

SWADHIKAR- A NATIONAL CAMPAIGN ON DALIT HUMAN RIGHTS



ANNUAL REPORT
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Organisation Profile

Organizational Brief and Structure

Swadhikar is an organisation that was specially formed to support all the activities of National Campaign on Dalit Human Rights (NCDHR) at the national and international level and is registered as a Society in March 2005 under the Societies Registration Act 1860. Swadhikar is committed to the elimination of discrimination based on caste and collaborates with various groups led by Dalit women and men activists, with support and solidarity from organizations, academics, individuals, people's organizations and institutions throughout the country. These networks are committed to work to protect and promote human rights focusing on women and children from vulnerable communities.

Its main aim is to strengthen the institutions delivering justice to Dalits and build people's capacity to access them as rights and entitlements. It focuses on women among the vulnerable sections and recognises that economic entitlements are as equally important as social justice where SCs and other vulnerable communities are concerned.

Since inception Swadhikar along with collaborating organisations have trained 724 Dalit women and men human rights defenders in 14 states. The reach of the organisations activities is widespread and focuses to address the rights of the community especially the excluded.

Swadhikar now focuses on Dalit women's rights to access justice and economic entitlements, tracking budgets and enabling Dalit communities to utilise the Special Component Plan (SCP) towards their development, to strengthen the land and livelihood rights and to strengthen the criminal justice administration and streamline its access to the vulnerable sections of the Dalit community.

The four main thematic areas:

All India Dalit Mahila Adhikar Manch (AIDMAM) is a forum of Dalit Women committed to challenging the nexus of patriarchy, caste, culture and class oppression, exploitation and marginalization of Dalit Women. AIDMAM has membership and solidarity of Dalit & non-Dalit women, Dalit men and other human rights defenders committed to the cause of protection and promotion of the rights of Dalit Women under the leadership of Dalit Women.

National Dalit Movement for Justice (NDMJ): NDMJ involves in the criminal justice administration systems to address issues of access to justice for those affected by atrocities and violence. The main vehicle is the SC/ST POA Act and NDMJ advocates to strengthen survivors and victims as they use the law for access to justice - both penal and pecuniary. It works with the executive, the judiciary and the policy makers and people's representatives in bringing the voice of the survivors and victims and to ensure effective implementation of existing acts and measures.

Dalit Arthik Adhikar Andolan (DAAA): DAAA looks at the various economic rights of Dalits including education and entrepreneurship. It uses the Union and state Government budgets as the main vehicle to tracking schemes and entitlements of Dalits. It involves in advocacy with policy makers and executives in strengthening the existing policies and tracking it for accountability and transparency.

International Advocacy: advocates internationally in three areas. It focuses on UN mechanisms to use them to address Caste Based Discrimination through several treaty bodies and charter based mechanisms. It participates in the Human Rights Council and other process for relevant interventions. It works with International Human rights Organisations during grave atrocities as well as campaigns for strengthening the Criminal Justice Administration. It supports several Dalit solidarity bodies initiated in over 6 countries to advocate for Dalit rights in UN as well as in the EU.

National Dalit Watch in Disaster Risk Reduction: Monitoring Disaster Response and Preparedness for Inclusion & Equity, working towards developing tools and methods to map, document and mitigate caste-induced vulnerability and discrimination in disaster preparedness, mitigation, response and rehabilitation for inclusion of Dalits in disaster management.

Target Region & Population:

Our Target population group would be the Scheduled Caste (SC, Dalits) & Scheduled Tribe (ST) of which the Dalits constitute 16.6 % of the total population of India and the Scheduled Tribes constitute about 8%. Our main areas or regions of work are 10 states of India which are Bihar, Orissa, Gujarat, Uttar Pradesh, Madhya Pradesh, Haryana, Punjab, Andhra Pradesh, Karnataka, Maharashtra & Tamil Nadu. With a growing need for inclusion the focus of the organisation is to ensure the benefits of projects/programs reaches the poorest of the poor.

All India Dalit Mahila Adhikar Manch

At a Glance, April 2011 to March 2012

Deepening the existing interventions on issues concerning Dalit women and venturing into new areas has been the core focus area in the year 2011-2012. AIDMAM continued to work closely with Dalit women elected representatives with focus on monitoring violence against women. Large part of the year was spent in completing a study on barriers faced by elected representatives in participation in local governance. Series of capacitation programmes on Panchayati Raj, legal awareness, gender and sexuality were conducted for groups of women in six states.

AIDMAM has spent considerable energy in strengthening state level networks of Dalit women elected representatives with participation of various local groups and individuals. This important intervention has not only increased visibility of AIDMAM but also exposed the specific issues pertaining to Dalit women to a much wider audience.

Strengthening Dalit women in local governance –

Under the Justice Innovation Fund, AIDMAM has trained Dalit Women Sarpanches (DWS) and activists to address the issue of violence against Dalit women in the districts of Aurangabad and Munger in Bihar, Dausa and Alwar in Rajasthan, and Jaunpur, Sultanpur and Pratapgarh in Uttar Pradesh. Since the inception of the Project, 194 Dalit Women Elected Representatives (DWERS) have been involved in the activities and 729 village level interactions have been organized to equip Dalit Women Sarpanches to promote awareness. The team members and volunteers along with DWERS and their family members and other community people conducted these interactions. These interactions were crucial in engaging the DWER and understanding the legal rights and awareness. Also the socio-economic situation and political dynamics are ascertained during this time.

Prior to the capacity building initiatives, AIDMAM spent considerable time in understanding the barriers faced by the DWERS. In order to do this, several steps were followed which included home visits to all the DWERS, interactions with family members, interviews with the DWERS and complete profiling of the elected representatives in the Panchayat. As a result of this, a study report was generated which enabled the project to have a clear understanding of the socio-economic and political realities within which the DWERS were operating. It was very clear that they faced acute problems in fulfilling their roles as women leaders. As leaders of the entire community and also representative of the Dalit community, they were unable to make a difference through the development works within the village. The DWERS were unaware of their legal rights and none of them had any information of legal services available for them. Throughout the project period, the major challenge faced was the fact that the DWERS themselves were victims of violence and pressures from the family and community and hence for them to break free and take up leadership roles was a double challenge. A large number of DWERS had never been out of their village in their entire lives and hence, even attending the training programmes was a great difficulty for them. None of the DWERS had any knowledge of the tehsil/district/state legal

services authorities. None of the DWERs knew about the SC/ST PoA Act and Domestic Violence Act. None of the DWERs had had attended any training on Gender and Violence.

Therefore, the levels of legal awareness of the DWERs was abysmally low and infact this was never a felt need for them. Being elected itself was a huge challenge, which they and/or families had overcome. The political dynamics always surmounted every decision and every move that they made. Hence bringing development work to their constituencies was of paramount importance to them. They always were more keen on learning about the schemes and government programmes, rather than legal rights training. This was due to the fact that they had never considered that the law is meant to protect them and that the mechanisms put in place were meant to provide them security and well being. This attitude infact changed over the period of the project and several women began to seek clarifications about gender based violence. After the training conducted with support from Jagori and AALI, all the women and our team members began to analyse their own life situations very differently and became very vocal and assertive.

The seven district and three state level networks are comprised of various CSOs and individuals working on Dalit rights issues and involved in supported the DWERs and local activists in ensuring access to justice. They are academicians, lawyers, journalists, social workers, women activists and local sanghatan leaders. The network members have been part of the fact-finding visits and have accompanied the victims to meet officials. They have voluntarily contributed their time and efforts by supporting the DWERs in fulfilling their roles as Panchayat women leaders. Network members have also played a significant effort in roping in the local media to cover the programmes and issues of the DWERs. State level network members have been in close interaction with state commission members including SC Commission and Women's Commission. Most members actively participated in organising the Public hearings in the states. They are also involved in the follow up of the cases at district level. Network meetings are conducted every quarter and if needed, the network members have also accompanied the project staff to the village visits and meetings. All the members of the networks also attended the gender training conducted as part of the project. Most of male members of the networks had attended such a training for the first time and hence it was very useful for them in understanding gender and impact of patriarchal values on lives of a woman. Even after the closure of this project, the network members have expressed the need to continue being a part of such a process of enabling Dalit women leaders to take up their roles more effectively. Networks comprise of:

- a strong network of 194 Dalit women Elected representatives across three states.
- a strong network of 40 lawyers.
- 84 members in district Advisory group / support forum in seven districts of 3 states.
- State network of 80 members from civil society organizations.

In addition, we have identified over 150 organisations across the country who are working on the issues relating to Dalit women in Panchayats and we are networking with them in order to strengthen the national the advocacy work related to Dalit women Elected Representatives.

Specific trainings on gender and inclusion have been delivered to build women leaders in the Panchayats to effectively address cases of violence and seek legal solutions for each. A comprehensive training on patriarchy, gender and the Protection of Women Against Domestic Violence Act, 2005 has also been organized in Lucknow in collaboration with Jagori and AALI. Intensive trainings on SC/ST Act have also been conducted for the DWERS and network members. A simple training manual on legal awareness for DWERS and field activists has been prepared through the support of this programme.

All the participants of these trainings have better knowledge and access to justice delivery mechanisms however continue to face severe barriers in accessing them due to gaps in the system and lack of ways in escalating their issues. The staff of this project has continued to hand-hold the women victims in their quest for justice. This is the first step, as active women within the network are displaying their collective strength in demanding for their legal rights. Heinous crimes like gang rapes and torment inflicted on family members continue to keep the women in a cycle of fear. Systemic discrimination and untouchability is only further compounded when Dalit women leaders assert their rights and take steps to ameliorate the conditions of their communities.

A concerted effort at National and State level through alliance building to highlight these issues and build pressure on the State to deliver its promises to enhance meaningful participation of women in governance and access to justice is required. AIDMAM aims to take this forward with support of various other groups working with marginalised women in Panchayats.

All the three public hearings held in UP, Bihar and Rajasthan provided the teams with ample time and space to highlight the issues faced by DWERs in accessing justice. The hearings not only brought to light the severe barriers faced but also was an opportunity to share with the public about the process of the project and the various steps involved in hand holding the DWERs in understanding of their legal rights and strengthening of the available mechanisms. These public programmes also brought to the fore the linkages that were established during the period of the project. For example, liaisons with the Human rights institutions like SC Commission, Commission for women and also the Human Rights Commission. The interactions with the Legal Services Authorities have been important part of the process. In all the hearings the members representatives of these Commissions were present and hence they have given strong recommendations which will serve as a source for follow up even after the closure of the project. The media has been involved and has highlighted the project and the problems that were raised by the women. After the hearings at the state, it was felt that a similar process should be conducted at the National level for which a programme was organised in Delhi. This has opened the door for us to not only discuss the course of the project but also to talk about the future sustainability. The advocacy and lobby plans were put into place and plans for a PIL were made. In addition, it served the purpose of involving other civil society groups from across the country to build strategic alliances to take forward the work related to DWERs.

Some highlights:

- 55 Civil Society Organisations in our network from three states.
- Total 103 number of FIR filed Dalit women from three states (U.P, Bihar and Rajasthan) and 71 number of fact finding conducted from three states in these two years of Access to Justice Project.
- Total 250 women offered legal advice from three states in these two years of Access to Justice Project.
- 305 number of lawyers involved in the network from U.P, Bihar and Rajasthan in these two years of Access to Justice Project.
- 70 numbers of cases referred to the commission from three states in these two years of Access to justice project.
- In these two years of Access to justice project we managed to conduct 15 training and meeting on capacity building, SC/ST Act, panchayati Raj, Gender Violence etc with DWERs in three states (U.P, Bihar and

Though the project, focussed on access to legal rights, it was a learning for us that in order to take up work with women elected leaders, it becomes imperative to understand the over all context within which she is operating and that her struggles are manifold. Access to legal rights is very crucial for her own security and also for the constituency that she works for. However, issues of discrimination, barriers in governance and leadership building were brought out very clearly. The triple marginalisation faced by her by virtue of her caste, class and gender was clearly visible in every case that was handled during the project. It almost seemed impossible for her to face the insurmountable violence leashed out on her and her family members. Working in such a context proved to be a great challenge.

Networking with individuals, civil society groups and the federations of DWERs at state level proved to be of great value. The need for alliances to serve as support groups and for advocacy was felt throughout the project and this is the only way the project will now be sustained even after closure. Follow up meetings with the state level networks has been planned in the month of April in all the states and this will keep the spirit of the project alive.

Another significant learning has been the fact that a period of two years is hardly enough to take up such a challenging work. This problem has been further heightened due the Panchayat elections held in UP and Bihar during the course of these two years. Almost 6-8 months prior to and post elections, the women are not involved fully into the panchayat work and hence show little interest in project related activities. This was a set back for the project in terms of the time available for interaction. This was another reason for having to conduct trainings with different sets of leaders, which hindered the continuation of the process. The local politics in the villages also at times played a negative role since some of the ex-DWERs chose not to cooperate with the newly elected representatives. Caste and family dynamics came in the way and ofcourse this was like a spoke in the wheel of the process envisaged by us.

AIDMAM believes that unless we strengthen Dalit women to take up positions of power, notions of patriarchy will not be challenged and thus power will never shift hands. This is essential if any change needs to be seen at ground zero.

AIDMAM in the year 2011-2012, ventured into two important areas of work, which include non-discriminatory access of Dalit women to health and economic rights.

Reframing Budgets by Dalit women –

The purpose of this 18 month project initiated by ALL INDIA DALIT MAHILA ADHIKAR MANCH is to enhance the access and utilization of GRB and SCP budgets by Dalit women through capacitation, budget tracking - advocacy and engagement with duty bearers and elected representatives.

For the first step, the project has envisaged a research study in Bihar, which will form the basis of the budget advocacy. The hypothesis that the research will test is that, funds earmarked through SCP and GRB are diverted, misallocated and ultimately not reaching the beneficiaries for whom it was primarily intended.

Two schemes relating to education of Dalit girls have been selected for this purpose; analyze the design and implementation of the policy and assess the gaps in addresses concerns of inequity.

This proposed research and the future advocacy actions will lead to the critical question of access to budgets by Dalit women through an intersectional framework which has been least explored by most budget groups in India.

Perhaps, it will challenge both budget advocacy groups as well as feminist organizations that have for long neglected the analysis from the lens of marginalized women.

It is intended that this research study will add value to the current debates on access by budgets by Dalit's, Adivasi's and women.

Health Rights and Entitlements of the Socially Excluded Communities and Women under NRHM –

The poor health status of the socially excluded communities is because they have unequal share in all the resources and conditions that lead to healthy living. Their reach is inaccessible, unaffordable to quality health services because of the same restrictions they face for other realities. Lack of a social justice approach to health within the framework of the NRHM has not improved the health status of socially excluded communities substantially. This is due to lack of engagement with health care needs of these excluded communities and lack of representation of their concerns in various monitoring and supervision mechanisms within the NRHM.

AIDMAM is presently one of the partners in the PACS programme in Madhya Pradesh on the issue of Health Rights and Entitlements of the Socially Excluded Communities and Women under NRHM. It is an attempt to address the issues of exclusion and discrimination faced by the Dalits in the health care services. The project aims towards - Improved health outcomes of the socially excluded communities

especially of women and children by increasing non discriminatory access to health care services and accountability of the public health system through community action within the framework of NRHM

The coverage area of this project is in three districts of Raisen, Betul and Chindwara, the number of Blocks covered will be 10, no of panchayats 184, no of revenue villages 275 in the state of Madhya Pradesh. It is a Network Project in which AIDMAM is the lead CSO; the other partners are Centre for Health and Social Justice (Delhi), Krishak Sahyog Sansthan (Raisen), Pradeepan (Betul) and Satyakam Jan Kalyan Samiti (Chindwara).

The current project implementation by AIDMAM was started about six months ago, with baseline surveys and initial trainings on Health rights, gender and exclusion. We have a strong team and infrastructure in Bhopal and the three operational districts. We also have a plan for training on budget rights with this group and it is expected that the group can take on some analysis on NRHM and initiate state level campaign in this issue.

All India Dalit Mahila Adhikar Manch is spearheading this initiative and is attempting to engage at greater depth on budget rights advocacy work through this four year project as well as other initiatives to track the access to budgets by Dalit women.

A story of a Dalit woman leader from Bihar

This is a story of Gauri Kumari a feisty lawyer and a social activist from Munger, Bihar. Gauri born with both physiological and social disability has come a long way with flying colors. As she reminisces “My father was a safai karamchari and obviously the entire family (she has four siblings) was struggling to make the ends meet. However our mother made sure that we continue our education but as fate would have it I suffered a major setback when I lost my mother and when my father lost his job.” The entire family was doomed to severe financial constraints but I was determined to study and change my life. Eventually she completed her degree with assistance from govt. scholarships.

A confident and enthusiastic Gauri went on to contest local election in the district and for five years held the post of Member of Ward council in Munger. Later she was nominated as the first Dalit woman lawyer to hold the position of a member in the state Juvenile Justice Board. As she recalls her experience as the board member, “ in the board, members were mostly upper caste male and I have to face multiple discrimination at work – being a woman, a Dalit and being differentially- able”. Gauri witnessed the discrimination and the nexus of caste, gender and patriarchy in feudal Bihar even as a member of ward council and Juvenile Justice Board.

Inspired by the idols of Savatribhai Phule and Dr. B.R Ambedkar, she decided to fight against the systemic discrimination and for the rights of Dalit woman. Though she stumbled but never lost focus. In her interaction with Dalit women in Panchayats she became aware of their proxy candidature and how their ability to access, participate and create impact in panchayat institutions is greatly influenced by factors like her access to material resources, lack of education, age, health and her occupation. Deciding to bring in the change she facilitated trainings on the constitutional mechanisms and the legal framework for them. She has formed a strong network of fifty one Dalit women elected representatives in Munger district. These networks are reaching out to the victims of violence and helping them to access justice.

Dalit Arthik Adhikar Manch

DAAA has completed 4 years with the intervention in major areas of 'Budget Analysis, Research and Advocacy for Dalit Economic Social Cultural Rights, Discrimination and Exclusion in Higher Education & Urban Interventions – Mapping of Dalits in Delhi & Eviction and Resettlement of Dalit Settlements and National Dalit Watch in Disaster Risk Reduction.

Building on this analysis, DAAA briefly filed public interest litigation alleging that the government at Union as well as the State of Delhi had not allocated the stipulated level of funding for scheduled castes and scheduled tribes. DAAA filed a Right to Information petition to the government to continuously monitoring the budget allocation under SCSP/TSP asking why the code was not operational. It disseminated its research to various institutions concerned with human rights, governance, and transparency .— including Members of Parliament, the Comptroller and Auditor General, and even the Planning Commission itself, which is the nodal body that formulates the country's influential five-year development plans. DAAA also organized workshops around the country to train social activists to do the same kind of budget analysis in their own regions.

New Areas of interventions:

- **Delhi Urban Settlements**

In Delhi the records of the SC dwellers are collected through informal sources, personal visits and network partners like Sahri Adhikar Manch, Jhuggi Jhopadi Ekta Manch, Hausing and Land right Movements, etc. They normally live in slums and unorganized settlements. Government has been asked to submit the documents in the court. Once the documents and findings of the government and our network are in place, the court will be able to adjudicate the authenticity and order.

- **Citizen Report Card (CRC)**

The SC hostel schemes were tracked under which govt. is providing free lodging and boarding facilities to the SC/ST students. Bihar and Rajasthan, two states are selected to do the impact assessment study of hostel facilities.

NATIONAL LEVEL INTERVENTIONS

Press Release on SCP & TSP of Union Budget 2012-13, March 16

NCDHR did an initial analysis of the allocations announced and funds earmarked for SCP and TSP in the union budget 2012-13, which was placed in the Parliament on march 16. This was done for an advance release to the print and electronic media. The Analysis revealed the Total Plan Expenditure of Union Budget 2012-13 BE is Rs. 3,99,011 cr. For Special Component Plan (SCP) and Tribal Sub Plan (TSP) Rs. **37113.03 cr. and Rs.21710.11 cr has been allocated which is altogether 9.3% (SCP) and 5.4% (TSP) as compared to the legitimate allocation of 16.2% for SCP and 8.2% for TSP.** For STs there is decrease of 0.1%. **There is gap of Rs. 38,535.54 cr. for both communities.**



Denial of SCSP in the XIth Five Year Plan (2007-2012). In last Five Year Plan (2007-12) the expenditure on Scheduled Caste covered around 8% for 5 years. Total amount of Rs.96236.7 cr. was not allocated. Total Plan budget for last Five Year Plan period was Rs.1187085 cr from that only 8.1% money was disbursed for programmes under SCP

National Level Consultation on SCP and TSP Implementation at Union and State Levels, New Delhi, August 26, 2011



National Level Consultation was organised on Implementation of Special Component Plan and Tribal Sub-Plan at the Union and State Levels, at Constitutional Club, New Delhi, by NCDHR and Centre for Budget Governance and Accountability (CBGA) support by UNDP. Study report conducted by NCDHR and CBGA on the status of implementation of SCP and TSP at Union and states like Bihar, Rajasthan, Uttar Pradesh, Madhya Pradesh and Orissa was presented.

The study revealed that:

- ◆ Even though states have started allocating SCP and TSP fund according to the guidelines, the nature of allocation is dubious and violates principle of SCP and TSP.
- ◆ Most of the allocations are notional and are not directed to the people.
- ◆ The study shows that institutional mechanisms and monitoring mechanisms are lacking in all states and at union level.



Two days Training on Budget Tracking and Citizen Report Card.

Dalit Arthik Adhikar Andolan has organised two days training on Budget Tracking and Citizen Report Card on 9-10th Feb., 2012 at Rehman Hotel, New Delhi. In this training more than 27 participants were present including the 2 resources persons and the Donors. First day training was on Budget Tracking at District level and Second day training was on Citizen Report Card (CRC) which can be used as a score card of the Public property by the Government used by Community.



NCDHR and other human rights groups protest outside delhi commissioner's office against police custodial torture & death of a dalit boy

About 200 people comprising of Dalit activists, Student union groups and Civil society organisations held a demonstration on 11th October 2011, outside the Delhi Police commissioner's office to protest against custodial torture, that led to the death of Amar Singh, a Dalit school student from Dakshinpuri.

A memorandum of demands was submitted at the Commissioner's office which included that:



1. FIR must be registered against the Police Officials under section 302/ 330/342 and under Section 3 (2) (v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Departmental action be taken against the police personnel responsible for the death of Amar Singh.
3. All the police personnel related to this custodial death must be suspended and arrested immediately.
4. Dependents of the deceased be paid adequate compensation.

International Budget Partnership – Partners Initiative 4th Meeting, Tanzania

International Budget Partnership supports effective and impactful budget work and advocacy across the globe. NCDHR is partner of this initiative since 2009. Fourth Partners Meeting was held in Dar Es Salaam, Tanzania from November 14 to 16, 2011 to share individual projects, working groups and regional work evolved and what they have achieved in last year. The aim was to define the best strategies that have lead to impact in recent years and to bring these lessons learnt into IBP future work and advocacy. We shared the progress made by the Working Groups on Constituency Development Funds, ESCR , Sub-national ,NORMS, OGP &Movement. We also discussed Impact Case Studies and Strategies of following groups ACIJ, Samarthan, NCDHR and TAC. NCDHR case was again shared in group working on how to work more effectively with Oversight Institutions. IBP has also evolved three international interventions namely NORMS (with International Financial Institutions), Open Government Partnerships (States) and Movement (civil society network) for bringing norms on more transparency in the state budgets.

The First Global Assembly for Budget Transparency, Accountability, and Participation

On 18 November 2011 in Dar Es Salaam, Tanzania, nearly 100 civil society groups from 54 countries, as well as 12 international organizations held First Global Assembly for Budget Transparency, Accountability, and Participation. The Assembly was an attempt by a broad range of activists and organizations to complement their country-level work with collaborative international-level advocacy. It aimed to build an integrated and vibrant movement of organizations that would promote government budgeting that is open and accountable to the public. NCDHR has been steering with other groups for this intervention. International organizations also participated which include Greenpeace, the ONE Campaign, and International Budget Partnership (IBP).

STATE LEVEL INTERVENTIONS

Discussion with Finance Minister In Jan. 2012:

This month we were invited by the Finance Minister, Sri Prafulla Chandara Ghadei, for their pre-budget consultation program to discuss about the budget. Various CSOs including corporate sectors, trade union, farmer's union, economists, and budget experts and NGOs and so on. Sri Paul Divakar Sir, Secretary General, DAAA, Fr. Ajay Kumar Singh, Director OROSA and Mr. Adikanda Singh, state coordinator were present and have a presentation on behalf of DAAA, NCDHR. The discussion was quite fruitful and the finance minister has assured us to see the fund diversion very seriously and new suggestion and new programs in our state. Thus considering the necessities of the media we were giving the bites on behalf of SCP/TSP budget to the media people on CAG reports on fund diversion.

Historical achievement from the government of Andhra Pradesh for enactment of SCP/TSP in the State, 28march, 2012

All Dalit and Tribal Praja Sanghalu and political parties since 5 days have gone for indefinite strike for enactment of SCP/TSP under the banner of SC, ST Sub Plan Nidhula Sadhana Ikya Karyacharana Committer under the chairmanship of Sri Kaki Madhava Rao, IAS, Rtd, and Former Chief Secretary, government of Andhra Pradesh, and other Retired IAS officers, K.R. Venugopal and Danam garu, On 28 March 2012 the Chief Minister has announced in the Assembly for constitute a Cabinet Sub Committee for study the feasibilities for enactment of SCP/TSP within two months time bound. Deputy Chief Minister Sri Damodhar Raja Narasimha himself along with some of his legislative colleagues came to agitation tent and announced the government's decision for enactment of SCP/TSP. He said that Chief Minister has taken a historical step to do the enactment of SCP/TSP in the state of Andhra Pradesh, constituting 3 to 4 member Cabinet Sub Committee within two months time to study the various possibilities for preparing the bill with the support of all dalit and tribal organizations to introduce the bill in the forthcoming session and requested on behalf of CM to call off the strike.

COMMUNITY MEETING (CHAUPAL) 28 AND 29TH DEC 2011

Meeting with Dalit community was organised in Singwada, Sikrai and Nangal Govind gram panchayt on 28th and 29th Dec. In the meeting people shared their problems in accessing services made for them . Groups were divided into different services like Indira Awas Yojana, Sarva Shiksha Abhiyan, Public Distribution System, Community Health System, Old Age Pension and Integrated Child Development Schemes. People shared how these schemes functions in their village and what are the challenges in receiving these services. They shared that they dont have much knowledge of the schemes ,prevailing untouchability in accessing the schemes, non cooperation and lack of monitoring by Gram Panchayat and poor functioning of all services in brief. In Singwada community score card exercise was done. Then people suggested how schemes can be improved. So we can further work on the proper implementation of the schemes.



Consultation on Demanding effective Allocation and Implementation of Scheduled Caste Sub-Plan for SCs in Gujarat

On 26th Dec. 2011 a consultation on SCP at Gujarat Vidyapith, Tribal Research & Training Centre in Gujarat was organized by DAAA team. Some officers of Social Welfare Department has attended the consultation. The main objective of the program was effectively implementation of SCP, demand for full allocation, proper monitoring mechanism, to create accountability of the govt. dept. further implementation. We also presented current social senareo, dalits issues and valuable suggestions from participants during the session. Total 72 participants were present and committed to the further action on SCP. At the end of the consultation got suggestions from the dais, on the action way; the group also be formed by this campaign and put the new scheme and demand to the govt. by dialogue and advocacy for monitoring & implementation on SCP in the Gujarat.



U.P. Govt. Released an order to De-reserve SC/ST Hostels.

On 6th Sep 2011, the Social Welfare Department released an order to De-reserve SC/ST Hostels by a factor of 30% and Due to DAAA intervention with UP Govt. reserves it again for the benefit of other social units. We had a meeting in Varansai on 22nd Sept. This meeting at Varanasi followed a letter to the Principal Secretary and a press release that was covered in the news papers. On the other hand Kapil Dev Ji mobilized students locally in surrounding Districts for the purpose of protest. To make it more effective, protest were registered in Ghazipur, Deoria, Mau and Azamgarh Districts. Consolidating all protest, a press conference was held in Lucknow on 26th Sep 2011. Followed by a meeting with the Director Social Welfare. The Officials of the Social Welfare Department took the cognizance and canceled the Order.No. 1496/26-3-2011-14(3)/2011 dated 6th Sep 2011 on 27th Sep 2011.



State Consultation on Special Component Plan (24th Sep 2011, Patna)

On Birth Anniversary of First Dalit Chief Minister of Bihar “Late Bhola Paswan Shastri” a state level consultation was organized on Special Component Plan in Bihar in Tara Mandal, Patna. Vanchit Prathisthan, PRAXIS and NCDHR together organized this programme . Almost 100 civil society organizations, academicians, bureaucrats and youth participated in this across the state. Sri. Sushil Kumar Modi, Finance Minister of Bihar was chief guest. The study on SCP in Bihar and highlighted that SCP allocation has increased in 2011-12 state budget in comparison to



previous budgets was presented by Paul Divakar. Government has taken right measures and increased allocation to 17.7%. Another new development is opening of Minor Code 789 for SCP which will help in proper accounting, auditing and tracking amount. He then, pointed out some problems which to be addressed in coming budget like all departments needs should allocate money as per SCP guideline, money should be provided for direct benefit and new programmes should be devised for Dalit empowerment. Dr. Ramaiya focused on practical difficulties in implementation of schemes. He demanded that more hostels should be opened and monitoring of schemes should be done.

Sri. Sushil Kumar Modi accepted that this is beginning on SCP and lots needs to be done and promised that demands raised will be realized in the next budget. Sri. Anindo Banerjee emphasized on bringing administrative reforms in Social Welfare Department at all level of governance.

26th December 2011, a daylong padyatra (rally) and dharna (protest)

On 26th December 2011, a daylong padyatra (rally) and dharna (protest) was organised in Nawada by Dalit Sanstha Sangathan, NCDHR-DAAA and CSEI. Around 5000 people gathered from all over Nawada at Shikshak Sansthan and rallied to District Samaharnalaya (Collectoriat). The situation of dalit specific schemes was shared with participapnats, special mention was made on issue of land, SCP, Education and Employment. Then 11 point programme was presented to the District Magistrate .Main Demands were on opening of girls hostels in all blocks of Nawada, Distribution of land and provision for housing to people of Valmiki, Mushahar, Bhuiya communities and provision of atleast Rs.1000 per month by government to all Dalit unemployed youth of the district etc.



MAPPING OF SC SETTLEMENTS IN DELHI

The SCP funds are either diverted or misused when it comes to implementation. This is what happened even in the Grand 'Common' Wealth Games (CWG), in which the Government of Delhi affirmed that Rs. 744.354 crore from the SCP fund were utilized for the Commonwealth Games, 2010. In order to bridge the divide between real needs of the people and policies of the government, DAAA with some partners has embarked on assessing the need of the SC community. The exercise of mapping SC settlements in the Delhi started in January 2011, wherein, 15 SC settlements were identified. This initiative is expected to evolve Community Plans based on their needs and generate demands through community participation and hence, would be recommended under the SCP funds that are to be brought back by the Delhi government. It will create awareness among the communities in these colonies and capacitate them in utilizing the resources available under the SCSP for their economic and educational development.

Expert Group meeting on the draft report of mapping & the study on the scheduled castes in Delhi, April 25, YMCA, Delhi

An Expert Group meeting was held to discuss and reflect upon the draft report of the study on the Scheduled Castes in Delhi, their current status and access to entitlements by National Campaign on Dalit Human Rights (NCDHR) in consultation with Civil Society Organizations and networks involved in raising Delhi urban concerns. The main objective was to discuss and suggest a way forward so that the long due entitlements for the SC communities in Delhi get realized.



Public Hearing on Unlawful Demolition in Baljeet Nagar, New Delhi on April 18, 2011



Taking these violations into consideration these organisations jointly organized a public hearing at the basti. Among the distinguished persons of the jury were Justice AP Shah, former Chief Justice, Delhi High Court and Chair of the Jury, Mr. Miloon Kothari. Testimonies highlighting the effects of demolition on the residents, like students having to forego their examination, detailed accounts of elderly, working men and women, pregnant and lactating women were presented before the jury members. A case of five years old, Anish, who lost his eye sight during the demolition, was presented

before the jury.

Another unruly demolition designed by MCD of Dalit habitants, Karol Bagh, New Delhi



DAAA intervened in yet another case of unlawful eviction of Dalit families in New Delhi.

On Thursday, 28 July 2011, the Municipal Corporation of Delhi (MCD) demolished the houses of 15 Dalit families who had been living in the Karol Bagh area for the past 60 years. The demolition was conducted without any due process in clear violation of the residents' constitutional and statutory rights. The forced eviction occurred even though an urgent petition had been filed on behalf of the residents by the Human Rights Law Network (HRLN) in the Delhi

High Court, challenging the legality of the eviction.

These families having population of 80 people, who have been residing in the area, a very posh locality, for decades, possessing ration cards, voter I-cards, birth certificate, death certificates, electricity bills and water bills etc. on the given residence address. The residents were all taken by utter shock. The families reported that they had maximum 30 minutes to salvage their belongings, due to which very little could be saved and the rest is now forming part of debris.

The people from the dominant castes in the locality called them by caste names and mistreated them. They could not stomach the sight of Dalits living next to them. The Resident Welfare Association of the area used RTI as their tool to obtain information about the legal tenure of these Dalit families, resulting in the eviction of these families. A petition is filed at the Delhi High Court and the various partnering organisations have started thinking of alternate ways of holding the government authorities responsible for the miscarriage of the norms and violation of human rights. It's hard to see how in urban settings also casteism is exercising its strong hold over the educated masses.

Demolition: regular intervention by DAAA

On 24th Jan 2012, Karol Bagh case had another hearing for the 15 dalit families evicted from their homes in Karol Bagh in July. The initial petition was filed before the demolition, but the demolition occurred before the initial hearing. Because of the change in circumstances (and the fact that we had filed an application for amended prayers to reflect the fact that we wanted relocation rehab since they were no longer in possession of the property), the judge asked us to re-file a new petition that reflects the current facts.

Interventions in Baljeet Nagar

- An impact assessment tool has been developed under the United Nations guideline to assess the impact of such devastated state action.
- In 2011 a 1st round survey has been done to quantify the impact of forced eviction. After the survey a report has also been prepared by partner organisations.
- The report has been released through press conference and submitted to court also.
- This report was even submitted and discussed with WGHR (Working Group on Human Rights) Geneva.
- At present all the residents are still at the very place after the stay order.
- After permission of the hon'ble court, they all have reconstructed their jhuggi at partial level to stay to save their respective family, livelihood and their children's education.
- Mobile medical service is being provided by the Delhi health Department.
- New electricity connection has been restored by the Delhi Electricity Department.
- Delhi Urban Shelter Improvement Board (DUSIB) has been instructed by court to conduct door to door survey to established the number of affected families and submit the report to the court and thereafter the court would decide for either in situ up gradation or rehabilitation process of the affected residents.
- The court has also instructed Delhi Development Authority (DDA) to fence the entire vacant area in the presence of a representative from the petitioner side, so that no further illegal encroachment would take place.

- All the children have again resumed their study and earning member of the family has restarted their work.

Ravidas Camp

- Yet another case of demolition which was almost inevitable but proper intervention in the nick of the time with the help of other partner organizations, its halted, got a stay order and at present the case is under the jurisdiction of Delhi High Court.
- Ravidas Camp near Pandav Nagar, Ward no. 217, Mandavali, near Mother Dairy, Vidhan Soudha 58. There were approximately 150 jhuggies in this area with an estimated 700 residents.
- The ground of urgency was the threatened demolition of approximately 150 jhuggies that are the homes of numerous SC/ST and EWS/LIG citizens. Individuals who claimed to be from the DDA stated that their houses were to be demolished in the coming days to make room for a drainage system. The residents have been given no opportunity to show cause against the demolition, nor have they been given rehabilitation.
- Here the residents are migrants from Bihar, U.P., and M.P. and involved in some pity works like running small soaps or working as a daily wage earner in different parts of the city. They belong to Hindu as well as from Muslim community. From the Hindu community almost 60% are Dalits and rest are from different castes.
- On 25th Sept 2011, the residents were told by individuals claiming to be DDA officials that their houses would be demolished to make room for a drainage project. They received no official notice from the authorities, however, and so the true relationship between the individuals and the relevant government agencies remains uncertain. After the legal intervention we got the stay order till 30th June 2012.

CHILLA KHADAR.

- On 18.07.2011 the DDA demolished the Van Phool Primary School, near Mayur Vihar Phase I Metro Station, was completely funded by voluntary donations made through the Van Phool NGO, served approximately 150 students age 3 to 10. This school served an important role bringing the students of these poor farming families in to the mainstream education system, a mandate of the Sarva Shiksha Abhiyan and RTE Act 2009
- After a constant effort with DDA, MCD, DCPCR, SSA, and the Delhi High Court order, the DDA has provided readymade (iron and aluminium made) cabin (PORTA cabin) to run the school at the very place. The case is under the jurisdiction of Delhi High Court.

Discriminated on being a Dalit

The Case of “Kanaklata” who was pursuing PhD from Delhi University, faced atrocity on the pretext of being a dalit from her landlord. DAAA has been following up her legal case in Delhi High Court DAAA made solidarity on this issue among dalit students and teachers in all Universities.

In the last hearing of the case which took place last year. After the hearing Hon'ble judge passed an order to serve notice to the other party to appear on the time of next hearing. After 2 to 3 hearing in past, it took place in proper way and the applicant was very satisfied with the whole proceeding. The next hearing is scheduled for August 2012.

National Dalit Watch

NDW at a Glance, April 2011 to March 2012

1.2. New areas of work in 2011-2012

The year 2011-12 witnessed an organic growth in the advocacy of NDW for inclusive Disaster Response and Risk Reduction. The dialogues with leading humanitarian organisations and interventions at crucial government fora have resulted in acceptance of the issue of caste based discrimination (CBD) in disasters by humanitarian agencies and the need to eliminate it at all levels, through legal measures by the government and organisational policies by the humanitarian agencies/civil society.

To counter CBD in disasters, NDW has evolved tools for vulnerability assessments amidst Dalit communities and inclusion monitoring in humanitarian interventions. Moreover, NDW has also commissioned a comprehensive research on measures to ensure inclusion of caste affected groups in DRR, in a study named 'Addressing Caste Based Discrimination in Humanitarian Response' for international humanitarian stakeholders. Specific details are delineated below.

1.6. National level interventions

NATIONAL AND INTERNATIONAL ADVOCACY AND VISIBILITY

1. Addressing caste discrimination in Humanitarian Response

NDW commissioned very timely and important study **Addressing caste discrimination in Humanitarian Response**, supported by IDSN and EU in the year 2011-12. It contains draft framework for International Humanitarian Stakeholders for addressing CBD in Disaster Response (DR), and Good practices case studies from India on inclusion of caste affected groups in DRR intervention. The study extract was presented at the International Consultation on Caste-Based Discrimination, on 29 November - 1 December 2011, in Kathmandu, Nepal and later in New Delhi, at the National Consultation, on 14-15 December 2011. This research document is grounded in the backdrop of Dalits' multiple vulnerabilities induced by caste. The study is conceived with the objective of evolving a draft general framework and recommended instruments for international humanitarian stakeholders to enable them to take concrete actions to achieve inclusion of Dalits in their Disaster Response and Rehabilitation processes. This draft received inputs and comments from ECHO and the UNDP personnel at Delhi consultation which were incorporated in the final document.

(available at http://www.idsn.org/fileadmin/user_folder/pdf/New_files/India/2012/IDSN-EU_study_on_CBD_in_humanitarian_response_by_NDW.pdf)



2. National Consultation on 'Addressing Caste Based Discrimination in Humanitarian Response', New Delhi, December 14 & 15, 2011

The National Dalit Watch (NDW) co-organised with Sphere India, Christian Aid-India, Oxfam and Cordaid, a National Consultation (NC) on 'Addressing Caste Based Discrimination in Humanitarian Response', on the 14 and 15 of December 2011, in New Delhi. The primary objectives were to (i) take stock of the emerging context of inclusion in DR-DRR; (ii) elicit response/comments on the draft framework for making Dalit inclusion in DR-DRR possible under the study named 'Draft Framework for Addressing caste based discrimination in humanitarian response'; and (iii) extract inputs from humanitarian stakeholders for sharpening the VM-IM frameworks.



The consultation observed active presence of Dr. Muzaffar Ahmad, Hon'ble Member, National Disaster Management Authority (NDMA), among other representatives, and members of European Commission Humanitarian Organisation (ECHO), United Nations Development Programme (UNDP), International and domestic NGOs, several civil society representatives, social activists and academics. At the forum, the Member of NDMA reinforced their commitment to cater to the Dalits and other marginalized sections. ECHO senior personnel also expressed the interest in using the VM-IM tool in their assessments; asking for disaggregated data from their implementing agencies; and involving the presence of Dalits in their task forces in the field to ensure inclusion. The consultation concluded with inputs on the draft framework for addressing CBD in Humanitarian interventions and a wider endorsement and recognition of the issue and commitment to address it at the organizational and policy levels.

3. Inclusion of Dalits: An agenda on '9th Sphere India Foundation Day' event

NDW representative attended the '9th Sphere India Foundation Day', which was chaired by Dr. Muzaffar Ahmad, Member, NDMA. It was encouraging to see the agenda of Dalit inclusion in Humanitarian action (HA) included in the programme, among other thematic issues for group discussion. Towards the formal closure of the event, NDW representative articulated the need for 'Collective advocacy with Sphere networks and IAGs for recognition of caste induced vulnerabilities in the Disaster Management Act and Rules, Guidelines and Policy', as one of the points of the 5 core recommendations to Sphere India's unified response for the year 2012. Sphere India being a coalition of several expert and leading humanitarian organizations in India is always a platform of strategic



importance. Since Sphere India works closely with the NDMA, efforts are made to visibilise and articulate the issue at every forum of Sphere India, for the guaranteed presence of NDMA Members on its panel. The need for collective advocacy with active lead and support of Sphere India for inclusive legal mechanisms was endorsed by other group members comprising representatives of ECHO and Save the Children among other organisations.

4. Deliberations with the ECHO, Sphere India and UNDP

A series of important meetings have taken place from time to time in this time period with the ECHO, UNDP and Sphere India. These dialogues have been crucial for NDW for these leading and widely working organizations have the mandate of working for marginalised groups. The agenda has been of working out modalities and possibilities of joint advocacy for inclusive legal systems in India for disaster management, and inclusive humanitarian approaches.

Meetings with UNDP's DRR wing have primarily been to discuss ways of integrating aspects of VM-IM tools into the existing vulnerability assessment formats of various organizations and UNDP members. The subsidiary agenda being to use the UN Solution exchange community on Disaster Management for highlighting critical issues of CBD in disasters, for inviting public opinion/comments and reactions to the same, to build a strong voice of consensus on the advocacy issues of NDW. UNDP has been quite forthcoming in meeting with us and charting out a way ahead for collective steps in taking the issue of exclusion to wider humanitarian actors through its online query posting, where NDW has posted queries post Thane cyclone in Tamil Nadu 2011. (Ref. [se-drm] QUERY: Inclusion and Protection of Dalits in Disaster Response and Risk Reduction-Advice, March 23, 2012)

NDW has been associated with Sphere India from the very first year of its formation, and has collaborated for important national level events on Inclusive Disaster Response and Risk Reduction. Periodical meetings with Sphere India representatives have been conducted in order to review joint advocacy steps and strategise for the NDMA and the Home Ministry; and at the state level, participate in the process of the formulation of District Disaster Management Plan for Sphere India led process in its focus state.

5. Vulnerability Mapping & Inclusion Monitoring Manual (monitoring through Dalit lens)

NDW has developed community friendly Vulnerability Mapping & Inclusion Monitoring frameworks for tracking down caste-induced vulnerabilities for inclusion in Disaster Response and Risk Reduction programme of the government and humanitarian organisations. The training manual lays down a process of tracking and assessing the specific vulnerabilities of Dalits. In the process, the communities will be able to identify the key government authorities obligated to meet their needs and demands in (i) pre-disaster (ii) during disaster; and (iii) post disaster scenario. The manual primarily aims at engaging the community volunteers in assessing their own vulnerabilities associated with caste and other factors, and thereby taking measures to approach the authorities for their entitlements, and preparedness to hazards/ disasters.

The VM-IM tools have been evolved in association with Community Managed Disaster Risk Reduction (CMDRR) network of organisations under Cordaid, the Netherlands to (i) develop a clear conceptual and practical understanding of exclusion of Dalit communities in disasters and learn methods to monitor and record such practices of exclusion; and (ii) to equip the state / organizational/ community workers in

assessing the level and scope for inclusion in DR-DRR programmes. The optimum utility of the VM-IM frameworks is envisaged to be a mechanism whereby information thus generated would feed into the process of formation of inclusive District Disaster Management Plans.

1.1 Key highlights from the States

PILOT APPLICATIONS OF VM-IM TOOLS IN THE FIELD



ASSAM



KARNATAKA



ANDHRA

The VM-IM frameworks have been piloted in the flood affected regions of NDW interventions in Mehboobnagar, Kurnool, Vijaynagaram and Prakasham districts of Andhra Pradesh, Raichur, Yadagir and Bijapur districts in Karnataka, Jorhat and Lakhimpur districts in Assam, and Kendrapara and Jajpur districts in Orissa. About 25-30 trained volunteers constitute task forces in each of the states. The process of identification of volunteers is an ongoing continuous process to train as many as possible and available for the same, thereby ensuring the task forces always have the required strength.

Pilot application of VM-IM has generated additional information and facts on forms of exclusion of Dalits in DR-DRR. This exercise has helped community identify their vulnerabilities and has created rights awareness among them. The authorities have been approached with supplementary memoranda and victims compensated with housing in Bijapur district, Karnataka. Applications have also been filed in Orissa for the first time for entitlements of the victims after inclusion monitoring survey as people had no knowledge whatsoever about the compensation packages and mechanisms of the state.

INTERVENTIONS IN MAJOR CAAMITIES OF 2011

Thane cyclone Social audit and Inclusion Monitoring

Thane Cyclone wrecked havoc in the state of Tamil Nadu in December 2011, badly hitting the districts of Cuddalore, Villupuram and Pondicherry. Spurred by the media reports of atrocities against Dalits and past documented evidences of CBD and exclusion during the tsunami in Tamil Nadu in 2004, NDW conducted the social audit through a team of social activists to look into the situation of Dalits. The social audit re-confirmed the same tragic state of affairs for Tamil Nadu, leading to extreme forms of exclusion, thus exacerbating vulnerability of Dalits by manifold. The social audit in the district of Cuddalore highlighted yet again that location of public tube wells (with or without raised platforms), cyclone/flood

shelters, distribution centres, etc. are often decided on the basis of perceived physical access without taking in to consideration the aspect of social access.

Subsequently, an Inclusion Monitoring survey was also undertaken in the districts of Cuddalore and Villupuram, across 40 identified Dalit villages having around 2000 households, through 30 trained volunteers, which also included TISS students. The study was commissioned with assistance from local organizations and our CMDRR network associates, Kalvikendra, Hope and HelpAge India.

Inclusion Monitoring in Odisha floods 2011

Odisha also witnessed an intense flood situation in the year-2011. It affected 19 districts, of which, the situation in Puri, Kendrapara, Jagatsinghpur, Jajapur and Cuttack districts was more critical. Knowing of the state's following of the caste system and documented evidences of CBD and exclusion during the Orissa Super Cyclone of 1999, NDW, along with its local partners like Action for Rural Upliftment and Planning (ARUP), REISWA, CSJD and VICALP monitored government's rescue and relief operations to assess their reach to SC/ST communities.

The immediate objectives of the surveys were to (i) assess the process of relief of the government during the Thane cyclone and Orissa floods; and (ii) assist the communities in accessing entitlements from the authorities, besides the long term advocacy with the humanitarian stakeholders and governments to make DR-DRR responsive and inclusive to Dalits.

In Orissa, about 1400 individual applications for compensation of Dalit victims have been filed in Kendrapara alone, supplemented by application under RTI Act, which are being followed up regularly through state personnel and special core group constituted for the purpose of inclusion monitoring in the state, who meet regularly to review and plan way ahead.

Participation in the process of evolving model District Disaster Management Plan (DDMP), Madhubani, Bihar, steered by Sphere India

NDW representative participated in the 'DDMP District level Stakeholders' Consultation' at Madhubani, Bihar, in 9-11 June 2011, organized by Sphere India. NDW's participation was called upon for ensuring inclusion of concerns pertaining to Dalits and other marginalized groups in the process of formulation of DDMP. DDMP process is one where the national disaster management law in the country mandates consultation with the community and CSOs for people's concerns and needs to reflect in plans for decentralised and proper management of disasters. DDMPs together form the state disaster management plan (SDMP), which provides for institutional arrangements, roles and responsibilities of the various agencies, interlinks in disaster management and the scope of their activities. Besides ongoing dialogue for the same, NDW has provided inputs to Sphere India's Madhubani DDMP model Stakeholder plan for *Dalit and Tribal Associations*.

Pilot applications of VM-IM tools in the field

The VM-IM frameworks have been piloted in the flood affected regions of NDW interventions in Mehboobnagar, Kurnool, Vijaynagaram and Prakasham districts of Andhra Pradesh, Raichur, Yadagir and Bijapur districts in Karnataka, Jorhat and Lakhimpur districts in Assam, and Kendrapara and Jajpur districts in Orissa. The findings from these exercises have added to facts for advocacy in these states. The ultimate objective of the VM-IM frameworks is to feed into the process of formation of inclusive District Disaster Management Plans. About 25-30 trained volunteers constitute task forces in each of the states. The

process of identification of volunteers is an ongoing continuous process to train as many as possible and available for the same, thereby ensuring the task forces always have the required strength.

1.3. Include one text box which has hard data (for example : xxx no. of PILs were filed or followed up, xxx no. of SC hostels were monitored, xxx no of DWERS were trained on legal rights)

✓ **Public Interest Litigation for Entitlements against 2009 Floods to the excluded Dalit victims of, Andhra Pradesh**

After having extensively followed up with the authorities on entitlements of Dalit victims post 2009 floods, Dalit Watch-Andhra Pradesh has taken to legal recourse after undue silence of the authorities in the matter. A Public Interest Litigation (***W.No. 46 of 2012***) is filed in the Hyderabad High Court, for not just praying the government to pay the compensation to the victims, but also initiate action against the concerned authorities under Section 61 of the Disaster Management Act, 2005, and under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for discriminating and excluding the Dalit families from enumerating their losses. The case is pending in the state High court.

✓ **Total number of volunteers capacitated in VM-IM across Andhra Pradesh, Karnataka, Assam – 180**

NDW has attempted to utilise every bit of the opportunities to the fullest to highlight the issue of CBD in disasters to win attention of the authorities and the humanitarian agencies on the much sidestepped issue of Dalit inclusion. In addition to carrying out its direct programmes, NDW has participated in various CSOs and NGO-GO consultations and events and made the most of out of it. The issue is now in the domain of international humanitarian circle, and the NDMA. Moreover, the VM-IM tools and study for international humanitarian stakeholders have strengthened our presence in the DR-DRR arena, as resources that we have as offertory for the organisations and the authorities.

International Advocacy

International advocacy has brought tremendous impact on the overall advocacy on Dalit Rights. It has not only helped in creating visibility at global level but has also allowed for mainstreaming within the UN mechanisms which has grown significantly. A sustained and well coordinated intervention has brought the issues related to Caste based discrimination on to the centre stage for debate and discussion, and strengthens the fulfilment of national and International HR mechanisms that have been ratified. Interventions at UN and other global forum, along with regular follow up at national and regional levels keeps the issue alive and allows Dalits to get access to justice and regain their human personality. Swadhikar through its various movements within NCDHR have taken these aspects over several years and now propose to link the national mechanisms with the UN Human Rights mechanisms that have been ratified by India in order to create greater spaces for effective implementation of policies which empower Dalits and other marginalised communities.

Geneva Conference on Decade of Dalit Rights- 24- 28 June 2011



The push given by the Bellagio Consultation on the *UN World Conference Against Racism* in January 2000 for inclusion of caste discrimination in the WCAR Agenda became a public demand in WCAR in 2001 when a large number of delegation from India and other countries affected by discrimination based on work and descent clamoured for the inclusion of this issue in the inter-governmental official text of WCAR. Though the non-inclusion in the governmental text seemed a setback, the recognition of caste discrimination as a heinous crime by the global civil society's NGO Forum at WCAR was a big gain. Moreover, in the past one decade since WCAR, the enormous efforts undertaken by various civil society actors from and outside the caste affected countries to engage the governments of the concerned affected countries, various UN bodies, the EU as well as certain governments in Europe, and the subsequent significant outcomes gained as a result of such efforts necessitated a pause for assessment of the past and designing the future. To make a historical note here, the seed for having such review and future planning was sown on the occasion of the Regional Seminar on "Minority Issues and Social Exclusion in South Asia: Challenges and Responses by State and Civil Society, Positive Practices, Learning's and Future" held in New Delhi on 18-19 December 2010. The planning set in motion from then onwards moved into the direction of holding five events in Geneva during June 2011.

Decade of Dalit Rights: Strategy Building Conference, 24-25 June 2011

The tone of the conference was set by a reminder of our shared experience of resistance to denial of our rights both for ourselves as well as for the millions oppressed by the mere fact of birth into a caste; hence, we ask the UN and the world to give human rights meaning by helping us to eradicate caste discrimination. OHCHR has given prominence to this issue and wants to promote human rights approaches to caste discrimination in other UN bodies; this would contribute to impacts on the ground as well as creating further normative advances internationally.

On 26th June 2011 an UN Expert Seminar was convened, by Ms. Gay MacDougall. There were on the whole 26 experts who were invited by her, including 8 Special Rapporteurs, one former SR, one Treaty Body members, member of the Office of the High Commissioner on Human Rights, ILO, Int'l Human Rights Organisations like Amnesty International, Human Rights Watch and Minority Rights Group International. It also came up with strategies to be taken in the UN/ OHCHR level.

Decade of Dalit Rights: Bilateral Meetings with Special Rapporteurs, 27 & 28 June, 2011

A total of 6 Special Rapporteurs were directly involved in separate advocacy meetings, in addition to the three more who participated in the UN expert Seminar on the 26 June.

1. Minority issues
2. Slavery
3. Health
4. Water and sanitation
5. Human rights defenders

Decade of Dalit Rights: Advocacy meetings with Country Missions, 28 June, 2011

Two set of advocacy meetings with country Missions were carried out. One was a meeting convened by the Canadian Mission and country mission representatives from Canada, USA, Austria, UK, Denmark, Argentina, France, and Hungary attended the meeting.

Other Activities:

After the Decade of Dalit Rights Meeting in Geneva, a symposium in National Level was organised in October 2011 to examine the issues and concerns in addressing the critical issues of Caste Based Discrimination at the UN Human Rights Mechanisms. A panel discussion was arranged which focussed on **Stock taking of UN Mechanisms in addressing Caste Based Discrimination and Relevance of UN mechanisms in strengthening Dalit Right's Concerns and the Challenges in the Way Forward.**

In December 2011, NCDHR participated in the International Consultation on Good Practices and Strategies to Eliminate Caste – Based Discrimination from 29 November – 1 December 2011 in Kathmandu.

An exposure visit for IMADAR was organized by NCDHR to Delhi and Bihar, trying to have more learning on how there should be effective utilization of UN HR System and related advocacy activities at different levels in the national level itself.

A seminar was organized with BLL and IMADR on titled “Burakumin in Japan Today – Struggles & Strategies by Buraku Liberation League to address issues of Discrimination and Exclusion”. It was



mainly to take cognizance of their journey during the past few decades and also recognizing the continued forms of caste and community based exclusion, discrimination and violence in many parts of the world. This seminar gave the opportunity to look at the issue of Caste and Descent Based Discrimination from a much wider platform.

BLL and IMADR's visit also helped to explore the opportunities for a future collaboration for : **Multi-**

Stage Midterm (Cycle) Training for the Utilisation of UN HR system especially for Dalit Women & Employment and Skill Development training of Dalit Youth in private sectors.

NCDHR's Report Submission to the SR on Access to Water & Sanitation.

On February 2012, a report was submitted on 'Stigmatization of Dalits in Access to Water & Sanitation' by Ms. Hannah Johns (Research Associate, International Advocacy) to the Special Rapporteur on Access to Water and Sanitation and also an intervention was made in the consultation organised by Special Rapporteur Ms. Catarina de Albuquerque in Geneva.

A side event on "Dalit human rights defenders in South Asia - addressing common and unique challenges" was jointly organized with IDSN and IMADR on 8 March 2012 at Palais des Nations in Geneva.

The side event aimed at sharing examples of the common and unique challenges faced by Dalit human rights defenders working in South Asia, thus providing a regional perspective on the human rights problems faced by those who are at serious and immediate risk defending the rights of marginalized people. At the event the **UN Special Rapporteur on Human Rights Defenders** shared her perspectives on action to ensure enhanced protection of Dalit human rights defenders; an issue which the Rapporteur is "deeply disturbed" by following her visit to India in 2011. In the mission report (A/HRC/19/55/Add.1) she expresses concern, among other things, about the fact that "from the dominant caste, Dalits' rights defenders reportedly face, inter alia, death threats, beatings and caste-based insults in public places, direct and indirect destruction of their property/belongings; and filing of false cases against them".

Consultation with UN OHCHR Nepal on Campaign to End Caste Discrimination and Untouchability, New Delhi, 22 March 2012.

Ms. Jyoti Sanghera, Head of OHCHR - Nepal and Ms. Katia Chirizzi, Coordinator Anti-Discrimination/Economic, Social and Cultural Rights Section, OHCHR-Nepal shared with Dalit Rights groups the launch of their Campaign report '[I Commit to End Caste Discrimination and Untouchability](#)'. NCDHR and OHCHR Nepal, explored a joint collaboration on Training of Dalit Human Rights Defender's under the OHCHR's capacity and also the possibility of carry forwarding the campaign 'End Caste based Discrimination'

'Joining forces for a caste free world'...Norwegian Dalit Solidarity Network.

Ms. Asha Kowtal and Mr. Paul Divakar attended '**Hearing on Caste Based Discrimination. "Joining forces for a caste free world"**' organized by Norwegian Dalit Solidarity Network in Oslo on 28 march 2012. A detailed presentation was done on 'Caste Discrimination and the struggle for dignity – An Introduction & Overview and also on Class, Caste, Gender and Women's role in the Dalit Struggle.

Universal Periodic Review

This year we had a special focus on the Universal Periodic Review of India and also effectively linking up the advocacy work in grass root, national and International Level. We held a national consultation as National Coalition for Strengthening SC & ST (Prevention of Atrocities) Act, for drafting an exclusive report on Caste Based Discrimination and other issues related to it. It was a collective process and a draft

outline of the report in this consultation was presented and a fruitful discussion and valuable contribution from participants were garnered. Joint Stakeholder's Report on Caste Based Discrimination was submitted to the OHCHR from NCDHR. Understanding the growing potential of UPR as a UN Mechanism, there have been a lot of efforts put forward for the second cycle as India is getting reviewed on 25th. The Ministry of External Affairs have held meeting with members of civil society bodies and promised they will be keen to take inputs from CSO's. As part of UPR process, lobbying meeting was arranged with 9 Country Missions in Geneva for UPR. There was a sense of considering the UPR Mechanisms to be more promising and greater outputs are expected from all this time. Problems regarding Caste and Caste Based Discrimination have been discussed and few country missions showed genuine interest in highlighting the problem in the upcoming UPR. Advocacy and Lobbying meeting for UPR was arranged with Embassies in India including Canada and other 9 EU Nations. *India was reviewed at the UN Universal Periodic Review of India on 24 May 2012.*

National Dalit Movement for Justice

At a Glance, April 2011 to March 2012

Ongoing work

Since 2009 the focus has been on evolving mechanisms to strengthen the SCs & STs (PoA) Act. Advocacy and lobbying with the policy makers, like parliamentary committees, ministries and commissions, to affect certain amendment to further strengthen the Act. Utilization of various tools and mechanisms, like RTI applications, public interest litigations, and consultation with members of vigilance and monitoring committee members, etc., to strengthen the implementation of the Act. This process is continuing but with incremental depth.

New Areas of Work in 2011-2012

For the past few years, interaction with various SC & ST Parliamentarians. This year there had been a re-constitution of the office bearers of the SC / ST Parliamentarians Forum. The new Secretary General of the Forum as well as most of the office bearers and various members of the Forum had been in interaction for quite some time. This year the NDMJ team was invited as experts to present inputs on four of the pending bills, as suggested to them by the Ministry of Human Resource Development, to analyze them on the perspective of SC & ST. On 23rd November 2011, the first meeting of the re-constituted forum, we along-with Mr. P. S. Krishnan and Dr. S. K. Thorat, presented our analysis to these bills as well as kept our demand for review and amendment to the SCs & STs (PoA) Act. The forum agreed to propose the amendments recommended to the SCs & STs (PoA) Act to the Government. This is a very new strategy to firstly provide our expertise in analyzing the bills from the SC perspective and also to address / interact with this forum of SC / ST parliamentarians, which is very appropriate for legislative advocacy on the Dalit issues.

Interactions with the National Advisory Council started off by being in the drafting committee of one of their bills. So due to the regular interaction, the council started a working group on Dalit issues and called for several consultations regarding the review of SCs & STs (PoA) Act. Now National Advisory Council (NAC) has taken up the drafting of amendments to the Act based on our proposed amendments and had series of consultations as well as officials of concerned Ministries, NAC asked National Law School to come out with justifications for the amendments proposed. The draft of NAC are expected

shortly. Since Prof. Mohan Gopal, the erstwhile Director of National Judicial Academy, became the Director of Rajiv Gandhi Institute of Contemporary Studies (RGICS), known as the think-tank of the ruling political party, after several interactions with RGICs to take up the issue of review of the act, and this resulted in a consultation on 16th February 2012 to have a thorough discussion with the Honorable Minister of Social Justice & Empowerment in an informal ambience, on the various aspects of atrocities and its prevention. Therefore, this strategy of interacting with these organizations, which acts like think-tank to the policy makers, is very helpful in policy advocacy for the Dalit issues.

Text box with hard data

5	Public Interest Litigations were filed or followed up
45	Fact Finding Missions organized
1358	RTI applications were filed in 200 districts & 29 States through National Secretariat
1353	RTI applications were filed in 255 districts & 9 States through State Secretariats

Key highlights from the States

Expanding the scope of SCs & STs (PoA) Act

Experience has shown that the focus has been on addressing the atrocities as a violation of civil rights only, but when one analyzes the cause of these atrocities, one can note that an atrocity occurs when a Dalit attempts to assert their socio-economic cultural rights. So there is a need to expand the scope of the Act by using it to address the socio-economic cultural (SEC) rights by introducing it to the organizations working on those rights. The process of closely analyzing more than 265 organizations in Madhya Pradesh (50 orgns.), Himachal Pradesh (15 orgns.), Bihar (45 orgns.), Maharashtra (35 orgns.), Karnataka (20 orgns.), Uttar Pradesh (60 orgns.), Haryana (40 Activists). Is now currently being done. Consultations in different states are being carried out in order to start the process of interaction with the organizations working on socio-economic cultural rights.

A State-level Consultation was jointly organized with Praxis in Bihar on 13th December 2011, focusing on **realization of socio-economic cultural rights of Dalits by using SCs & STs (PoA) Act**. The consultation was inaugurated by the Hon'ble Minister of Rural Development & Panchayati Raj, Dr. Bhim Singh. The panelists comprised the Chairperson of the State Commission for Scheduled Caste, Member of the State Commission for Protection of Child Rights, Executive Chairperson of the Bihar State Mahadalit Commission and Padmashree Awardee, Sudha Varghese.

A workshop with CSOs and HRDs for effective Implementation of SCs & STs (PoA) Act was organized in Jalandhar, Punjab, on December 28-29, 2011. **Issues of Bonded Labour and /vis-à-vis SCs & STs (PoA) Act** were discussed at the workshop, wherein the situation of Dalits, who constitute major population of bonded labourers and encounter several forms of atrocities and harassments due to the nature of their work, and also face practices amounting to 'untouchability' were deliberated upon. Various offences and mandatory and accountability provisions under the SCs & STs (PoA) Act were also discussed.

On November 16, 2011, NDMJ organized a State level Seminar, themed 'Atrocities on Dalits', along with B. R. Ambedkar University, Lucknow and Oxfam India. The participants and delegates of the seminar deliberated upon the important issues pertaining to atrocities against Dalits and its various dimensions. The seminar observed attendance and active participation of **experts from the civil society**,

enforcement departments and the academics fraternity. The nature and extent of atrocities in Uttar Pradesh and, the status and gaps in implementation of various mechanisms of SCs & STs (PoA) Act & Rules were presented at the seminar.

Raising Public Opinion through Public Actions

14th April, Bihar - More than 2000 people participated in this huge rally jointly organized with SC/ST Employees Association at East Champaran to highlight the PoA Act

17th April, Maharashtra - A big rally crossed 14 villages of Sholapur district opened branches of NDMJ in the villages of Chandrapuri, Dharmapuri, Phondshars

4th June, Bihar - Around 115 activists and 30 victims joined a 'Dharna' to submit memorandum to DM for implementation of provisions of PoA Act & Rules in Murder of a Dalit at Bhagalpur

30th September, Maharashtra - Organized a 'Dharna' at the office of S.P. demanding declaration of atrocity-prone districts

18th February 2012 Press Conference on the recent atrocities against Dalits and non implementation of SC & ST (PoA) Act 1989, Bhubaneswar, Odisha - A press conference was held on February 18, in Bhubaneswar, Odisha, at the Red Cross Bhawan, highlighting the issue of recent spurt of a major violence against Dalits and non-implementation of SCs & STs (PoA) Act & Rules in the case. There were around 15 news papers including electronic media among other participants at the conference.

21st February 2012 Bihar Vidhan Sabha Rally – NDMJ along with Mahadalit Adhikar Manch organized a big rally in front of the Bihar Vidhan Sabha on February 21, of nearly 2,000 people including women, demanding enforcement of section 4 of SCs & STs (PoA) Act on officials neglecting implementation of various monitoring mechanisms under the SCs & STs (PoA) Act & Rules. A representation was submitted in the name of the Chief Minister, the Speaker and the Minister of Scheduled Caste Welfare.

Training of Dalit Human Rights Defenders

NDMJ along with a consortium of NAWO, SFCD, Jana Vikas, CSNR & SLIC co-organized a 6-day Training of DHRDs on Atrocity Monitoring using the Act from 5th – 10th April 2011 at **Odisha** training 60 activists from 40 organizations of 30 districts of Orissa. A follow-up training also took place on 24th July 2011 training activists of 43 organizations of 30 districts of Orissa.

A 2-days training workshop with 'Committee for Monitoring And Strengthening SC/ST (PoA) in Karnataka' to 60 activists from 20 districts of **Karnataka** on 18th – 19th April 2011

On 28th November 2011, facilitation of the training on SCs & STs (PoA) Act, in Gorakhpur district of **Uttar Pradesh**, organized by 'Purvanchal Gramin Seva Samiti'. The training focused on provisions and various monitoring and accountability mechanisms available in the SC & ST (PoA) Act.

Preparation of State level Status Report on Implementation of PoA Act

Based on the responses from RTI applications as well as from other information from fact findings, NCRB data and media reports we prepared facts-sheets on the status of implementation of SCs & STs (PoA) Act in the state of Karnataka and Himachal Pradesh.

In **Karnataka**, the Status Report was prepared along-with the 'Committee for Monitoring and Strengthening SC/ST (PoA) in Karnataka', which was released by the Hon'ble Energy Minister of the State in a Consultation at Bangalore on 15th September. The release of the Karnataka Status Report being done by the Hon'ble Minister, contained shocking information and this attracted huge media attention at the State-level

In **Himachal Pradesh**, the draft Status Report along-with 'Centre for Mountain Dalit Rights – Himachal Pradesh', which was handed over to the Hon'ble Chief Minister on 7th September who referred to Social Justice Department for action. The Chief Minister referring to the Social Justice Department and the prompt follow-up ensured that the Social Justice department questioned all the DMs and SPs regarding the non-implementation of the Act at their respective levels

State Consultations with MLAs & CSOs for Implementing PoA Act

On 14th July Madhya Pradesh State Consultation at Bhopal - After the presentations on the findings of a study on discrimination in education and health system in Madhya Pradesh; the status of enforcement of SCs & STs (PoA) Act & Rules in the state by NDMJ; and status of allocation of funds in SCP & TSP by DAAA, vis-à-vis the possible strategy and role of MLAs, the present MLAs engaged in a candid discussion with the representatives of the civil society organizations, about their interventions and challenges they face in delivering their responsibilities as elected representatives of Dalit and Adivasi population in Madhya Pradesh.

On 15th September Karnataka State Consultation at Bangalore - A consultation of MLAs was organised at the Legislator House, in Bangalore. A Status Report of implementation of SCs & STs (PoA) Act in Karnataka was released by the Hon'ble Energy Minister, Kumari Shobha Karandlaje and other dignitaries. The Committee Monitoring And Strengthening SC/ST (PoA) in Karnataka, including NDMJ-NCDHR had compiled the report. Deliberations took place on various strategies that are necessary to be taken for strengthening the implementation of the Act in the state.

On 29th July Interface with Maharashtra Forum of SC/ST MLAs & MLCs - A meeting of Dalit MPs, MLAs and MLCs, was organised through the Secretary, SC & ST Forum of MPs and MLA, which was attended by a total of 12 MLAs, MLCs/MPs. The forum also discussed non implementation of the PoA Act and Rules. NDMJ apprised them on the non implementation of various monitoring and accountability mechanisms under the Act and Rules. The members agreed to raise the issue of the non implementation in the ensuing sessions.

On 19th December State level Consultation with MLAs & CSOs at Shimla -The consultation aimed at sensitising the MLAs and CSOs in the state on the status of implementation of the SCs & STs (PoA) Act. The MLAs expressed the necessity to prepare documents and build evidences on untouchability practices and atrocity issues before hand, so that they could raise these issues during the assembly session. The need to establish Special Court in HP for providing speedy trial under the Act was emphasized. It was also suggested that the victims approach the police stations to file complaints in large numbers to create pressure on the police officers to register complaints without delay. The consultation observed presence of MLAs and significant number of representatives from the civil society.

Lobbying & Advocacy for Enforcement of SCs & STs (PoA) Act & Rules

Meeting the Chief Minister of Himachal Pradesh - On 7th September, NDMJ-NCDHR met with the Honorable Chief Minister of Himachal Pradesh Mr. Prem Kumar Dhumal and presented to him the 'Report Card' of 20 years of implementation of the SCs & STs (PoA) Act that was released by in the year 2010 and also the 'Status Report' of implementation of the SCs & STs (PoA) Act in Himachal Pradesh. He requested if a copy of the same can be sent to the office of the Social Justice Department and also assured that he would take this up. Later it was learned from one of the district-level Superintendents of Police that the same 'Status Report' was sent to all the District Collectors and the Superintendent of Police of the State, who are responsible for implementation of the said Act at the district level. They were asked by the Social Justice Department to show the cause for discrepancies in implementation of the Act at their respective levels.

Advocating for State-level Vigilance & Monitoring Committee Meeting of Bihar -In September 2011, NDMJ met with the Deputy Chief Minister and the Chief Minister during the regular 'Junta Durbar' of the Chief Minister. As a joint impact of all these interventions, first time in any State in the history of SCs & STs (PoA) Rules, the State-level Vigilance and Monitoring Committee meeting was held twice in 2011.

Meeting with NCSC Chairperson at Bihar - On 3rd July 2011, a representation was submitted to the chairperson of National Commission for Scheduled Castes, Mr. P. L. Punia, along-with status of 25 recent major atrocity cases of Bihar at Patna. The chairperson promised to take up the cases for consideration.

Meeting with Nodal Officer of Maharashtra - On 28th July 2011, NDMJ met up with the Nodal Officer under SCs and STs [PoA] Act & Rules and also showed a "Model Government Order" for the proper enforcement of the mandatory responsibilities to be carried out by the District Authorities. Since the Government of Maharashtra is establishing six exclusive special courts, the Nodal officer asked us to prepare the guidelines for the special courts to function more efficiently. The Nodal Officer appreciating the Model Government Order assured issuing such orders to all the District Magistrates.

Meeting with ADGP of Odisha - A delegation met with Mr. Kapur, ADGP, Bhubaneshwar on 24th July 2011. The Police department is preparing a strategy paper to work on 102 atrocity prone areas identified by them. Following our sharing on different strategies of engaging with different State Governments, they sought our support in terms of preparing guidelines / format for the enforcement officials for the enforcement of the mandatory provisions of the Act & Rules.

Empowering the Odisha Police for Enforcing POA Act & Rules in the state - In continuation of the previous meetings with the DGP of Odisha on the possibilities of Monitoring of Police Stations, the meeting with the DGP on took place on 18th February. He informed that 100 police stations in Odisha had been identified, but only 10 police stations would be jointly monitored as a pilot and then each police station would be linked to a local advocate and an activist provided by NDMJ to keep a watch on the "Untouchability Practices" and "Atrocities", within the jurisdiction. During this meeting the Director of State Police Academy was present and a project to collectively bring out a handbook for the officials, a plan has already been finalized for the same.

Meeting with State Judicial Academy Maharashtra - On 28th July 2011, there was a meeting with the Joint Director of the State Judicial Academy, in Utthan and Mumbai. The director agreed for a separate 2-day training programme for the Judges and Special Public Prosecutors of the Special Courts on Dalit exclusion in socio-economic spheres and SCs & STs (PoA) Act and Rules.

Meeting with District Collector, East Champaran, Bihar - On 22 June, there was a meeting with the District Collector of East Champaran district of Bihar, along with the SC Commissioner, where the DSP and the DWO were also present. The Collector said henceforth DVMC meetings will be held every month. A committee was also formed including two social workers, to monitor all the post mortem reports of all the murder cases registered under SCs & STs (PoA) Act in the district.

Capacitating Enforcement Officials of Maharashtra - The Maharashtra Governments' training institute namely, Dr. Ambedkar Research & Training Institute organized training of DM, SP, DWO of districts of 3 divisions {Nagpur(1/6/11), Amravati(2/6/11) & Nasik(27/7/11)} on implementation of SCs & STs (PoA) Act. NDMJ as a resource person intervened in training the enforcement officials who are responsible for implementation of various mechanisms of the SCs & STs (PoA) Act & Rules in their respective districts. So far the enforcement officials of districts and 3 divisions of Maharashtra have been trained.

Meeting with the Chief Justice of High Court, Himachal Pradesh – On 22nd December 2011, NDMJ met with Sh. Kurian Joseph, Hon'ble Chief Justice of Himachal Pradesh, with the objective of sensitizing him on the status of implementation of SCs & STs (PoA) Act. The Chief Justice advised on utilizing the provision of Legal Service Authorities at the district and state levels and assured his assistance in the follow up of the cases through his advocates.

Joint Programme with District Social Welfare Department, Thane, Maharashtra - On February 29, a meeting was organised jointly with the department of Social Welfare at the Office of the District Collector, Thane. We facilitated the deposition by the survivors of atrocities from different villages of Thane, before the enforcement officials and Dalit Human Rights Defenders. The programme was attended by all the Enforcement Officials of the Thane district.

Series of Survivors' Meetings with Enforcement Authorities

Patna, 16th – 18th November 2011 - 15 Survivors and Witnesses of 13 of the major atrocity cases being followed up were called to Patna for a series of meetings with various enforcement authorities. On 16th November, they met with the Minister of SC & ST Welfare Department, the Inspector General (Weaker Section) who is responsible for the SC & ST Protection Cell, the Director In-charge of the National Commission for Scheduled Caste, Bihar and the Chairperson of Bihar State Commission for Scheduled Caste. On 17th November the Survivors and Witnesses met with 6 major electronic media channels and presented the updates, which were shown in all these television channels. On 18th November the Survivors and Witnesses met with the Home Secretary of Bihar, who is also the Nodal Officer as per SCs & STs (PoA) Rule. These meetings opened up avenues for advocacy for implementation of SCs & STs (PoA) Act & Rules in Bihar and also as a direct impact the IG (Weaker Section) wrote to all the respective Superintendents of Police to send the respective survivors and the investigation officers for a review of the status of the atrocity cases presented.

Lucknow, 21st – 22nd November 2011 - Compiling 6 major atrocity cases, 12 Survivors, Witnesses and Civil Society Representatives met with various Enforcement Officials. On 21st November the team met with the Director General of Police, the Principal Secretary of Social Welfare Department who is also the Nodal Officer as per the SCs & STs (PoA) Rules, the Additional Director General of Police, CBCID and the Uttar Pradesh Scheduled Caste / Scheduled Tribe Commission. While the DGP met with each of the survivors and witnesses one by one and discussed about their cases, the Nodal Officer met with the team and promised to write to the respective District Magistrates. On 22nd November the survivors and

witnesses met with the representatives of more than 8 major print and electronic media houses in a press conference, which ensured good press coverage.

Madhya Pradesh, 7th December 2011 - On 7th December we organized a Survivors meeting with Enforcement authorities in at Bhopal with 13 Survivors of 7 atrocities cases who met with the Nodal Officer cum Principal Secretary of ST & SC Welfare Department of Madhya Pradesh. The Survivors deposed the cases and status of non-implementation of the SCs & STs (PoA) Act by the Police Officials especially on the non-arresting of the perpetrators. The Nodal officer assured that he will send the cases to Home secretary and proper action will be taken on each of the cases. He also advised to meet the Addition Director General of Police who is also in charge of the SC / ST Protection Cell of the State. As per his advice they met with the ADGP who assured that relevant action will be taken by the respective Superintendent of Polices. The intervention was reported to the press and was covered in Patrika and Nav Bharat newspapers.

Haryana, 15th December 2011 - On 15th December 2011, NDMJ along with 6 survivors of 10 atrocity cases of Haryana met with the IG (Law & Order) at Panchkula and Principal Secretary of Social Justice & Empowerment at Chandigarh Secretariat. After the victims met with the IG (Law & Order) and deposed their cases describing the lacunae in investigation by the DSP, the IG assured that he will report to DGP and assured to render justice to the victims. When the survivors met with the Principal Secretary of Social Justice & Empowerment explaining the lacunae in giving the relief and compensation in the atrocity cases, and also requesting him to send notice to the Deputy Collector of all the districts to provide the relief and compensation, he promised that he will collect the data of district budget, and after a month he will respond to us and release the Compensation.

Karnataka, 23rd December 2011 - On 23rd December, NDMJ facilitated 12 survivors of atrocity cases to converge at the Karnataka State Capital to meet with the relevant Enforcement Officials authorized to implement various provisions of SCs & STs (PoA) Act and Rules. They met with the Chief Secretary of the Karnataka Government. Listening to the survivors, the officer assured that he will send letters (Government Order) to all the district-level Superintendent of Polices & District Collectors to implement the respective provisions, and also promised said that he will initiate to call for a State Vigilance & Monitoring Committee meeting in the month of January. They met with the Principal Secretary of Social Welfare who promised that he will write letters to Superintendent of Police, District Collector & District Social Welfare Officer to enquire, why there is a delay in filing charge sheets and in providing Relief / Compensation. They met with the Home Secretary, who promised that he will discuss with Superintendent of Polices in a meeting next month to hold them accountable. They met with the State SC/ST Commission Secretary, who said that the commission has taken note of the complaint and will call the victims & witnesses and respective Superintendent of Polices & District Collectors for a Hearing. Since the Director General of Police could not give time to the survivors, they met with the Director of PCR Cell, who promised that he will write letters to the District Civil Rights Enforcement Authority about their accountability.

Case Study Analysis

Follow-up of the Mirchpur carnage

Regarding the case that we are closely following regarding the Mirchpur carnage, Hisar, Haryana where a 70-year-old Dalit, and his physically challenged daughter had been killed in the violence by a mob that set ablaze the houses of the Balmiki community on April 21, 2010. On October 31, 2011, the case received a favorable judgement from the Rohini Special Court as the final judgement, wherein, it awarded life sentence to 3 perpetrators, 5 years term to five guilty and let off seven people on one-year probation.

Since the court acquitted 82 out of 97 accused including the Police Officer in the case, saying, the allegations leveled against them were not proved beyond reasonable doubt, we have filed a petition at the Delhi High Court on 23rd February 2012 challenging the judgement.

Due to the intervention of NDMJ in Supreme Court the trial of the case was transferred from Hisar District Court to Rohini District Court, Delhi for fair trial on 08/12/2010. The Supreme Court PIL was kept pending until the Judgment. In the mean time misc applications were filed, on the protection to the advocates and victims appearing in the Trial court and for the relief and rehabilitation of the victims. Advocate General was asked to ensure appropriate protection is provided to the persons who deposed in the case and also the state of Haryana was directed to ensure that the State administration provide two quintals of wheat and also to provide work to the victim families.

National Fact Finding Mission of an atrocity on Dalit in Hisar, Haryana, February 17

A Fact Finding mission was undertaken in Hissar, Haryana, spurred by the news of a Dalit boy's hand being chopped off for drinking water from an earthen pot owned by the dominant caste assailant. NDMJ met with the survivor, the Medical Officers, the Secretariat of National Commission for Scheduled Caste, the District Collector and the Superintendent of Police (SP). The SP ensured filing the charge-sheet soon & applying section 3(2) (v) of the SCs & STs (PoA) Act and providing protection to the survivor and his family. The Collector stated that other than paying relief to the victim as per SCs & STs (PoA) Rules, they are also paying the medical expenses for treatment of the survivor and would provide housing and livelihood support to the survivor. Later, it was learnt that the survivor was given a compensation of Rs. 3, 00,000/- as livelihood support from the Government and we are following up the case further to reach to its logical end.

National level Interventions

Lobbying & Advocacy for Amendment to SCs & STs (PoA) Act

Amendment Proposal by the National Commission for Scheduled Caste - NDMJ met with the Chairperson of the National Commission for Scheduled Castes, Dr. P.L. Punia as well as the Joint Secretary of the Commission, Shri T. Theethan at their office. A thorough discussion on the amendment process was initiated by the Ministry of Social Justice & Empowerment and also the possible role of the Commission towards the strengthening of the Act. A round of discussion with the joint secretary on the strategies for strengthening of the SCs & STs (PoA) Act & Rules. Follow-up has been taking place with continuous advocacy meetings and interaction, which resulted in the Commission to propose to the Ministry the similar amendments which were proposed by the National Coalition for Strengthening SCs & STs (PoA) Act.

Presentation to the SC & ST Parliamentarians' Forum in the Parliament, November 23, 2011 - The newly re-constituted, SC & ST Parliamentarians' Forum organized its first meeting in the Parliament building. NDMJ was invited as experts to present input on the four pending Bills, as suggested to them by the Ministry of Education as well as the legislation on Special Component Plan and the Amendment to the SCs & STs (PoA) Act. The meeting was attended by nearly 40 parliamentarians. The analysis of the legislations and suggested recommendations from the perspective of the scheduled castes and scheduled tribes were presented by Mr. Paul Divakar, Dr. Sirivella Prasad, Mr. P. S. Krishnan and Dr. S. K. Thorat. After our presentation on the proposed amendment to the SCs & STs (PoA) Act & Rules and the processes till date, the forum agreed to propose the amendments recommended to the SCs & STs (PoA) Act to the Government.

Consultation with the National Advisory Council, Working Group on Dalit Issues, November 16, 2011 - National Advisory Council (NAC) has constituted, from amongst its members a Working Group (WG) on Dalit issues. As part of its consultative process, the WG held a consultation with representatives of civil society, govt. officials and experts at the National Institute of Rural Development, Hyderabad. On 16th November 2011, NDMJ proposed certain amendments to the SCs & STs (PoA) Act. As a result, the NAC also decided to draft an amendment bill to the SCs & STs (PoA) Act to present to the Government. Therefore, they regularly invite NDMJ in their consultations. On January 6 & 30, NDMJ participated in these consultations. Now the process of drafting the amendments based on the inputs received from the last two consultations along-with the Joint Secretary of NAC is going on.

The NAC also requested the National Law School to subsequently draft an amendment bill to the SCs & STs (PoA) Act. So NDMJ is in the process of giving the input to the process.. NDMJ is also a prominent actor in this process including facilitating a National Seminar of Human Rights Leaders of the Civil Society on 17th – 18th March 2012 at Bangalore.

Meeting with the Cabinet Minister of Social Justice & Empowerment on Prevention of Atrocity - On February 16, Rajiv Gandhi Institute of Contemporary Studies organized an informal meeting with leading Dalit Activists and Human Rights Activists in Delhi and Shri. Mukul Wasnik, the Cabinet Minister of Social Justice & Empowerment on strengthening the SCs & STs (PoA) Act & Rules in the country. We also mobilized some of the major Dalit Rights leaders and had a thorough discussion on what the Hon'ble Minister could focus on, in order to control the atrocities on Dalits. The minister assured to consider the draft Amendment prepared by us along-with the National Advisory Council and the Rajiv Gandhi Institute of Contemporary Studies for preparing the draft for the Ministry. Also, he ascertained that the ministry would table the Annual Report of the Ministry as per section 21(4) in the parliament during the coming Budget session.

Monitoring & Sensitizing Enforcement Officials through RTI Applications

NDMJ has filed and also following up applications under Right to Information (RTI) as routine activity as per the monitoring calendar for better enforcement of the provisions of the SCs & STs (PoA) Act, 1989 & Rules 1995. NDMJ regularly files RTI applications every 20th, 30th & 31st of the month as per the provision of the Act, to activate the authorities under the Act and also to get information on the status of the implementation of the Act. Applications have been filed 7 (District– 3 & State level – 4) types of RTI applications covering 201 atrocity prone Districts of 26 states & 3 Union Territories. From the State Secretariats we filed 1353 RTI applications in 255 districts and 9 states. From the National Secretariat we filed 1358 RTI applications in 200 atrocity prone districts and 29 states and union territories.

Public Interest Litigation at the Supreme Court

In the year 2006 ,National Campaign on Dalit Human Rights, Centre for Dalit Rights and Sakshi Human Rights Watch, filed a Public Interest Litigation (C.W.P. No. 140 of 2006), on the non implementation of the SCs and STs [PoA] Act 1989 and Rules 1995. The Supreme Court had directed Union of India, all State Governments and UTs, Ministry of Social Justice and Empowerment, Ministry of Law and Justice, Ministry of Home of Affairs, NHRC and SC Commission to file their responses. So far, Union of ndia, Ministry of Social Justice and Empowerment and Ministry of Home affairs filed a joint affidavit and 16 States and UTs have filed their counter affidavits. On the other side, many of the major states with huge number of atrocity cases have not filed their affidavits till date. In this context, to activate the ongoing PIL, one-day National level Consultation was organized in Delhi on August 20, to evolve a strategy to follow-up the PIL both at the State and National levels. Around 40 CSOs from 13 States (Orissa, Bihar, Tamil Nadu, Maharashtra, Uttar Pradesh, Jharkhand, Rajasthan, Himachal Pradesh, Karnataka, Haryana, Madhya Pradesh, Andhra Pradesh and Tripura) discussed the status of implementation of the Act and the possible way forward.

Based on the discussions and the data provided by the respective organizations on the various gaps, an additional affidavit was filed in the Supreme Court on 19th March 2012.

SWADHIKAR

List of Governing Body Members (2010-2011)



Mr. P. L. Mimroth
President



Mr. V. Karuppan (Rtd IAS)
Vice President



N. Paul Divakar
Secretary



Sr. Sudha Varghese
Joint Secretary



Prof. Vimal Thorat
Treasurer



Fr. Aloysius Irudayam
Member



Ms. Rosemary Vishwanath
Member



Mr. Vincent Manoharan
Member



Mr. Vijay Parmar
Member



Dr. SDMJ Prasad
Member



Ms. Asha Kowtal
Member