He was injured and bleeding badly. The other Dalits of his family went to file a case at the Deesa rural police station. The police recorded the case but did not give them a copy of the FIR. Kajabhai was admitted to the Civil Hospital at Palanpur. When the leaders of the Atyachar Sangharsh Samiti (Atrocities Confrontation Committee) went to the police station the next day to get a copy of the FIR they were made to wait for five hours. The police talked to them very roughly and finally and very grudgingly gave them a copy of the FIR. Because Kajabhai had fractured his hand Section 325 should be applied; despite this the police had applied Section 323 of the IPC. It is the responsibility of the police to get the doctor's report. In spite of this the police are making the family members of Kajabhai run around to Palanpur to get this doctor's report. Thus this case shows us how the police department harasses the Dalits.

Documents attached Copy of F.I.R.; Application of D.A.S.S.

CASE - 9 : ATROCITIES : BEATEN FOR NOT VOTING ACCORDING TO THE WISHES OF SO CALLED HIGHER CASTES.

Main Issue Political rights and atrocities.

Related Issue Police inaction.

Provisions of law applied. [a] FIR No.38/02 dtd. 20.8.02 - Offences u/s. 323, 504, 427, 506 (2), of IPC, Sec. 3(1)(x) of Atrocity Act and Sec. 135 of Bombay Police Act.
[b] FIR No.3003/02 dt.11.1.2002 Offences u/s.. 323, 504, 506 of PC and Sec. 105 of Bombay Police Act.

Legal standards breached Sec. 323,324, 504, 350,351,352,353, of 506 of IPC, Sec. 3(1)(VII) & 3(1)(X) of SC/ST Act, Art.14 IC-FR, Art. 7 & 8 of UDHR, Art.14 of ICCPR, Art. 5(9) CERD, Art. 21 of COI, Sec. 322/Art.6 ICCPR,
Sec.2(2)(iii) of SC/ST Act read with Rule 12 (4) of SC/ST rules and Sec. 4 of SC/ST Act.

Dalits affected Shri Shankarabhai Karsanbhai Chamar

Date 11.01.2002 and 19.8.2002

Place Khimat Village, Ta. Dhanera

District Banaskantha

State	Gujarat
Main accused	Raikanji Mataji Thakore, Jivaji Manaji Thakore,
State Actors	Panthawada Police Station/ DSP, Palanpur/ Collector, Palanpur
Approached for Remedy	District Social Welfare Officer for Backward Classes, Palanpur
Present Status of the Case	Non arrested. Shankarbhai still lives in fear of his life. He does not attend the Panchayat meetings. Accused has been selected as the Dy. Sarpanch. More than a year has passed. None has been arrested. The accused persons continue to threaten Shankarbhai. Recently the Police has filed a 'B' Summary report in the matter.
Short summary of the case	Shankarbhai, the complainant, was elected to the Khimat Village Panchayat on a reserved seat. Shortly after constitution of the Panchayat, election was held for the post of Dy. Sarpanch. There was a strong contest between two groups both belonging to the dominant so-called higher castes. The accused who was one of the contestants for the post of Dy. Sarpanch, approached Shankarbhai and threatened him with dire consequences if he did not vote for. Shankarbhai refused to act accordingly and therefore he was beaten up. The Police Station refused to record FIR and, therefore, Shankerbhai had to approach the DSP, Palanpur, following up the complaint was recorded. However, only Sec. 3(1)(x) of the Atrocities Act has been recorded whereas no offence has been recorded u/s.3(1)(vi) [This is the trend visible across the state of Gujarat where crucial sections and grave offences are not applied and the accused always get bail and rate of conviction was minimum.
Deficiencies	[a]Section 3(1)(7) of Atrocities Act not applied, [b] Medical Report not available, [c] Panchnama not made.

Documents attached Copy of F.I.R.; Application of D.A.S.S.; Application of victim to DSP-28-1-02

CASE - 10 : ATTACK ON A DALIT WOMAN

Main Issue	Attack on a Dalit Woman in Tadav village
Provisions of law applied.	IPC Sec. 326, 324, 323, 504, 114, B.A.ACT 135 & SC/ST (POA) Sec. 3(1) (X)
Legal standards breached	Sec. 322, 306, 307 IPC, Sect. 503, 506 IPC, Art. 21 COI & Art. 6 ICCPR Art. 8 UDHR, Sec. 3 (1) (X) SC/ST ACT, Sec. 3(1) (Xi) SC/ST ACT Sec. 4 SC/ST ACT, Art. 14, 17, COI, Sec. 326 IPC, Sec. 350 IPC (onwards)
Dalits affected	Viruben and her daughter
Date	17/10/2002
Place	Tadav village, Vav taluka

District	Banaskantha
State	Gujarat
Main accused	Patel Mahabevbhai Khemabhai, Patelbhai Bhagwanbhai Mahadev
State Actors	Mamlatdar, Vav/ TDO, Vav/ Dy. Collector, Banaskantha district
Approached for Remedy	Collector, Banaskantha district/ Director, Social Welfare Department, Gandhinagar/ Social Welfare Department, Palanpur Secretary, Home Department, Gandhinagar/ Governor, Gandhinagar Chairperson, Scheduled Caste Commission, New Delhi
Present Status of the Case	Investigations of the police on. The accused are free The victims are living under fear
Short summary of the case	<p>Mahadev Khema and Bhagwan Mahadev are Patels of Tadav village. They run a business selling drugs and liquor. Nanjibhai Chamar had given secret information regarding this to the PSI of Mavasari. He did this because a number of youths have ruined their lives under this addiction of drugs and liquor. The PSI of Mavsari told the patels that the Chamars of their village had given this secret information to them. The Patels, with a feeling of revenge, threatened Nanjibhai Chamar and the other Dalits that they would kill them. One day they even hatched a conspiracy for this purpose. On that day they launched a fatal attack on Nanjibhai and his sister. They hit them on the head with a stick. A case was filed regarding this and because both of them were seriously injured they were transferred from the Civil Hospital of Palanpur to the Civil Hospital in Ahmedabad. The police did not record the FIR systematically in the case that was recorded. They should have recorded it under IPC 307 because Viruben, the victim in the attack had lost consciousness during the attack.</p> <p>The police Dy.S.P. did undertake a panchnama but it was done at the wrong premises. They took the panchnama at another spot instead of at the place where the attack took place. While making the panchnama the police did not keep any dalit person with them but only kept members of the Patel community and thus made a biased panchnama.</p>

Documents attached Copy of F.I.R.; Application to the Collector; Application to DSP/1-11-2002

CASE -11: HARASSMENT FOR RESIDENTIAL PLOT OF LAND.

Main Issue	Residential land plot at Aarkhi village
Related Issue	Harassment by the Panchayat and administration to provide residential land plots to Dalits
Provisions of law applied.	No FIR
Legal standards breached	Art.21 IC/FR, Art.6 ICCPR, SC/ST (POA) Sec.3(1)(iv) SC/ST(POA) Sec.3(1)(v), SC/ST (POA) Sec 3(1)(xv), Art.25,UDHR, SC/ST (POA) Sec.4
Dalits affected	27 Dalit families
Place	Aarkhi village, Dantivada taluka
District	Banaskantha
State	Gujarat
State Actors	Panthivada Police Station PI/ DSP, Palanpur
Approached for	TDO, Dantivada/ DDO, Palanpur
Remedy	Collector, Palanpur

Present Status of the Case Gram Panchayat Administrative System (District and Taluka)

Short summary of the case The Dalits staying in most of the villages of Banaskantha do not even have land to built their houses. Whenever the Dalit ask the Gram Panchayat office bearers (belonging to upper caste) to provide them residential land plots, they deny it on the ground of lack of unused land available in the village. On the other hand, the same office bearers allow the dominant caste like Vaghri/Koli to stay illegally on the village unused land, plots. So the Dalits are not able to get access to such land. The Aarkhi village is a live example of such discrimination.

The Panchayat of Aarkhi village, Dantivada taluka had a quota of land to give to the Dalits of the village who had no land for residential purpose. But the Panchayat had brought people from the Vaghri and Koli communities from outside the village and had made them illegal residents of this land. The Dalits of Aarkhi village had approached the TDO, Mamlatdar, Social Welfare minister, Chief minister of Gujarat for the same. After a long fight the gram Panchayat finally gave in and provided the land to the Dalits. But allocated the land where castes like Koli and Thakor lived. This was done to put the Dalits directly in confrontation to those castes. So the Dalits can be subjected to the atrocity of the Koli and Thakors. But the Dalits managed to get the land vacated and got control over it with the help of police protection. Even during that time the koli and Thakores, instigated by the upper caste had put up a quarrel with the Dalits.

Documents attached Application of BDS & supported documents

CASE - 12 : UNTOUCHABILITY PRACTICES IN GRAM PANCHAYAT

Main Issue	Untouchability practiced with Dalit members
Legal standards breached	Art.17,21 IC/FR, Sec.4(1) & (vii) PCRA, Sec.10 PCRA Sec.4 SC/ST Act, Art-38 IC-DP, ART-47 IC-DP
Dalits affected	Dalit panchayat representatives of the Gram Panchayat
Place	Nalodar village, Vav taluka
District	Banaskantha
State	Gujarat
Main accused	Talati, Nadodar village, Dhulabhai Purshottam bhai Dave/Sarpa
State Actors Approached for Remedy	P.S.I., Vav/ DSP, Palanpur/ Dy.S.P. SC/ST Cell/ Director, Social Welfare, Gandhinagar/ District Development Officer, Palanpur
Present Status of the Case	A written assurance has been given by the Sarpanch and the Talati of Nalodar village that discriminatory practices would not be practised against Dalits.
Short summary of the case	<p>Untouchability practices are still prevalent in private and public spheres in remote villages of Vav taluka of Banaskantha district. Most of the cases are unreported. However recently a case of untouchability practiced in Gram Panchayat was reported from Nadodar village.</p> <p>The Gram Panchayat of Nadodar village has three Dalit representatives from the village. The three representatives are : Diwaliben, Amriben and Bharubhai. These three representatives are made to sit at a distance from the meeting place by the Sarpanch & the Secretary of the panchayat(Talati) . Whenever these representatives raise development agenda of Dalits through Gram panchayat, the village headman & Talati insult them with abusive language. The Sarpanch and the talati said that the dalits would never be allowed to sit on the chair.</p> <p>This was reported to P.S.I., Vav; DSP, Palanpur, Dy.S.P., SC/ST Cell, Director, Social Welfare, Gandhinagar, District Development Officer, was reported. However this was not reported as act of atrocity. Meanwhile pressures from the dominant caste mounted and Dalits compromised with the dominant caste.</p> <p>However with the intervention of the local organisation-Banaskantha Jilla Dalit Sanghthan made the compromise with the dominant caste giving a written assurance that discriminatory practices would not be practiced with Dalits.</p>
Documents attached	Application of D.A.S.S. & copy of agreement bond of Talati & Sarpanch

CASE-13: DENIAL OF RIGHT TO VOTE AND OTHER CONSTITUTIONAL RIGHTS

Main Issue	Denial of constitutional rights
Legal standards breached	Art.21, IC-FR, Art 6 ICCPR, Art-17 IC-FR, Art-19, IC-FR Art12 UDHR & Art 17-ICCPR, Sec 3 (1)(15), SC/ST Act
Dalits affected	15 Dalit families
Place	Jordiyali village, Vav taluka
District	Banaskantha
State	Gujarat
Main accused	Government of Gujarat
State Actors Approached for Remedy	Block Development Officer (Vav)/ District development Officer (Palanpur)/ Collector (Banaskantha district)/ Secretary, Revenue Department/ Minister, Revenue Department/ Human Rights commission/ SC/ST Commission/ Social Welfare Department/ Social Welfare Department, Palanpur/ Mamlatdar, Palanpur/ Election Commissioner, New Delhi/ MLA, Governor, Gujarat/ Prime minister of India/ President of India
Present Status of the Case	At present 15 Dalit families have voting rights & ration cards They still do not have water connection or housing facilities.
Short summary of the case	<p>15 Dalit families, migrated from Madali village, Sanchor taluka, Jhalor district, Rajasthan to Jordiyali village Vav taluka, Banaskantha district, Gujarat 35 years ago. They migrated because their village was inundated by floods in mid 70's. They were accepted as citizen of Gujarat as their name was registered in the voter's list. Their names were in the voter's list in the Gujarat Vidhan Sabha election held during 1989-1995 elections. However, the Sarpanch of Jordiyali village deleted the names of the 15 Dalit families. The reason- The Sarpanch had apprehensions that the Dalits would vote against him and he would lose the election.</p> <p>This has led to untold miseries in their daily lives. Basic amenities like water, roads to their settlements are not provided. Women have to spend half of their time searching for water. Dalit women face double brunt while meeting this need. There are social sanctions attached when Dalit access water from common water source. Second when women access water from private sources they are subjected to sexual harassment.</p>
Documents attached	Copy of Memorandum; Copy of Application to Collector

CASE 14: INDECENT BEHAVIOUR OF A TEACHER TOWARDS A DALIT GIRL STUDENT

Main Issue	Indecent behavior of a teacher towards a dalit student (girl)
Other related issues	
Provisions of law applied	Kantibhai Bhavanbhai Makwana
Legal standards breached	Sec3 (1) (x) SC/ST Act, Sec.506 IPC, Art.45 IC-DP(21-A IC-FR) Art 46 IC-DP, Art-26 UDHR & Art-13 ICESCR, Art-21 IC-FR, Art-6 ICCPR
Dalits affected	Dalit girl of Sherqa village
Date of incident	12-7-2002
Place of incident	Shera Village, Dhanera
District	Banaskantha
State	Gujarat
Main accused	Kanusinh (teacher)
State agencies proached for remedy	TDO, Dhanera/ DDO, Palanpur/ Collector, Palanpur District primary education officer/ District backward class welfare dept., Palanpur/ Deputy collector, Palanpur/ Cheif Minister, Gujarat/ Governer, Gujarat/ Education Minister, Gujarat
Short summary of the case	<p>The education among the Dalits of Banskantha is very less. Even here, the education among the Dalit women of Dhanera taluka of Banaskantha is less them 1%. There are many reasons for this. One of the major social reasons for not educating dalit girl child is to protect them from physical abuse or indecent behaviour by the fellow students or teachers.</p> <p>Pradimaben Kantilal (a dalit girl) was studying in 6th class of the primary school of Shera village of Dhanera taluka. Her class teacher Kanusinh had written her lot of love letters and had tried to lure her in a love relation with him. The next year when she came in Std. 7 she refused to study further. When her parents who wanted her to study further asked for a reason, they came to know about the love letters. One of the letters written by the teacher said that if she will not marry him, he would kill her family. This was the reason that she did not want to study further. This teacher Kanusinh was quite a rowdy character that even the principal feared him.</p> <p>With the support of Banaskantha Dalit Sangthan (BDS) this case was presented to the DDO Palanpur, Collector - Palanpur, SC/ST commission - Gandhinagar etc. After a continuous presentation for six long months the case was considered and the accused teacher was suspended</p>
Present Status	Due to hostile environment the victim, the Dalit girl has changed her school. The girl is staying with her relatives due to this reason. The accused teacher has been suspended
Other documents attached	Copy of application of D.A.S.S.; Copy of letter of Education Committee, District Panchayat, Copy of letter of the Collector

CASE 15: HARRASMENT OF DALIT SARPANCH BY THE NON - DALIT

Main Issue	Harassment of Dalit Sarpanch in Navo Vas Panchayat
Place of incident	Navo Vas Village
Taluka	Vadgam
Name of Accused	Jagirdar (Former Sarpanch)
Official contacts	TDO, Vadgam/ DDO, Palanpur/ Panchayat Minister, Palanpur
Present Status	The Sarpanch is still in his office. But he is harassed from time to time
Short summary of the case	<p>Post independence, the dominant upper caste leaders who have traditionally performed the role of village Sarpanch do not like to vacate that post for 5 years for a person from the Dalit community who get elected as Sarpanch on a reservation seat. Besides, the dominant and influential castes of the village believe that they are the only one who can rule(!) the village. The Dalits do not know anything about 'Raaj'. They believe that people from such lower castes cannot be allowed to sit on power positions. But whenever a reservation seat comes in the Panchayat, they have to unwillingly let a Dalit person become the Sarpanch. Also, these dominant communities believe that only that person (Dalit) can become Sarpanch who will dance to their tunes. Due to such mentality they tend to harass the Dalit Sarpanchs in one or other way. This is very evident from the case of NavoVas Village.</p> <p>In the last December Gram Panchayat elections, Dalsangbhai Senma a person from the so called backward community (even among Dalit) got elected as the Sarpanch of Navo Vas village of Vadgam taluka. The former Sarpanch Jagirdar is a Muslim. He despised this Dalit Sarpanch since he (Dalit Sarpanch) was not acting as per his will.</p>

CASE-16: ATTACK ON DALITS TO SEIZE HOUSE LAND

Main Issue Land

Other related issues Encroachment on dalit land to seize it. Also attack on the dalits for the same.

Provisions of law applied IPC Sec.323,504,506(2), 114 & SC/ST (POA)Sec.3 (1) (x)

Legal standards breached IPC Sec.323,235,506,504, SC/ST(POA) Sec.3(1)4-5, Sec.3(1)(xv) SC/ST Act, Sec.4 SC/ST ACT, Sec.217 IPC Art 25 UDHR. Art-21 IC-FR, Art-6 ICCPR, Art-14 IC-FR

Date 31/5/2001

Place Padagada village, Palanpur taluka

District Banaskantha

State Gujarat

Name of Accused Gadhvi Jevatdan Madasang, Gadhvi Bhupatdan Shamaldan
Gadhvi Dalpat Shamaldan

State agencies contacted for remedy PSI, Palanpur/ Dy. S. P. Palanpur/ Collector, Palanpur/
District Backward class welfare, Palanpur/
Guj. State Social Welfare, Gandhinagar

Short summary The Gadhvi community of Banaskantha still live in the ancient royal luxury. These Gadhvis had made money in the past by singing praise-songs of the Nawabs, Kings. So their mentality is also coloured by the ancient feudal system. This Gadhvi community do not let off any opportunity to harass the Dalit communities. The incident at Padagada witnesses this fact.

There was a land plot meant for building a house in Padagada village at a prominent place. The Gadhvis wanted to seize this plot to construct a shop there. So they collectively attacked the Dalits on 31/5/2001. Many Dalits got injured in this assault.

The Dalits somehow had managed to reach the Palanpur police station on the same night of the attack. But the police kept them waiting all night outside the police station. They (Police) registered the case on the next day i.e. 1/6/2001. Whereas, when the Gadhvis went to register a counter case on dalits on 1/6/2001, the police registered their case dating it on 31/5/2001. It was tried to show that there was vengeance and fight on both parts and so both the parties had registered a case against each other.

The police has not charged accused under section 3(1)-4-5 of land atrocity.

The police have filed the Dalits complaints under section 323, 504, 506(2) and atrocity.

The police has filed the Gadhvis' complaint under section 323, 325, 506(2), 504, 114.

The police has shown grudge against the Dalits and have been discriminative in registering complaints.

Other documents attached F.I.R.

CASE - 17 : EMPLOYMENT OPPORTUNITIES DENIED TO SC/ST IN GUJARAT ELECTRICITY BOARD (GEB)

Main Issue Malpractices observed in employment opportunities for SC/ST candidates in GEB

Related Issue 15 SC candidates denied employment opportunity in Gujarat Electricity Board

Provisions of law applied.

Legal standards breached Art-14 IC-FR, Art-7. UDHR, Art-14 ICCPR
Art-16 IC-FR
Art-21 IC-FR
Sec-4 SC/ST Act
Art-8 UDHR, Art 5(9) CERD

Dalits affected 15 Dalit youths

Date After Justice Saberwal judgement

Place G.E.B., Head Office, Baroda & Zonal Offices, Mehsana, Surat, Baroda, Rajkot & circle offices of all district.

District Issue affecting all over Gujarat

State Gujarat

Main accused Gujarat Electricity Board(G.E.B)

State Actors Gujarat Electricity Board, Social Welfare Department. SC/ST Commission, Government of Gujarat/SC/ST Parliamentary Committee

Remedy

Present Status of the Case Dalit youths are yet to be appointed as apprentices in Gujarat Electricity Board

Documents attached Application given by Banaskantha Jilla Dalit Sanghthan (BJDS) to SC/ST Parliamentary Committee, Minister, Social Justice & Empowerment, Government of Gujarat ,

THE INDIAN PEOPLE'S TRIBUNAL ON ENVIRONMENT AND HUMAN RIGHTS

In June 1993, at the National Conference on 'Human Rights, Environment and the Law', 400 people comprising lawyers, judges, human rights activists and non-governmental organisations (NGOs) met to share their experiences. Disillusioned with the apathy of the judiciary towards human rights and the environment they decided to campaign for changes in the system. The conference culminated with the setting up of the Indian People's Tribunal on Environment and Human Rights (IPT) on June 5, 1993. The IPT is positioned as an alternative 'People's Court'.

Retired Supreme Court and High Court judges associated with the IPT investigate crucial human rights violations and cases of environmental degradation. These reports are then used by local groups to further the campaign and strengthen their struggle. In some cases, a public interest litigation is filed on the basis of these reports to obtain relief for the victims.

OBJECTIVES

- To highlight environment and human rights issues and provide an alternative vision for both, the judiciary and the public.
- To investigate cases of gross human rights violations and environmental degradation and to report, campaign and litigate.
- To highlight the plight of the oppressed, in particular children, women, tribal people, slum dwellers, labourers and prisoners, and encourage victim communities to fight for their rights.

KIND OF INVESTIGATIONS UNDERTAKEN BY THE IPT

- Forced evictions due to mega-projects, urbanisation and natural disasters
- People's rights in protected areas
- Atrocities against women
- Attacks on minorities
- Atrocities against Dalits
- Impact of industrialisation/ Mega projects
- State Repression and Police Atrocities
- Environmental Pollution/ Degradation

For copies/further information, please contact:

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