

Voices Against Caste Impunity; Narratives Of Dalit Women in India



All India Dalit Mahila Manch (AIDMAM) has emerged as an important voice for Dalit women in India, across the South Asia region and International advocacy forums. We form a closely-knit collective that is growing and evolving based on our daily experiences. We are taking forward the Mission of Social Justice inspired by Dr. B.R Ambedkar. Most of our strategies revolve around Educate, Agitate and Organize, which relates to evidence based advocacy, active community programmes and mobilizing.

Ours is a platform for women from Dalit communities in India to escalate our voices for justice. We cultivate Dalit women activists, who are the leaders of a movement for Dalit self-respect and dignity. Our work spans four major areas: survivor support, grassroots activism, leadership development and international advocacy.

We have an active presence in seven states of North India with credible work done with communities on the ground. We believe in work with compassion, intelligence and practical tools. We have always responded to needs of communities rather than the needs of large grants and programmes.

Our work has travelled to more than 170 districts; meeting survivors, conducting public meetings, awareness programmes, public hearings, consultations, media conferences etc. In each district we work with the district authorities and police personnel.

In addition, we are part of Asia Dalit Rights Forum, International Dalit Solidarity Networks and have actively intervened in United Nations and EU Parliament on behalf of Dalit women.

We are active on social media. Our twitter handle is @dalitwomenfight with over 16000 followers.



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**Awake, arise and educate
Smash traditions-liberate!
We'll come together and learn
Policy-righteousness-religion.
Slumber not but blow the trumpet
O Brahman, dare not you upset.
Give a war cry, rise fast
Rise, to learn and act.**

Savitribai Phule

03 January 1831 – 10 March 1897

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Note from the collective

The reality of the caste system and all its manifestations in every sphere of life denying dignity and full humanity to the oppressed cannot be disputed. What is also significant is the cruel erasure of those buried under the pain of caste apartheid. How often have we read research reports, studies, articles and journals which carry a narrative of abject victimhood; the subject of which is often the victim - survivors of violence?

Dalit women have for long attempted to break this patronising projection of our violated bodies and families and have therefore organised ourselves systematically to be part of a process of building our own trajectory and asserting our own narratives.

We bring with us a long history of oppression and a resilient struggle for human dignity and life. It is this history that makes us who we are and therefore all our thoughts and actions are geared towards self-determination and freedom for all. On a daily basis we battle multiple forms of discrimination and atrocity and through it all, we continue to push for some semblance of justice. Often the criminal justice system and institutional mechanisms offered by the State are like a facade, meant to obfuscate or render meaningless the rights that are ours. We are fully aware of the deep-seated institutional caste bias that exists all around us. We have seen and experienced it in the process of our movement building and of course the lives that we live. Being aware of this is crucial for us as Dalit women, so as to place an authentic lens to our analysis; to constantly check ourselves as we navigate the various communities we are from, taking into account various intersectional frames of disability, sexuality, class and urban-rural realities and our differences even as we come together as a unified voice against the oppressive structures that seek to dehumanise us.

Caste atrocities of various forms and sexual violence in particular has been the most difficult to combat. On one hand, dealing with stigma, trauma and health issues with limited resources and on the other, battling the legal systems for justice is a crumbling experience. Despite all these barriers, we push forward, with a hope that we can leave behind a world that offers happiness, justice and security for our daughters. This hope is not an illusion. The urgency of uplifting our narratives along with our claim human rights is here and now. Tackling structural forms of violence perpetrated for centuries is a long haul process, but the belief that one has to make a transformative change in our lifetime is at the core of our organising.

We present this report to you with great pride in enabling voices of Dalit women leaders who are battling all odds to counter oppression and support vulnerable communities; even as we organise ourselves. The journey for each of us has not been easy and often, we feel burnt out by the relentless violence that we dalit women face as a community. Learning and unlearning everyday to play an enabling role for each other is key to our existence. The writing of this report was one such process that has brought in new perspectives and opened up spaces for collective thinking and articulation. We view it as a significant part of creating our own history. Often faced with humiliating and debilitating experiences for many of us activists and survivors; we can only gaze inwards and seek help from one another. This report is a reflection of that internal struggle attempting to trace the underlying factors for our extreme vulnerability as dalit women and also the exploration of strategies used to advance the resistance.

Fierce. Bold. Brave. Beautiful. This is the movement led by dalit women in India. There is nothing for us to lose but everything for us to win, as we march on with the spirit of resistance in our hearts, to sound the death knells of the caste system.

Jai Bhim.

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Glossary

AIDMAM	– All India Dalit Mahila Adhikar Manch
AVA	– Average Value of Assets
BRICS	– Brazil Russia India China and South Africa
CEDAW	– Convention on Elimination of all forms of Discrimination against women
CERD	– International Convention for the Elimination of Racial Discrimination
CM	– Chief Minister
CrPC	– Code of Criminal Procedures
DGP	– Director General of Police
DSP	– District Superintendent of Police
EEAS	– European External Action Service
EU	– European Union
FIR	– First Information Report
ICCPR	– International Covenant on Civil and Political Rights
IG	– Inspector General
ILO	– International Labour Organisation
MGNREG	– Mahatma Gandhi National Rural Employment Guarantee
NCRB	– National Crime Records Bureau
NDMJ	– National Dalit Movement for Justice
NFHS	– National Family Health Survey
NGO	– Non Governmental Organisation
NHRC	– National Human Rights Commission
NSSO	– National Sample Survey Organisation
OBC	– Other Backward Class
POCSO (Act)	– Protection of Children from Sexual Offences (Act)
SC/ST (PoA) Act	– Scheduled castes and Scheduled tribes Prevention of Atrocity Act.
SP	– Superintendent of Police
TA/DA	– Travel Allowance/Dearness Allowance
UN	– United Nations
UNHCR	– United Nations Human Rights Council
ZP	– Zilla Panchayat

Voices against Caste Impunity: Narratives of Dalit women in India

The Constitution of India, as early as in 1950, has laid the road map for the direction that India should take as far as fundamental rights are concerned. Article 14 states that 'the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India'. Article 15 (1) says that 'the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them; No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—(a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of the general public.

According to Article 17 "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law. Article 21 of Constitution of India, 1950 guarantees every person right to life and personal liberty. According to Article 21, every person has right to live his/her life without any disturbance and it shall not be deprived except by the procedure established by the law.

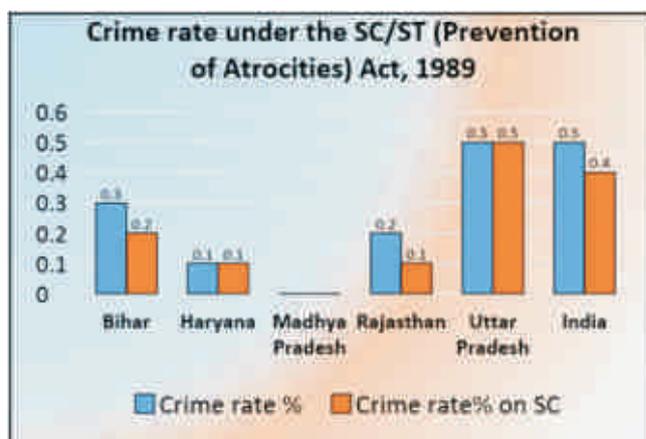
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 was introduced to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences. It gives a detailed break up of what constitutes atrocities. The Act was further amended in 2015 to punish casteist slurs and deny anticipatory bail to the accused. It also added to the list of atrocities under the 1989 Act, and included tonsuring of the head or moustache and similar acts derogatory to dignity.

There have been cases registered under the SC/ST (PoA) Act (Figure 7) but the overarching feeling among activists working with communities is that there is very poor implementation of the Act for several reasons. As can be seen from the NCRB crime data (Figure 8), a large part of the crime rate under the Act is on SCs. **Abirami who works with the National Dalit Movement for Justice says "The SC/ST Act talks about prevention of atrocities, but atrocities are committed again and again. It is a brilliant act, but who is implementing it?' She says that there is a fear around caste. 'even dalit professors from big universities like the Delhi University ask why we should discuss the SC/ST Act. No Member of Parliament has said he or she would resign in protest against non-implementation and dilution of the Act'.**

The failure of the existing SC/ST Prevention of Atrocity Act In all cases even though there were strict provisions within the existing laws, none of them were employed or implemented towards protecting Dalit women. Even in cases that involved caste abuse brutal rape and other such violence against Dalit women, the SC/ST (POA) atrocity act was not employed by the police and the judiciary. Often it is after days of protest and resistance that most of these cases are brought under the purview of the prevention of SC/ST (POA) atrocity acts. Even then the accused are not brought to justice

Preliminary Report, National Tribunal, Violence against Dalit Women

On the 20th of March 2018, the apex court issued changes to the Act that would protect public servants and private individuals from arbitrary and immediate arrests under the Act. According to the court's directive, coercive action against public servants accused of hostility towards lower castes can only be taken with written permission from their appointing authority. For private citizens accused of a similar crime arrests can be made only after the Senior Superintendent of Police allows for it. The changes to the Act have been strongly condemned by activists who feel that it would further affect the access of dalit women to legal recourse and justice².



The Protection of Children against sexual offences (POCSO) Act, 2012³ is in line with Article 15(3) of the Constitution of India, which permits the State to make special provisions for children. Section 21 of the Act provides punishment for failure to report or record a child sexual abuse case. POCSO Act makes it mandatory for every citizen to report cases of sexual offences against children to the police (Section 19). Failing to report the commission of an offence u/s 19 (1) or u/s 20 or failing to record such offence u/s 19(2) shall be punishable u/s 21. Courts cannot exercise their discretionary powers in POCSO cases. They cannot reduce the term of imprisonment to a term less than the minimum term stipulated under the Act. Media has to secure the identity and privacy of the child. Disclosing or publishing the identity of the child victim by mentioning name, address, neighbourhood, school name and other particulars is punishable with imprisonment of not less than six months but extendable to one year or with fine or with both. It also prohibits making of negative reports that cause harm to the child's reputation. Activists monitoring violence, come a cross many cases related to minor Dalit girls where POCSO is not invoked.

Human Rights Commissions are relatively new and innovative institutions born out of the initiatives of the United Nations to ensure domestic protection of human rights. The fact that international human rights laws have moved toward national constitutionalisation of human rights has strongly shaped the development of HRCs in numerous jurisdictions. HRCs perform a variety of functions.

They include investigating alleged violations, conducting public inquiries, exercising advisory jurisdiction, ensuring the implementation of human rights in prisons and other custodial institutions, providing advice and assistance to governments, creating awareness, promoting interaction, exchange, and better coordination among other national human rights institutions in the region and worldwide, promoting interaction and exchange with non-governmental organisations, and publishing annual reports.

² Ragini Bhuyan, "What Supreme Court's dilution of SC/ST Act means for dalit women" 6th April 2018, <https://www.livemint.com/Politics/BLSfI5mVpERSui9VI7qABL/What-Supreme-Courts-dilution-of-SCST-Act-means-for-Dalit-w.html>

³ "User handbook on protection of children from sexual offences Act, 2012", National Commission for Protection of Child rights, September 2017, <http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1289&lid=1514>

The SC and Women's Commissions that are in place to protect Dalits and women respectively are often unresponsive and ineffective. Suman says that there is not even one system that one can approach easily and get justice. ". *The Ayog (Commission) in Rajasthan is totally against dalit women and doesn't take any of their issues seriously*'.

According to the National Tribunal, Violence against Dalit Women²⁴, the National Commissions which have been set up to specifically safeguard the rights of the marginalized in our society, fails miserably in performing their responsibilities. Often, they are under various political and local pressures and are rendered useless. Even when they make recommendations, they are neither taken up nor implemented by the concerned authorities. In short, the Commissions have not been able to play the important and powerful role envisaged for them. Moreover, Dalit women do not find a central position in both the SC/ST commission (which is in adept to address their gendered status) and in the Women's commission (which is not capable of addressing issues of caste).

SC/ST (Prevention of Atrocities) Act r/w IPC – NCRB 2016									
State	Murder (Section 302 IPC)			Attempt to commit murder (Section 307 IPC)			Grievous hurt (Section 325,326,326A,326B IPC)		
	Incidence	Victims	Crime rate	Incidence	Victims	Crime rate	Incidence	Victims	Crime rate
Bihar	54	57	0.3	0	0	0	246	271	1.5
Haryana	34	34	0.7	14	14	0.3	19	19	0.4
Madhya Pradesh	81	81	0.7	106	106	0.9	87	88	0.8
Rajasthan	66	67	0.5	13	13	0.1	46	46	0.4
Uttar Pradesh	271	274	0.7	220	220	0.5	378	382	0.9
Total India	786	799	0.4	733	761	0.4	1071	1149	0.5

Grievous hurt includes 6 cases of acid attack on SC persons (Uttar Pradesh - 4 and Haryana - 2)

At the International level, India has been a signatory to many treaties committing to protection of women's rights. *The Universal Declaration of Human Rights (December 1948)*,⁴ which is binding on all nations, recognises the 'inherent dignity and of the equal and inalienable rights' as the 'foundation of freedom, justice and peace in the world'. Article 3 states that 'everyone has the right of life, liberty and security of person' and Article 7 affirms that 'All are equal before the law and are entitled, without any discrimination, to equal protection of the law.'

*The International Covenant on Civil and Political Rights (ICCPR)*⁵, which came into force on 23rd March, 1976 recognises the inherent dignity of the human person, and it also affirms that each state party to the covenant should ensure that any person whose rights or freedoms are violated shall have an effective remedy, even if the violation has been done in an official capacity, and with the possibility of judicial remedy. It states that 'Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State'.

4 *The Universal Declaration of Human rights, proclaimed at the United Nations General Assembly, 10th December, 1948, http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf*

5 *International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49 <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>*

On 18th December 1979, the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* was adopted by the United Nations General Assembly. The Convention brings women into the centre of discussion, establishing an international bill of rights for women and an agenda for action by countries to guarantee the enjoyment of those rights. In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity".

In 2005, India submitted the second and third periodic reports⁶ stating that gender mainstreaming was the cornerstone of budgeting and policy initiatives, and that process had been set up for legislative reforms, education, anti-trafficking, birth and death registration, gender and caste sensitisation, access of women to land and credit,

data quality and other measures for development and advancement of women. While these have been put down on paper, there is very little implementation either in spirit or practice and the effects have definitely not reached dalit women.

To challenge the government's version of reporting, the NGO Alternative report⁷ on CEDAW has been brought out by different civil society and women's rights groups, the last one in July 2014, spearheaded by the National Alliance of Women. *The report states 'Dalit women face impediments to their enjoyment of even basic entitlement and rights. Despite constitutional protections against discrimination based on sex and caste, and constitutional ban on untouchability, as well as special legislations like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Dalit women continue to face discrimination and the derogation of fundamental freedoms arising from the absence of due diligence by the state and the guarantee of impunity to state and non-state perpetrators of caste atrocities against women'.*

The report goes on to state that 'Social transformation and engineering for the betterment of society is only possible in a country where normative standards of equality before law, human dignity, and justice are held at high levels. In India, such norms do not exist. And, law enforcement agencies are ill-equipped and inept in discharging duties. Therefore, punitive legislations intended to force social reforms have failed.'

Meanwhile, while India is slotted for a CEDAW review this year, there has been no report from the GOI yet.

NGO Alternative report on CEDAW, July 2014, National Alliance of Women (NAWO)

Armed with a population of more than a billion people, India is now the 11th largest economy in the world. This growth story has done little to address the deep-rooted inequalities in the Indian society. The gulf of social inequalities on the lines of caste, class, tribe and minorities has only widened – challenging the very basis of the poverty reduction processes. The government's claim of inclusive growth has found little justification at the grassroots; the sustained investment in the citizens, primarily in the fields of health, education, employment, housing, energy and transportation, is far from satisfactory. Issues of corruption, bureaucratic red-tape and limited resources (the unfair distribution system notwithstanding) are some of the major stumbling blocks for India.

6 *Convention on the Elimination of All Forms of Discrimination against Women, CEDAW, United Nations, 19th October 2005, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined second and third periodic reports of States parties (India)*

7 *4th and 5th NGO Alternative report on CEDAW (India), July 2014, National Alliance of Women, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/Ind/INT_CEDAW_NGO_Ind_17400_E.pdf*

The concluding observations on the combined fourth and fifth periodic CEDAW reports of India⁸ states that the committee is concerned about "the stark increase of violent crimes against women, especially rape, kidnapping and abduction, and the high number of cases of rape reported by the National Crime records Bureau (2012) showed an increase by 902.1% since 1971 and ongoing impunity for such acts'. *It also expresses concern about the 'poor implementation of the Scheduled caste and Scheduled tribes (Prevention of Atrocities) Act and the impunity of the perpetrators of severe crimes against women. The other concern is the 'escalation of caste based violence including rape against women and downplaying by key state officials of the grave criminal nature of sexual violence against women and girls'.*

It has been known that India refuses to have any meaningful engagement on caste at any of the international platforms. This was evident in the 2001 World conference against racism that was held in Durban when some Indian NGOs tried to bring caste related issues into the conference. In 2004, the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène had included the caste system in the list of "political platforms which promote or incite racial discrimination".

At a 2006 International conference on Dalit rights in The Hague, Chin-Sung Chung, noted that in 2002, CERD had strongly condemned descent based discrimination on the basis of caste and analogous systems of inherited status, which is a violation of the Convention.

In 2012, the *European Parliament* resolution of 13th December 2012 on caste discrimination in India again referred to several previous commitments and resolutions to bring to the fore the pressing issue of the human rights situation of Dalits in India. These included the previous resolution of the European Parliament (1st February 2007), the Annual reports on Human rights in the World (18th April 2012), the International Covenant on Civil and Political rights, the International Convention for the Elimination of Racial Discrimination (CERD) and its general recommendations XXIV as ratified by India, the statement by the UN High Commissioner for Human rights and her appeal to UN member states to endorse the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, UN special procedures and UN treaty bodies, Universal Periodic reviews on India (10th April, 2008 and 24th May 2012) and others⁹.

It states that in spite of India's economic progress and its role in world politics as one of the BRICS countries, caste discrimination continues to be 'widespread and persistent'. It highlights the ILO statement estimate that an 'overwhelming majority of bonded labour victims in the country are from Scheduled castes and Scheduled tribes'. *It states that dalit and Adivasi women are the poorest in India facing multiple discrimination based on caste and gender and 'frequently subjected to gross violations of their physical integrity, including sexual abuse with impunity by members of dominant castes, are socially excluded, economically exploited and with a low literacy rate.* It says that a vast majority of crimes are not reported for fear of social ostracism and threats to personal safety and security and conviction rates under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, continues to be very low, providing no deterrent against crimes¹⁰.

On March 2013, the Secretary General of the United Nations issued a guidance note with 19 recommendations to ensure comprehensive and coherent actions to address racial discrimination and protection of minorities. Some of these are to integrate anti-discrimination and minority rights into the

8 "Concluding observations on the combined fourth and fifth periodic reports of India" Committee on the Elimination of Discrimination against women, United Nations, 18th July 2014

9 'European Parliament resolution of 13 December 2012 on caste discrimination in India', 13th December 2012 <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-512>

work of the UN at a global, regional and country level, pursue a human rights approach in all UN activities, address multiple and intersecting forms of discrimination, promote diversity, conduct human rights training on racial discrimination, focus on minorities that are economically, socially and politically most marginalised, build local ownership, re-inforce rights based educational curricula etc¹⁰.

The European Parliament adopted a resolution tabled by the Committee on Development on caste-based discrimination¹⁰. Members noted that caste-based discrimination existed in numerous countries across the globe, with the highest number of victims being found in South Asia, but also in Africa, the Middle East and the diaspora community, affecting an estimated 260 million people worldwide. It condemned the continuing human rights violations committed against people suffering from caste hierarchies and caste-based discrimination, including the denial of equality and of access to the legal system and to employment, continued segregation and caste-induced barriers to the achievement of basic human rights and development. Members particularly expressed serious concern about the social exclusion of Dalits in India and the widespread impunity enjoyed by perpetrators of crimes against Dalits and other victims of caste-based human rights violations. It called on the Commission and the European External Action Service (EEAS) and the EU to:

- Recognise caste as a **distinct form of discrimination** rooted in the social and/or religious context, which must be tackled together with other grounds of discrimination, i.e. ethnicity, race, descent, religion, gender and sexuality, in EU efforts to fight all forms of discrimination
- Consider people effected by caste-based discrimination as an identifiable group in policies and programmes and mainstream the fight against caste-based discrimination in EU legislation, policies and programming documents and to adopt operational guidelines for its implementation.
- Enhance monitoring and evaluation mechanisms in order to assess effectively the impact of EU action on the situation of people affected by this form of discrimination
- Carry out a systematic assessment of the impact of trade and/or investment agreements on groups affected by caste discrimination, and address these issues with industry representatives, government authorities and relevant civil society organisations
- Provide stronger support for development projects combating caste-based discrimination as a serious human rights violation that exacerbates poverty, and to take this form of discrimination into account in all projects with a focus on education, women, access to justice, political participation or labour in relevant countries
- Raise the issue of caste-based discrimination at the highest level with the governments of affected countries during bilateral summits and other international meetings
- Promote joint initiatives to eliminate caste discrimination with the governments of states, such as India, Nepal, Pakistan, Bangladesh and Sri Lanka, where caste-affected communities are subjected to so-called 'untouchability practices' and, more broadly, to combat discrimination based on work and descent, which occurs in various countries, including men, Mauritania, Nigeria, Senegal and Somalia calls that caste discrimination has gone unmentioned in agreements with many of these states
- Include, where relevant, a 'caste-based discrimination clause in all trade and association agreements
- Promote on-discriminatory and inclusive policies and procedures in business operations with caste-

¹⁰ "Guidance note of the Secretary general on racial discrimination and protection of minorities", United Nations, March 2013, <http://www.ohchr.org/Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf>

affected countries, including affirmative action for Dalits and similarly affected people in the labour market and the private sector

- Promote regular, broad consultation with civil society on caste-based discrimination and to allocate adequate resources to civil society organisations for fighting caste discrimination
- Promote a caste-sensitive post-2015 development agenda, with the reduction of inequalities based on r aggravated by caste as a crucial and measurable goal.

A report¹¹ (2014) by the UN Special Rapporteur on Violence against women highlights that redress for dalit women victims of violence is very limited and that multiple discrimination is a significant barrier to access to services and that numerous allegations were made of de facto caste-based discrimination, perpetrated by police officers, public representatives and community members, with regard to access to services".

In 2016, Rita Izsak-Ndiaye, special rapporteur of the United Nations Human Rights Council for minority issues submitted a report on caste based discrimination. She had explained that there is a complexity in talking about casteism in a minority rights framework, but they shared certain characteristics such as their non-dominant and often marginalized position, stigma. The response from India' permanent representative to the UN in Geneva was, as expected, to completely refute the report and take objection to it¹².

The UN in India, while condemning the brutal rape and murder of an eight year old girl in Kathua district in Jammu and a 17 year old girl in Unnao, Uttar Pradesh, came out with a strong statement by Mr. Yuri Afanasiev, UN Resident Coordinator in India. *We are deeply concerned about the prevalence of gender-based violence, including sexual violence against women and girls, which we are witnessing in India¹³.*

11 *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Addendum, Mission to India, April 2014, United Nations, General Assembly.*

12 *Devirupa Mitra "Stung by UN Report on caste discrimination, India cries foul" 25th March 2016, <https://thewire.in/diplomacy/stung-by-un-report-on-caste-discrimination-india-hits-back>*

13 *'UN in India Condemns Recent Cases of Sexual Violence against Women and Girls in India', United Nations, New Delhi, 13th April, 2018, <http://in.one.un.org/un-india-condemns-recent-cases-sexual-violence-women-girls-india/>*

Social and economic vulnerability of dalit communities leading to sexual violence on women



Illustration of a usual village by AIDMAM activists. The village is invariably divided physically into dominant caste village and a dalit colony. While the dominant caste section has better houses and facilities, fields and government offices, the dalit colony is seen as more dirty and with less resources. Even infrastructure that is supposed to be for dalit families is located on the dominant caste area so technically they do not have access even to facilities that are meant for them.

As per Census 2011, the total Scheduled Caste population of India is 201.4 million or 16.6 percent of the total Indian population, with the highest numbers being recorded in Uttar Pradesh (41.4 million). According to the National Family Health Survey 4th Round (2015), Scheduled caste constitute 20.6% of the Indian population (16.8% in urban areas and 22.6% in rural areas).

The oppression faced by the dalit communities in India is systematic and structural and permeates almost every aspect of their lives. The community is deprived of basic entitlements that citizens of a country have a right to such as access to common and public resources, private ownership of land or property, education, healthcare, legal mechanisms, social entitlements, adequate wages etc. Social boycotts¹⁶ have been effectively used, along with other practices, to keep dalit communities in constant submission

Caste affects employment and livelihood

While several laws are in place to prevent exploitative labour practices, these mean nothing in reality to thousands of dalit men and women, who are caught in an inextricable trap of poverty, debt, lack of access to land and poor wages.

According to several activists who works with dalit women across Rajasthan, Bihar, Haryana, Uttar Pradesh and Madhya Pradesh, dalit families are particularly vulnerable. Being economically deprived they are almost always forced to work in the houses or fields of the dominant caste groups. They are dependent on their employers for everything including loans for marriage or illness.

“The non-dalits first take whatever little land the dalits have and then enter their houses and want the women – whether it is the daughter, or daughter in law or wife or mother. Sometimes they make the men drink. When the husband is drunken and asleep, he doesn't know what is happening to his wife in the meantime” Suman Devathiya. Rajasthan.



The NSSO data¹⁷ comparing social groups shows that in rural India, SCs constituted the highest proportion of households with casual labour as the major source of income (52.6%) but the least (0.8%) for proportion of households possessing land of size 4.01 hectares or more.

The proportion of households without any literate member of age 15 years and above or any literate female member of age 15 years and above was much higher among STs and SC households in both rural and urban India.

14 Census of India, March 2011, <https://www.census2011.co.in/states.php>

15 National Family Health Survey (NFHS 4), 2015 -16, Ministry of Health and Family Welfare, International Institute for Population Sciences, Mumbai, <http://rchiips.org/NFHS/NFHS-4Reports/India.pdf>

16 A boycott is an act of voluntary and intentional abstention from using, buying, or dealing with a person, organization, or country as an expression of protest, usually for social, political, or environmental reasons

17 Employment and unemployment situation among social groups in India, NSS 68th round (July 2011 - June 2012, National Sample Survey Office, Ministry of Statistics and program implementation, Government of India.

From Figure on Average Value of Assets (AVA) for the SCs lagged behind in both rural and urban areas¹⁸.

57.2% of ST households and 50% of SC households had MGNREG job cards compared to 34.2% of OBC households and 27.1% of others category of households. Source: NSSO data



The average wages per day with SC women earning on an average Rs. 90/ day (less than 2USD\$) while the 'other' category women earn on an average around 251/day (approximately 5 USD\$). In 2007, the Arjun

Sen Gupta Commission on the unorganized sector assessed that the bulk of agricultural workers (90.7%) and rural workers (64.5%) were paid less than the national minimum wage of Rs. 66/- a day and that 77% of the Indian population lived on less than Rs. 20/- per day with a majority of them being SCs. Keeping the SC community economically vulnerable emboldens dominant caste communities to continue to oppress them and retain control.

Suman from Rajasthan says that people try to set up some business but it is always linked back to their caste - "In Rajasthan, there was a dalit man who used to make agarbathi (incense sticks). Non dalits refuse to buy it from him saying our gods will get angry and punish us if we light agarbathis made by you."

Rajeshwar Paswan from Bihar, after 18 years of having worked with dalit communities says – 'dalits are extremely vulnerable economically, physically and psychologically. There is poor knowledge of the law and their rights. They have to depend on others for livelihood. They are called to the field, for 'etta bhatha (daily wage labour). They have to go wherever and whenever they are called.'

Gauri who also works in Bihar says that there are some communities like the dom who bury dead bodies and also skin and dispose dead animals as well as Valmiki communities that have to do manual scavenging.¹⁹ "If these communities want to give up these practices and give a better life to their children, they try to get loans from government officials, but they are always refused. It remains only on paper.' She says that banks are ready to give loans to big industrialists and companies, but when the people who desperately need loans approach the banks, they are insulted and sent away. According the Rajeshwar who also works in Bihar- 'dalit communities are entitled to money and loans under several schemes for rehabilitation, but they are asked why they need so much money. Even if they do get money, so many people have to be bribed that the amount they finally receive is nothing.'

Caste affects literacy and education

There is a gender gap in literacy across all social groups. 48.33% of SC women and 64.21% of SC men are literate. Literacy levels are lowest among SC girls at 24.4 per cent, compared to the national average of 42.8 per cent²⁰

¹⁸ Household assets and indebtedness among social groups, NSS 70th round (January - December 2013), National Sample Survey Office, Ministry of statistics and program implementation.

¹⁹ Manual scavenging refers to the practice of manually cleaning, carrying, disposing or handling in any manner, human excreta from dry latrines and sewers. In 1993, India banned the employment of people as manual scavengers. In 2013, landmark new legislation in the form of the Manual Scavengers Act was passed which seeks to reinforce this ban by prohibiting manual scavenging in all forms and ensures the rehabilitation of manual scavengers to be identified through a mandatory survey. Despite laws, manual scavenging persists in India. According to the India Census 2011, there are more than 2.6 million dry latrines in the country. There are 13, 14,652 toilets where human excreta is flushed in open drains, 7, 94,390 dry latrines where the human excreta is cleaned manually.

²⁰ National Family Health Survey (NFHS 4), 2015 -16, Ministry of Health and Family Welfare, International Institute for Population Sciences, Mumbai, <http://rchiips.org/NFHS/NFHS-4Reports/India.pdf>

Activists working with dalit women in Uttar Pradesh, Haryana, Bihar, Madhya Pradesh, Rajasthan share the difficulties that dalit girls face in accessing education. According to Mohini who works in Haryana 'When a girl go out of her house, she is viewed in a certain way. If she wears sleeveless tops or jeans, even within the house there are comments. We can confront people from our own communities because we know them and know about them. When savarna (dominant caste) people in the village comment on us or abuse us, we ignore it because we see that they have power, money, contacts and they can do anything to us. Girls wear dupattas across their breasts. Earlier they used to cover their heads to look like married women. *I know that if I make an issue, they can beat my brother and if my brother comes to know then it will get aggravated beyond control*'.

Savita is a lawyer from Panipat. She talks about how different aspects of her life, ranging from caste, gender, religion have intersected to influence her education, marriage and career.

'My family was financially strong and we did not face caste discrimination, but in Haryana, generally girl children are not preferred. If you are a boy, you and your family will be given more importance. After my 10th Std, my family wanted me to study in a girls' college, but they were very suspicious. Even if there was a wrong call to my house, they used to think it was for me. In a year, I was able to go to school only for four months. If boys made any comments about me, they made me stop school and stay at home. I would have to say sorry even when I was not wrong. I feel that if I had been a boy, I could have been more educated. In Haryana, there is a lot of honour killing. Even if you look at a boy, they say that you are trying to 'phasao(seduce)' them.

Accessing education for dalit children comes with experiences of daily humiliations and discrimination and can be seen in the class seating arrangements, the language used to address them, serving of food and cleaning of school premises.

Mohini says that dalit children used to get a scholarship of Rs. 200/- called bajifa (scholarship) – 'The teacher used to call out in class 'Chude chamaro bache stand up'. It was a form of public humiliation where all children knew we were different'. She says that when she used to go to college, other girls would observe their clothes and how well they performed academically and make comments 'you don't look like SC.' She would ask them for their caste and when they would say 'pundit' she would respond 'you also don't look like a pundit. You look like SC.' This used to offend them! She says that when she was studying, boys used to insult her with caste slurs. They would say her father's name and attach a caste abuse to it. "I used to get lot of ched chad (harassment) in school. There was a difference between us and the savarn (dominant caste) children. They used to treat us differently. If we take water to the teacher, they would ask why are you bringing the water? She would ask someone else to do it. We used to wonder why. When we are wearing the same uniform and look the same way, why don't they take water from us but from others. Then we started understanding."



She says that sexual harassment was a regular part of going to school and college "They taunt us in Haryanvi saying pataka, gandasa, manas (abusive sexual slurs). They keep looking at our breasts as though that is the only part of our bodies.'

Suman, who works in Rajasthan says that children face untouchability at all levels and are made to feel that if they are from this community, then they have no value - *'Teachers behave differently towards dalit children in schools and colleges. Children face untouchability to drink water and eat mid-day meals. They are told 'you can't touch vessels', 'you can't sit in front', 'you can't drink from the tank. You have to wait for another child to give it you'. If the floor has to be swept, the dalit children are asked to do it. This happens a lot on Rajasthan.'*

Abhirami who works with the National Dalit Movement for Justice (NDMJ) says that the discrimination faced by dalit women and girls is not just gender violence. She was part of a study on discrimination and violence in schools where they found that dalit girls are specifically given the duty of sweeping and cleaning- ***"If all caste girls are made to do these jobs, they we could call it gender discrimination'***.

*"If dalit girls going to college wear nice clothes, they call her loose character. As soon as she comes out of the house, they start teasing. If non dalit women dress well, then it is okay."*Savita, Haryana Panipat

Gayatri says that 99% of government schools only have dalit children because other caste children can access private school education. 'Primary education in Madhya Pradesh is very hard for children from our community. The schools give such bad food to our children. Till the 8th Std. there are no exams. Children are just promoted from one class to another. When they reach 9th or 10 Std, there is very poor performance. They score zero. What is the hope of children from our community becoming IAS officers and other senior officials?'

The activists feel that if a dalit woman is beautiful by the usual Indian standards, it is seen as an additional risk factor. There are high chances that she will not be allowed to complete her education and has become a factor for girls to drop out of schools and colleges. *Suman says - 'there are so many protests going on in University about a professor using sexually abusive language to a student, and everyone make it such a big issue of it. I respect that this issue has been raised, but this happens 24 hours to our dalit sisters. Have you ever noticed what happens at the grassroots? You cannot imagine the kind of words used for dalit women. One minor girls was smart and looks good. One boy told her 'I want to taste your body'. They make videos and blackmail girls. They are trapped forever. There is a lot of mental pressure on dalit children. Once something like that happens, their future gets destroyed'.*

Gauri says that there is a similar situation in Bihar – *'if girls are beautiful, even when they are in the 5th or 6th std. people keep warning their parents that she may get raped or have an affair with someone. So she can be forced to drop out of school and stay at home even if she is very keen to study.'*

Shobhana who works in Uttar Pradesh says that *caste slurs are constantly and repeatedly heaped on them 'they say chude chamar (caste slur) even when the girls are in college'.*

Caste based atrocities

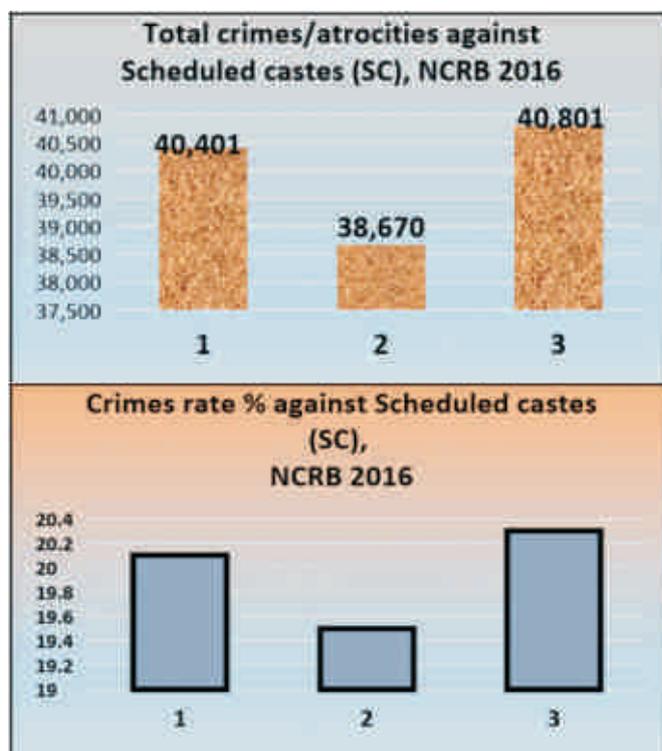
In India, national crime statistics show that violence against Dalits is on the rise. According to the National Crime Records Bureau (NCRB)²⁰, crime against dalits (Figure 4) – ranging from rape, murder, beatings, and violence related to land matters – has increased.

A fact sheet¹⁹ created by the Atrocity Tracking and Monitoring System, All India Dalit Mahila Adhikar Manch (AIDMAM) – NCDHR and National Dalit Movement for Justice (NDMJ) – NCDHR states “Scheduled Castes (SCs) and Scheduled Tribes (STs) are worst affected in terms of atrocities covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and they are excluded from full enjoyment of national and state level resources and power. Article 17 of the Indian Constitution abolishes untouchability and forbids practice in any form;

yet, SCs are considered untouchables and are denied social mobility. There is an upsurge in instances of atrocities against SCs and STs, with new forms of caste, class and gender discrimination and violence emerging over the years in the country. This is compounded by difficulties in accessing justice once atrocities take place. Indian Penal Code 1860 as well as Protection of Civil Rights Act 1955 have proved inadequate to prevent and eliminate gross indignities and atrocities targeted towards SCs and STs on account of their social identity and status. Hence, SCs & STs (PoA) Act 1989 and Rules 1995 were enacted specifically to protect SCs and STs from atrocities by persons belonging to non-SC/ST communities.'

The all India NCRB statistics on crime against SCs and STs signifies the sharp increase in atrocities over the years.²⁰ This extends even to women who occupy public positions.

According to the activists, political representation by dalit women is very important but often there are many barriers that women face. Maya who is a dalit woman activist in Madhya Pradesh says that reservations are there for dalit women to become sarpanch but they don't have powers – “the women face tremendous barriers firstly at home, then their own communities and also the dominant castes whose orders they have to obey'. Rajeshwar Paswan and Gauri Kumari who have worked in Bihar on issues of access to justice for dalit women say that it is common for poor dalit women working in the houses or fields of the dominant caste groups to be made the sarpanch as part of the reservation (or affirmative action) policy of the government. However these women often have to just put their signatures on whatever documents are given to them and may not even know what they are signing. Rajeshwar says – 'the women and their husbands are given clothes and some amount of cash. They are told that they should be happy to be getting so much money. With the rest of the money, the dominant castes do whatever they want. It is just on paper that the dalit woman is the sarpanch.'



19 *Crime in India, Statistics, National Crime Records Bureau, 2016, Ministry of Home affairs, Government of India.* <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>

20. *Atrocity Tracking and Monitoring System, All India Dalit Mahila Adhikar Manch (AIDMAM) - NCDHR and National Dalit Movement for Justice (NDMJ) - NCDHR states*

Gayatri from Madhya Pradesh says that even if a dalit woman sarpanch understands what powers she has, she has many difficulties in using them –'if she takes a stand against a murder or arson or attack on dalit people, she is targeted and harassed. A dalit woman was burnt in a village with a dalit woman sarpanch, but till now no action has been taken.' She gives the example of a dalit woman sarpanch who is not able to fulfil any of her responsibilities. If she objects to any atrocity, she can be beaten or her house can be destroyed –'her nephew was beaten and humiliated our team wanted to work on this case but till now there has been no action. She wants to do her job properly, but the dominant caste people have all the power and keep her in control.'

"A Dalit woman member in the Gram Panchayat of Gujarat was not allowed to sit on the chair and invited for the Panchayat meetings. Later when she demanded to construct the roads towards the SC houses she and her husband were physically assaulted. The accused are out. The case is still pending and no compensation has been given to her'. Preliminary Report, National Tribunal, Violence against Dalit Women.

Over the last ten years (2007-2017), there has been a 66% growth in crimes against Dalits. Further, it is important to remember that these figures should not be taken at face value. The number of cases registered is but a fraction of actual number of crimes that take place. In many instances, these crimes do not get reported due to non-cooperative police and judicial machinery, shame and social stigma, and the fear of retaliation by the dominant caste groups.

"We belong to the balai* caste. In October 2014, we were told by rajkumari that everyone would be doing aarti(puja) together during Navratri. When we were there, men came with different weapons in their hands. They had swords, sticks and chains. They said 'madar choron ko bhagao'. They forcefully entered my house and threw things everywhere and hit my finger with the sword and it got cut. They hit my sister on her head which later required 35 stitches and her eye was injured. They picked my sister's 3 year old daughter and threw her in the baada. All our family members were badly injured. They attempted to rape my sister and she ran half naked to Rajkumari. Till now no one has been arrested. The men are threatening us and even beat us in the presence of the police. We want the police to be punished. We want the men who beat us to be punished. This is only happening because we are dalits and they consider us as untouchables.

The incident took place on October 2014 in Indore district, Madhya Pradesh. *Balai is SC caste. The accused are Patels (General category)

Caste and Health

A UN report titled 'Turning promises into action: gender equality in the 2030 agenda' quotes from a study²¹ conducted in 2013 by the Indian Institute for Dalit studies that the average dalit woman dies 14.6 years younger than women of 'higher' castes. It found that the intersection of gender with other forms of discrimination – caste, race/ethnicity, religion etc. is what further marginalises women and girls from poor and deprived sections of society. The report notes that the increased mortality of 'lower caste women' stems from poor sanitation as well as inadequate supply of water and healthcare. In a situation where she is landless and belongs to scheduled caste, the likelihood of poverty increases, and if she chooses to work, her lack of education and low status in the social hierarchy is likely to result in exploitative working conditions. The report also shows how women who live in poor households spend as much as 24% of their work time collecting firewood and water, and foraging for edible and non-edible items to be used as food and housing materials, while women in non-poor households allocate about half that time to such tasks.

21 A sarpanch is an elected head of the village-level statutory institution of local self-government called the panchayat (village government) in India. The sarpanch is the focal point of contact between government officers and the village community.

Infant mortality rate for SC children is as high as 88 per 1000 as compared to children from the dominant caste social groups (69 per 1000). Moreover, a higher number of SC children die in the first month of life as well as after the first month of life but before their first birthday, and 43 per 1000 of one year old SC children die before completing their 5th birthday as compared to 25 children from the dominant social groups. For health to even be possible, it is vital that the social determinants of health are addressed. Communities that have been denied access to water, education, labour rights, nutrition, health care etc. are bound to have poor health outcomes. Needless to say, the SC communities of India have some of the worst health outcomes. According to the National Family Health Survey, 4th round (2015), 60.5% SC women have anemia. The prevalence of anaemia among children age 6-59 months is highest among children in Haryana (72%), followed by Jharkhand (70%) and Madhya Pradesh (69%).



Suman from Rajasthan says that the health of dalit women is bad, many have anemia but they don't get benefits or care in a timely manner – 'During pregnancy, women require so much of care, but they have blood levels of 6,7,8. They have no resources. There is no free treatment. The only thing free is paracetamol. Other things have to be bought. People have so little that they have to choose if they want to spend on children's education or food or healthcare. So they compromise their own food and medicines. They tell themselves 'for now I am okay. These other issues need to be sorted.' She goes on to say that the government says they give rations, but the right to food for dalits is only on paper- 'The ones who need food the most are dalit women but we don't get the rations. Where is it going?'

More than 20% of SCs do not have access to safe drinking water. Only 10% SC households have access to sanitation (as compared to 27% for non-SC households), and the vast majority of SCs depend on the mercy of dominant castes for access to water from public wells in a context where segregation along caste lines defines access to water, land, housing, health etc.

According to the study done by the Indian Institute of Dalit studies²², the birth rate is declining for both SC and non-SC/ST groups, but in case of SC community, death rate is still higher in all age groups, especially in the age group of 10-14 years and the life expectancy is lower than the Non- SC/ST counterpart. Life expectancy is lower in case of SC women than non- SC/ST women. Thus, in spite of fall in fertility, demographic dividend is not applicable for SC population. This social group is still experiencing higher death rate in all age-sex groups²⁴.

Discrimination against SCs in health services, both public and private, includes many forms of untouchability practices. "In hospitals, they don't touch Dalits. They won't even check if they have fever. They write medicines without touching." Suman Devathiya. Rajasthan.

Gauri says that when a dalit women who has been gang raped goes for medical examination, if the doctor is dominant caste, they say that it is a simple offence. On the other hand, if a dominant caste girl has been molested, they say it is a heinous crime – 'they minimise crimes against dalit women. If a dalit or OBC doctor writes that it is a heinous crime, he or she gets targeted. They can get transferred within ten days, their salaries can get cut or they won't get increments. Even a judge was demoted for giving an order favouring a dalit woman'

23 <https://thewire.in/224546/average-dalit-woman-dies-14-6-years-younger-women-higher-castes-finds-un-report/>

24 Mukherjee M and Sabharwal NS, Status of Dalit women in India, Indian Institute of dalit studies, New Delhi, Working paper series, Volume IX Number 02, 2015

In India, although data is disaggregated based on gender, rural/urban location and state, there is still a huge gap in disaggregated data that discloses to what extent of vulnerability and oppression is borne by dalit women.

"In the evening around 7 pm, I had gone to the field for defecation. When I came back, I saw with my own eyes, Mahesh (name changed) was sexually assaulting my daughter. She was screaming 'bachao, bachao'. I started screaming and tried to catch him, but he went outside the house and ran away. Hearing my screams, the neighbours came home and I told them what had happened. They advised me to go to the police station, then I went with my daughter and an FIR was filed'.

Mother of minor girl, Apoorva, Madhya Pradesh

The incident took place on May 2016. The family belong to the Kori (SC) caste. The accused belongs to OBC caste. The case is currently in court and booked under POCSO, but the accused is out on bail. The victim has received a compensation of Rs. 80,000/-. Sections of the SC/ST (PoA) Act have not been included in the FIR.

Activists feel that there are many factors that make dalit women more susceptible to sexual harassment as well as face more difficulties in accessing support after surviving rape. Savita who is a lawyer in Haryana says *"I don't agree that non dalit and dalit women are the same. Caste makes a difference. We have seen during trainings, if there is even one non dalit woman, she will not let the dalit women speak. She will speak non-stop in English to prove that she is superior. We dalit women tend to push our sisters to speak up, but non-dalit women reinforce the weaknesses of dalit women."*

She goes on to say that non dalit women are viewed with more respect and given more dignity – *'For dalit women, there is no one to give respect or dignity. Even if you go to an official, they will make disrespectful comments. When harassment of a non-dalit girl happens, the entire village will come together saying 'it is a girl from our village'. When this happens to a dalit girl, they will not come together'.*

One day in March 2015, a 16 year old girl from the Valmiki community from district Bhiwani in Haryana accompanied her mother at 4 am to feed their cows. Her mother wanted to attend the call of nature so she went back towards the house. The father saw his daughter being abducted by three men. After searching in the village and not finding her, the parents complained to the police. After a few hours, a man from the Jat caste informed them that their daughter was in his house. When they went there, they found the girl and she informed her parents that she had been raped by three men, one of them who had informed the parents. In the FIR, sections under the SC/ST (PoA) Act, 1989 and POCSO Act, 2012 were not invoked. A compensation of Rs.90,000/- was given to the victim in June 2015.

Fact finding report, AIDMAM, Bhiwani, Haryana

She also says that attitudes, language and dominance are taught to non-dalit women from when they are children. *"She is taught that she is a jat and from high caste. We are taught not to complain and not to retaliate since we are dalit. These maybe seen as small things, but they separate us. Dalit women don't have the confidence because they are not nurtured that way. We have not been given even one platform to speak. Our capacity is still weak. If there is an atrocity on a dalit woman, it is done because of her caste. She is identified with 'dirty', 'low', and sex work. Even if she is working in an NGO, she is seen as karab (not of good quality) but non-dalits are seen as good. Caste aggravates gender issues a hundred times"*

"The difference between sexual violence of a dalit woman and a savarna woman is the difference between Delta and Nirbhaya.(Delta was the Dalit victim of sexual violence and murder in Rajasthan in 2016 and Nirbhaya was raped and killed in 2012 in New Delhi) So many rapes happen in Haryana. Organisations have a mind-set where dalit women issues are not a priority. Why did people come out in the streets for Nirbhaya? No candles burn for dalit women. It is not an issue at all. Dalit women lose everything. Still no

one bothers. Dalit women security, life and livelihood are not a priority. Delta's father is standing alone now. The CM tells activists 'if you came to talk about Delta, I don't want to because the girl herself was wrong. Even if a child gives consent, by law it is rape. If the Chief Minister of the state itself talks like this, then what do you have to say?' Suman Devathiya. Rajasthan.

Sneha (name changed) from Sonipat district used to work at the Industrial area, Sonipat, in a medicine factory. The accused used to harass her regularly. When she strongly objected to the harassment and molestation, he slapped her. She had informed her family but they kept quiet on the issue out of fear. On the 9th of May 2017, she left for the factory at 6 am but did not return in the evening. Since the mother was aware of the harassment by the accused, she went to his house and complained to his family members that their son might be involved in the case as he had molested and harassed her on several other occasions. She then lodged a complaint in the police station and a case of kidnapping was registered. On the 12th of May 2017, her body was recovered from Delhi bypass and identified by the family. Medical reports showed rape and murder. Section 3 (1) (r), (w)(i) (ii) and 3(2) (v) of the SCs and STs (PoA) Act 1989 Amendment Act 2015 was not invoked by the Police officials in the FIR thus amounting to wilful negligence under section 4 of the SCs and STs (PoA) Act 1989. Charge sheet was filed after a delay of 6 months even though the time period for filing the charge sheet under the newly amended Rule 7 (2) of SCs and STs (PoA) Rules 1995 says that the investigation officer must file the charge sheet within a period of 60 days.

The Charge Sheet dated 24.10.2016 filed u/s 306/34 IPC and Section 3 of SCs and STs (PoA) Act 1989. Section 3 (1) (r), (w)(i) (ii) and 3(2) (v) of the SCs and STs (PoA) Act 1989 Amendment Act 2015 was not invoked by the Police officials in the charge sheet. On 17.11.2016 the court charged the accused under section 306/34 IPC and Section 3(1) (x) of the old SCs and STs (PoA) Act 1989, which is incorrect.

The family and witnesses in the case have not been able to get any information or guidance from the investigation officers, public prosecutors on the status of their case, date of hearings etc.

2 accused persons out of 7 were arrested and bailed out.

Compensation of 8, 25,000 /- has been released for the victims as per Rule 12(4) of SCs and STs

Gauri also says that when a non-dalit woman is raped, efforts are made by media and officials to protect her identity – her name will be changed and her photograph will not be displayed. However, with dalit girls, her whole identity is readily displayed.

Overall rural women age 15 – 49 experience more physical and sexual violence. **The National Family Health Survey (4th Round) shows that 33.2% Scheduled caste women experience physical violence since the age of 15 compared to 19.7 in the 'Other' category**

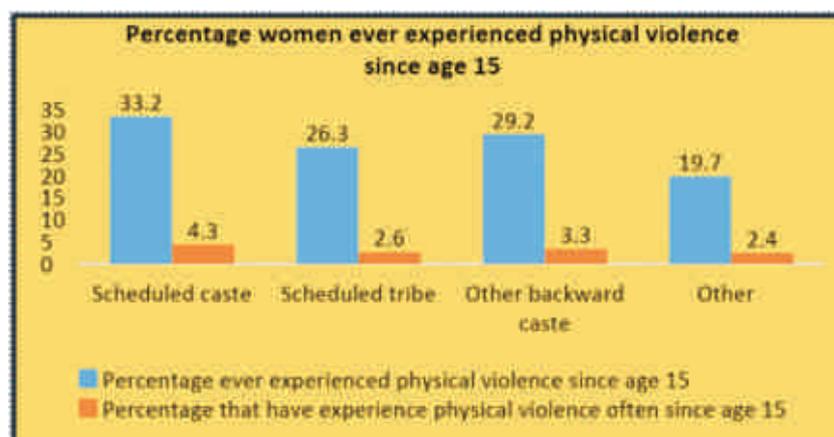


Figure 5

Source: National Family Health Survey (NFHS) 4 2014-15

33.2% SC women have experienced physical violence since age 15 as compared to 26.3% ST, 29.2% OBC and 19.7% other. Of these, the percentage who have experienced physical violence often are 4.3% for SC, 2.6% for ST often, 3.3% for OBC and 2.4% for other.

Activists say that even after a girl is raped, there is a process of humiliation. Mohini from Haryana says that names of girls are put up on posters or written in public places saying she had an affair with some graphic details. She says that women who come from financially better off families tend to move on and leave the boys with whom they have had relationships. The most vulnerable are the poorer women. However, Savita from Haryana says that harassment is not necessarily related only to economic status of the family. It happens even with the women are educated "Whether a dalit is rich or poor, they are still dalit. The men decide among themselves which girl is for whom 'mine is chamari, who do you want?', then they start harassing, like pulling their dupattas, using casteist slurs"

On March 28, 2016, a 17-year-old dalit girl was raped in her school in Bikaner, a city in Rajasthan. Her physical trainer allegedly attacked her when she was cleaning his room, a task she had to fulfil every day. Later that night, she called her father to explain him what had happened. He promised to pick her up the next morning. But when he arrived, he found that she had been poisoned, and her body was thrown into a water tank. The post-mortem established both rape and the murder. The teacher, the principal and the warden, the latter two suspected of being accessories to the murder, were arrested. But neither her family nor the dalit community carry high hopes for justice.

A Dalit woman in Bihar was stripped naked, beaten and attempted to rape; over a trivial fight between her nine year old son and the son of the accused. When she escaped and ran to the streets screaming for help nobody helped her. When her family attempted to rescue her they were beaten by the accused too. All the accused are out on bail. The family is receiving repeated threats to withdraw the case. Her son is staying with his maternal grandfather amidst the fear of his security. So, far she and her family have not received any legal aid and compensation. National tribunal, AIDMAM

Suman says that there is a mind-set among the dominant castes that make them feel that they can do anything they want with dalit girls and that they will get away with it. When girls walk through or work in isolated places, the men touch the girls wherever they want – *'They feel that can even go to their houses, their rooms, their beds and that they need not have any fear and no action will be taken against them.'* Gayatri says that even those few girls or their families who consider complaining are targeted viciously *'They humiliate one girl and her family so much that it is like a lesson to other girls from the community to never complain'*.

Smriti was a 17 year old girl and considered beautiful. She was a student in Karnal. One day in March 2017, she went to college and did not return even at night. Her parents began frantically searching for her but she could not be found. Her cousin informed the parents that she had seen Smriti inside the car of a man from their village. Then the parents filed a missing complaint. Subsequently (when?), Smriti's body was found in the Awardhan river and she was found to be raped and murdered. An FIR was registered and later section 302 of the IPC was invoked. The man who had last been seen with Smriti was arrested along with another man.

Some observations about the case.

- FIR information report is not registered at all under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 Amendment Act 2015, as per Rule 5 (1) of SCs and STs (PoA) Rules 1995 thus amounting to wilful negligence under section 4 of the SCs and STs (PoA) Act 1989.
- Since the SCs and STs (PoA) Act 1989 Amendment Act 2015 is not invoked proper sections 3 (1) (r), (w) (i) (ii) and 3(2) (v) of the SCs and STs (PoA) Act 1989 Amendment Act 2015 could not be invoked

by the Police officials in the FIR thus again amounting to wilful negligence under section 4 of the SCs and STs (PoA) Act 1989.

- Investigation is pending disposal and the time period for filing the charge sheet is over as the newly amended Rule 7 (2) of SCs and STs (PoA) Rules 1995 says that the investigation officer must file the charge sheet within a period of 60 days.
- 2 accused persons were arrested and languishing inside the Jail.
- Victims and witnesses in the case are not able to get any information or guidance from the investigation officers, on the status of their case, date of hearings etc.
- Even though security has been deployed there is fear of intimidation and threat to life.
- TA/DA has not been given to the victims under Rule 11 of the SC/ST (PoA) Rules 1995.

Fact finding report, AIDMAM, Karnal, Haryana

Mohini from Haryana says that she knows almost 6 – 7 cases where dalit girls have been raped and murdered – *'The boys think that the girls are for 'use and throw', but they know that the girls won't respond to them, so they say I love you. If the girl creates too much trouble, they know they can kill her. If they girls agree, then they continue with the relationship. Some girls believe that the men will marry them. Many get pregnant and in the last stage, they take poison because they know they cannot protect their izzat (honor).'*

A preliminary report by the National Tribunal, Violence against Dalit Women has made it very clear that Dalit women are facing various kinds of extremely brutal violence and a culture of collusion between different authorities to protect perpetrators of crimes against dalit women - *'what was represented in the tribunal today was only the tip of the iceberg. In fact, given all the ways in which Dalit women are denied justice and further intimidated and harassed for their attempts at justice, it is clear that the figures about the violence against Dalit women we have before us, is severely underreported. More importantly, among all the varied violences that dalit women face - from verbal abuse to rape - brutal sexual violence is the most frequent. We also see that there is a collusion between the police, the medical officer, the investigative officer and all concerned authorities so as to protect the perpetrators of the crime against Dalit women. In fact, they work to harass and intimidate her in such a way that her attempt for justice are thwarted and there is further violence heaped on her by the very same authorities that are meant to protect her and provide her justice'*.

Mohini shares her experience about Kavitha (name changed) from Haryana, who was 15 years old when a Rajput boy started meeting her. She used to like the boy from when she was in school. One day he asked her to get into a car. There was another older man in the car. The car was taken to an isolated area and she was raped, first by the older man and then by the boy. After this, the men came and dropped her off at the village threatening to disclose a video they claimed to have made of her. She was told to come whenever she was asked to. This went on for a month. A neighbour who came to know about this, began blackmailing the men for money. Noticing that her daughter kept disappearing, the mother followed them and discovered what was happening. She began abusing the boys. In return the men raped the mother as well and choked her to death. It was then that the case came out into the open and Kavitha revealed what had happened. The District Collector and Superintendent of Police promised her father a job but they didn't follow up on it. Two head constables were placed with her and her family. Education was promised for her brother and sister, but even this did not happen. Her father is being implicated for the murder of Kavitha's mother. He has been harassed and made to undergo repeated tests and also put in prison'.

Dalit women and the legal system

According to the activists who work closely with survivors of rape or the families of those dalit women and children who have been killed following sexual assault, the path towards justice is fraught with innumerable difficulties. For many women it is a long journey where structures operate more to protect the accused than the women. *Suman says that women face threats from the accused, the police, the judiciary, the public prosecutor etc. The women are accused of registering false cases just to get compensation and monetary benefit – 'We have to see how women face threats on their life, their family, their job, their community, their homes, their children, their economic status. We need to understand why women turn hostile. Cases are not false, but many reasons compel women to withdraw'*. She shares her experience of a dalit woman who was gang raped in 2017. In spite of repeated threats, she was not willing to negotiate or compromise. She had asked the police to arrest the accused and give her protection – *'but finally she got so traumatised by the repeated threats that she jumped into a tank and committed suicide. After she died, a dharna (protest) was held and within three days the accused were arrested and an FIR was filed. None of the people responsible for her suicide were ever punished'*. She says that the level of negligence is shocking and everything is done to block implementation of the law. Women don't get compensation for years.

The activists say that the character of the woman is used as a weapon against her. They use it again and again till it breaks the woman's spirit to fight. In many cases, the families themselves don't register cases because it is linked to izzat (honour). In cases where people do attempt to lodge complaints, the accused pre-empt them and reach the police much before the victim. Often the police refuse to register an FIR. Suman says "It is complete denial of mandatory rights of women. For five to six months, no arrests are made. They keep asking us to compromise. If there was even one way we can get support, it would be good. There was an 8 year old girl who was taken with her brother by bike to clean a shop and raped. She identified two of the boys who took her on the bike. Still the police say that the accused have not been identified. The Supreme Court says that the evidence of the victim is enough, but the police make their own laws.

Suman says that there are less than 2% convictions for rape in Rajasthan. Cases are dragged till the victim turns hostile, witnesses are bought and the public prosecutor is also easy to pay off - 'The PP cares more about meeting the accused and getting money out of them. For any case to get judgement, requires a sangharsh (movement) for that woman. People will implement any law that goes against the Dalits like the current Supreme Court's current order on the PoA Act. This is a manuvadi soch (thinking along the line of religious texts)".

The NHRC in its directions has noted- "It is apparent from the record that in respect of the incident which was registered as case No. ***** on 24.7.2017 the police had not yet filed the charge sheet till 13.9.2017 and no steps were taken for protection of the family of the victim. She therefore committed suicide. Section 4 of the SC/ST (POA) Act enjoins upon the police to conduct investigation and to file charge sheet in the Special Court within sixty days'. The section also contemplates action against the police personnel for his failure to proceed according to law. Further section 15(A) lays down the duty and responsibility of the State to make arrangements for the protection of victim, their dependents and witnesses against any kind of intimidation or coercion or inducement or violence or threat of violence. It is apparent that the concerned police officers had miserably failed to take action according to law. This aggravated the physical and mental torture already inflicted on the victim and made her take the extreme step of ending her life. During the hearing, the officer present conceded that a number of officers were associated with the investigation of the two cases.

Fact finding report following suicide of a rape victim, Badmer district, Rajasthan

In most cases, the police totally ignores the desperate plea of women and families who approach them to prevent atrocities, or to catch the criminals involved in them. They are asked to go back, compromise, come up with a settlement outside and they are dissuaded from using the law towards their own protection and towards obtaining justice. Dalit women and their families are sent from station to station and no action is taken and often precious time is lost and the police looks on as a crime that could have been prevented happens. Moreover, FIRs are wrongly written, tampered with, the names of the accused are often left out from the FIRs, women who have just been violated are made to give statements and more importantly these very statements are changed or falsely recorded. Often the police not only take money from the perpetrators but also does the bidding of the powerful who are behind the criminals who have committed brutal violence against Dalit women. The police and all the local officers in the Panchayat and municipality are often from the same communities that are committing violence against Dalit women and all of them stand together to protect the criminals who have committed the crimes. In fact, in anticipation of resistance from Dalit communities there seems to be a kind of an unwritten understanding among the dominant communities to protect the criminals who are violating dalit women. The police are fully in support of such moves and instead of protecting the assaulted women, they are busy protecting those who have committed unthinkable atrocities against her. The Preliminary Report, National Tribunal, Violence against Dalit Women

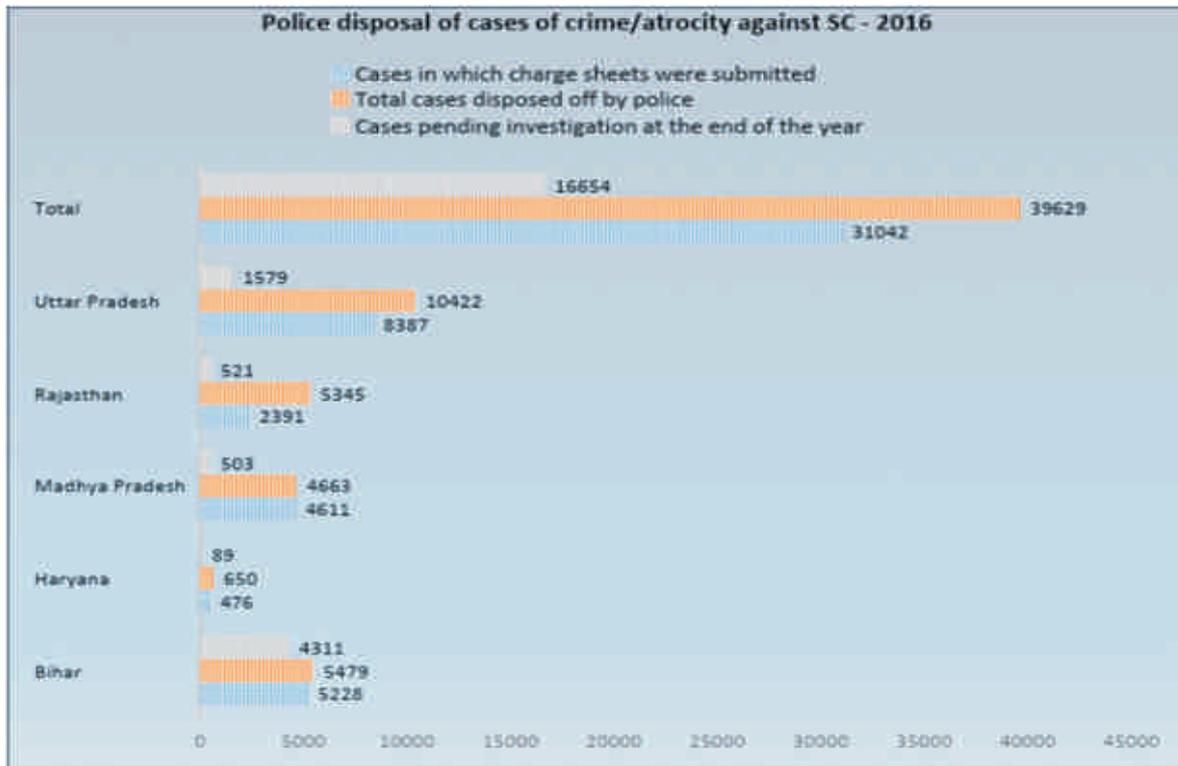
An enormous loophole in the National Crime Records Bureau's (NCRB) crime data is the 'principal offence' criteria means that a rape that ends in death will be recorded as murder, not rape. Suman says that if the word 'dalit' appears on the report, the attitude and approach of all officials changes drastically and implementation is poor at all levels - 'dalit women have no local level political, community or party support system. The accused have support and connections right from grass roots to top levels. They have support in politics, society and bureaucracy. They attempt to humiliate the dalit woman and are successful in this'.

If these attempts don't work then they create an atmosphere which negatively affects her family, community, education of children, livelihood etc. - 'She has to deal with it 24/7. She has no government, no politician, no society no police no parsassan (administration). On whose support will she fight? She will realise that because of her, her family and children and livelihood are affected so she finally does whatever her family decides'.

When we started receiving the cases it was a disheartening reality that the maximum numbers of cases were of sexual violence against Dalit women. Out of 45 cases there were 17 cases of sexual violence alone. The maximum number of sexual violence cases came from Haryana followed by Rajasthan and Uttar Pradesh. There were 4 cases of sexual violence along with murder and eight cases of brutal murder of Dalit women.

National Tribunal, Violence against dalit women, All India Dalit Mahila Adhikari Manch

Abhirami of NDMJ says that if the victim is dalit and the accused is non dalit, it is almost impossible to get them arrested. She says that conviction rates are very low and acquittal rates are high. She was part of a study on discrimination within the judiciary and they found almost 33 forms of discrimination. The accused often hire advocates who have a caste affiliation with the judge. They get anticipatory bail unless there is prima facie evidence. She says even approaching a DSP is very difficult for a dalit woman but arrests are made only if orders come from the top police officials.



Source NCRB 2015

Ramya Devi (name changed) from Rajasthan was from the Meghwal caste. One day in July 2017, she was sleeping alone in her house, when the two accused entered her house, gagged her mouth with a cloth and abducted her to the nearby fields where they took turns raping her. She began shouting loudly and this was heard by her brother in law and two other men. When they arrived at the place, the two accused fled. Ramya Devi was found in a bad state. She was brought back to the house and the incident was informed to her family members. Since her husband and father in law had gone to a relative's house on that day, a complaint could not be filed. When they returned the next day, relatives of the accused came to the house to pressurise them not to register an FIR. The next day, Ramya Devi, accompanied by her family members registered a report at the police station and her statement was recorded under CrPC sec 164. During the investigation, the accused and their relatives continuously pressurised her and her relatives to agree to a compromise. The investigating officer had, in the meantime, submitted the file to the district SP seeking to arrest the accused and the permission was subsequently granted. Immediately, the survivor started receiving death threats by the accused and their relatives. Because of these persistent threats, the survivor and her relatives med the District SP and requested security for her and the family, along with arrest of the accused. They were neither provided with security nor were the accused arrested, and the death threats intensified. She also approached the head of the Zilla panchayat (district elected body) for help, following which the ZP approached the district SP, appealing to him to provide security to the survivor and arrest the accused. In spite of this, no arrests were made. Feeling more emboldened, the relatives of the accused forcibly entered the house of the survivor and

threatened to kill her and her family. The survivor informed her sister in law and said that 'these people have threatened to kill my whole family if no compromise is reached. It is better that only I die, so that the others can be at peace.' Two days later, she committed suicide by jumping into an open water tank in her house. The family members attempt to revive her and take her to a hospital but she was pronounced dead on arrival. Furious with the failure of police to arrest the accused, the relatives sat on a dharna in front of the district headquarters with her body. A written complaint was filed at the local police station against all the accused who had threatened the family. The accused also began to threaten one of the witnesses, saying he would be killed if he did not change his statement. He immediately reported this to the local police station demanding arrest of the accused and protection for himself. Finally, the local police arrested the accused. The family was also assured that all police officers guilty of negligence in this case, would have action taken and the FIR would be investigated by an impartial officer. The family would also be provided protection. The survivor's daughter has dropped out of school. All the accused have still not been arrested. The witness has still not been provided protection and the family lives in constant fear. The family has not received any form of compensation. None of the district officials have visited the family nor has any disciplinary action been taken against the guilty police officers.

The Meghwal (or Megh, Meghwar) people live primarily in northwest India, with a small population in Pakistan. They were considered to be an untouchable community under the Hindu ritual ranking system known as varna and are now classified as a Scheduled Caste.

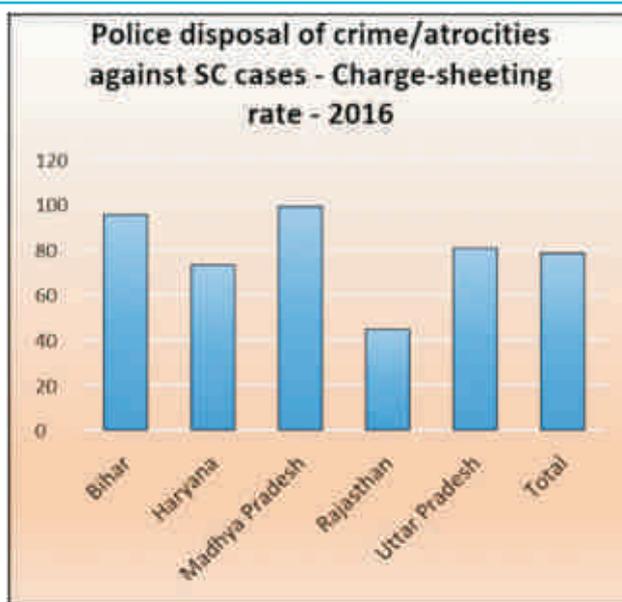
Extract from fact finding report, AIDMAM, Rohtak, Haryana

A student at Rohtak, Haryana had been raped in 2013 by three men. Since she had filed an FIR, there was a lot of pressure on the family by the accused to compromise. The family had resisted. The FIR did not invoke sections of the SC/ST (PoA) Act.

One afternoon of July 2016, she was returning from college when she was again kidnapped by the same accused persons and raped. After that she was dumped near the Rohtak-Gohana bypass. When her family came to know, they took her to the hospital. An FIR was filed. Five men were arrested but later released by the police for 'lack of evidence'. Even in this instance sections of the SC/ST (PoA) Act were

not invoked and amount to wilful negligence. The investigating officer had not filed a charge sheet in the court even 10 months after registration of the FIR. The newly amended Rule 7 (2) of SCs /STs (PoA) Rules 1995 says that the investigation officer must file the charge sheet with in a period of 60 days. The family and victim have been told that the police would file a final closure report on the case. They have not been able to obtain any information from the investigation officers, public prosecutors or court staff about the status of the case or dates of hearings. Fearing intimidation and threat to life, the family has had to relocate to another district. A compensation of Rs. 4, 10,000/- has been released as per Rule 12(4) of SCs/STs (PoA) Rules 1995. TA/DA has not given to the victims under Rule 11 of the SC/ST (PoA) Rules 1995.

Currently the case is pending trial in the district court of Rohtak, Haryana.



"In Haryana, there are 4 - 5 cases of heinous crimes against dalit women. Either we get calls or we see reports on social media. Seeing how violent these crimes are we get broken from inside. How to deal with this?" Mohini, Panipat, Haryana

Suman feels that if there is a 'sanghatan (movement)' or if people build pressure to file cases, only then things move forward - "The statement that women file rape cases because they need money' is not used against non-dalit women. Officials already believe that dalit women have no dignity, no izzat (honour), no swabhiman (self respect). They come from a society that believes this.

In Jinjinoo district, on January 2017, a minor girl was gang raped. Local activists held protests and dharnas. In spite of activists being there to support her, there was tremendous pressure on her family. Suman says - 'They said that her sister would also be raped, so her sister stopped going to college. Even the people from her community abandoned her and said that if she did not compromise, they also wouldn't come to her house. Her way to the college was across the land of the accused. She was harassed by everyone. The police used to tell her 'these NGOs are putting your life in danger'. She finally was ready for compromise and the accused came out on bail."

She says that this is the kind of atmosphere that is created around the survivor and can be avoided if the law implementation agencies took action based on initial accurate documentation and medical evidence - 'The accused will then feel that even if they threaten the victim, they can get caught because of the law. Now they feel that they can harass her so much that she will compromise. If courts give proper judgement and implementation of the law is good, people will have fear of the law. Survivors are being harassed at every level. There are so many systems that support the accused directly and indirectly. They know that even if there is an FIR, a case won't be filed. They know that they can manage the Ayog and the PP. They also know they can harass the victim's family. There is no time frame for investigation. This gives the accused enough time deal with the issue. Rape survivors require counselling. This doesn't happen properly. Not at all. If she gets good counselling, she will have some confidence to fight" Suman Devathiya. Rajasthan.



Savita says that even though houses are considered safe spaces, many girls are not even safe in their own homes. She gives the example of a girl who had committed suicide in Jind - "We read in a paper about a girl who had committed suicide in Jind and we went for a fact finding visit. Her parents said that a Jat boy used to harass her. She dropped out of school and thought that her house was a safe place as many people do. But in her case, even the house wasn't a safe place. He came up to her house, leaving notes on her door writing obscene things. He said 'she spent the night at my house in Jind. We had a chakkar (affair) going on. She is cheating on me' 'she is a kuthiya (dog), neech (inferior)' and such other things'. Her parents went to his house and asked him not to do this. Even though he had signed the letter with his name, his family did not believe them. The same day, he wrote another letter saying 'if you don't come tonight to meet me I will make you naked and parade you in the village.' Finally she took poison. She was screaming and crying. She repeatedly kept telling her parents 'if I hadn't taken poison, you would not have believed me'. She then disclosed how he had tortured her. She said that other than taking poison, all the roads had been blocked

to her. When we went to the station, they said that she was a characterless girl and that she had an affair with that boy. So then you have to spend your time you have to fight that the issues is not about whether she is characterless or not."

Savita says that arrests of accused are very rare. FIRs are only filed after fights and protests by activists - 'You have to go to the DSP, IG, SP and only if you go to the DGP, FIRs will get filed. We cannot ensure arrests. The officials think that if compensations are given, then justice is done. They feel they are doing a favour by giving compensations.'

She shared details of a case that she worked with - "In Bihar, around the time that the government banned alcohol, there was a married woman who was gang raped by 5-6 men. The husband and wife went to lodge a complaint. They tied the husband and put him in a cell and left the woman with a lady constable. For a week they didn't let anyone talk to the couple saying that they had to give their 164 statement first. They said that the medical report showed no rape. They changed her whole statement and she said that there had been no gang rape. All the seven men got bail. In their statement, they said that the couple had been selling alcohol and when these men went to stop them, false rape charges were made on them. The husband had been threatened that they would send him to a mental hospital in another state. Later, the couple was again pulled out of an auto and beaten. Their file is still lying in my office. This is how people compromise'.

Dalit women lawyers face both patriarchy and casteism in the courts. Savita has faced harassment and insinuating comments - "We face lot of issues in court. Sometimes they tell us 'you smile at the judge. The order will be in your favour. If you are argumentative, the judge asks 'did you fight with your husband at home?" Gauri reaffirms this and says that it is very important for dalit women to understand legal language and how to articulate in the court. She herself is a dalit lawyer who has to endlessly face caste abuses. She says that she feels rage when the dominant caste lawyers discuss her and say 'she speaks well, but she is lower caste. She has a criminal mind. Their family carry faeces on their heads (manual scavenging as done by the Valmiki community)'. The rage motivates her and she says nothing will stop her from doing her work.

The police and the judiciary are supposed to safeguard vulnerable communities, especially Dalit women not only by punishing those who commit violence against them but also by preventing any kind of violence that might be committed against them. However, in the light of the cases that were brought before the tribunal today, what is absolutely clear is that the criminal justice system has failed completely in fulfilling their assigned role. In fact, they have become one of the most brutal structures through which violence against dalit women is today being perpetuated. Preliminary Report, National Tribunal, Violence against Dalit Women

Recommendations and way forward

There are several recommendations that have been put forward by national as well as international Institutions and bodies. Many of these have not been implemented in spirit or in practice. It means that the violence against Dalits, particularly women continues in its brazenness and at arelentless scale. If governments are seriously committed to addressing the issues, steps have to be taken to put in place those commitments the government has already made. Apart from these, working closely with communities and survivors has thrown up a set of recommendations that will greatly improve the quality of efforts to address sexual violence on dalit women. These are presented here.

1. Monitoring wilful negligence of officials towards greater accountability

In spite of several laws in place to protect the dignity and rights of dalit communities, there are rampant violations by officials. This in turn leads to impunity by the dominant caste groups to oppress, harass and threaten dalit communities, particularly the women and young girls. Implementation of the laws requires knowledge, attitude and practice - often none of these are present among the officials. Activists feel that officials can sometimes become the biggest barrier to accessing justice and protection and may in fact aggravate or perpetuate oppressive practices actively or passively.

'There should be trainings for panchayat and other rank of officials. In NDMJ, we have sensitisation programs for judges from the National Judicial Academy, and police officers. It is not enough and happens only once a year. They wonder how civil society can train judges. We now have like-minded advocate networks supporting the women in court. In UP, four dalit advocates have been appointed as court advocates.' Abhirami, NDMJ

"The government has many schemes, laws and Acts. There is no point bringing new things. Just the existing ones should be implemented. The biggest issue is about finances. The DLSA is supposed to give free legal advice. Compensation often takes two or three years. People should be aware of these schemes and how to access them." Savita, Lawyer Haryana Panipat

"There is no system of counselling. For dalit survivors, counselling is very important. It is not only physical, but also social and psychological. They start feeling that they have no one. They face a lot of bullying and harassment. Sometimes this starts even before the rape occurs. There is a process of creating a victim. Rape is sometimes a last outcome". Savita, Lawyer Haryana Panipat

"There is no safety for women who have faced sexual violence. Even if there are hundred cases, we fight for them to get security and protection. Under the SC/ST Act, protection is a criteria. No one gives protection. The harassment gets repeated again and again. Even after threats of rape, violence and death, they are not give protection. This security has to be given without being asked. Women need protection, counselling and compensation. **There is so much we can do with the law. But people are so harassed, even one step forward means a threat to their lives". Savita, Haryana Panipat**

"In one case of sexual violence, I saw a letter circulated among lawyers saying that if anyone took up the case, the consequences would be bad. I am as aware for my client as I am about myself. If you give respect to the survivor, she is often ready to stand with you. There is so much of disrespect and bad behaviour towards her by the court, media, panchayat members, police. Even if one person talks to her kindly, it will change her approach to the case." Savita, Lawyer Haryana Panipat

2. Engaging with the police

Activists feel that the police can sometimes be a barrier to delivering justice and often work for the accused and the oppressors rather than all citizens equally. Learning to engage with the police is a skill that activists feel should be strengthened.

"It is not like the police don't listen to anyone. They look at our capacity. If we are informed, then their behaviour is very different. We should be knowledgeable then we are treated better. I am given a chair and coffee even though I am from the same community. They assess our knowledge and confidence and respond based on that. If I challenge them saying I know the rules and the law, then they behave differently. Once they see that we won't take things quietly, their behaviour becomes very respectful. We need to have knowledge." Mohini, Panipat, Haryana

"Sometimes when there is an incident of harassment, I immediately call the police. If they hesitate or delay, I ask them if I should approach someone else. They know for sure we will give trouble if they don't come.

We also give detailed information about the boys and the police can easily identify them based on our information. We tell the police that there is one law for everyone whether they are a police or mantra (minister). 'Mohini, Panipat, Haryana

"The police say we are doing good work and say they will support us to get compensation. At the same time they try to stop our work. Mohini, Panipat, Haryana

"We now call the police bhaiyya (brother) or uncle based on their age. Calling them bhaiyya has a 5% effect. Earlier it was a way of judging if we were interested in them or not. Nowadays people don't like being called bhaiyya. They say call someone else that. Not me." Mohini, Panipat, Haryana

"The police told us 'we didn't invite you here' I said 'this is not your sister's wedding, that you should invite. If someone is unhappy and hurt, we will be there - even if it is you" Mohini, Panipat, Haryana

'In Tamil Nadu, a dalit girl was falsely promised marriage and raped. When he was going to marry someone else, this girl filed an FIR. Judgement was not given and speedy trial was not done. We demanded our own advocate. The district magistrate said that a government advocate was already looking at the case, but we insisted. When the boy was about to be convicted, he came to the girl and asked her to withdraw the case, saying he would marry her. Our advocate gave her good advice. If it was a government advocate, they are more prone to take bribe and push the girl to withdraw the case'. Abhirami, NDMJ

3. Strengthening support systems for survivors and families.

Sexual violence, particularly on dalit women, can have a series of repercussions that make the economic, social, psychological and physical rehabilitation very difficult. Supporting mechanisms should be strengthened so that women are able to move from victim to survivor. Many times these mechanisms are absent or dysfunctional leading to further distress for the victim and her family. The survivor and family often continue to live in close proximity of the accused which aggravates the environment of fear. An alternative safe space for relocation, atleast for a temporary period, is required. Most survivors of sexual violence drop out from school/college and need adequate backing to enable them to continue education.

The legal services authority along with other networks of local lawyers should be able to offer legal counsel to the families and prepare them for the litigation process.

"The vigilance and monitoring committee for the SC/ST Prevention of Atrocity act is supposed to be at the block level. Either it is not formed or not functional. The committee should work properly and can stop violence especially the nodal officers. The committee chairperson is the CM but meetings don't happen". Suman Devathiya. Rajasthan.

"How is rape defined in medical terms? What are the methods we have to prove rape? India should develop tools that give strong evidence. Now they just do the two finger test even if it is illegal, and they say 'she has habitual sex'. Because they think there is no clear evidence of rape, even if she is, the section 376 (what is it?) is removed and they use the word 'attempt to rape'. No one talks about preserving the underwear and doing tests to prove rape. There is no clarity about how rape is defined in medical terms. We have to raise these issues very strongly" Savita, Lawyer, Haryana.

"Communities are instigated against us. They are told that we are NGOs. We have to keep working to build trust. I feel that my community is not strong and should be supported. We give our numbers and card to them. Sometimes they are given money and promised schemes and benefits from the government. We workers face problems from the community as well as the government. We want to

take the mission of Babasaheb forward. It is a junoon (cause) that we have dedicated our hearts to."
Mohini, Panipat, Haryana

"Families don't accept rape victims. There should be shelter homes. Even women who go to jail labelled as Naxalite come out and lose all their family relationships. Neither their parents nor in-laws support them. Even after completing their term in jail, they are not able to leave. There should be shelter homes for them where they can stay free of cost till they can get back their lives. The taxes we pay are never used for such things." Savita, Lawyer, Haryana.

Shobhana who works in Uttar Pradesh says that many facilities that are made for dalit women are there only on paper or as tokenism. She gives the example of shelter homes where dominant caste girls pay rent and stay as working women. This facility is not available to dalit girls

'We don't expect much from the government, but they need to understand that the client needs regular counselling and others who deal with her should be educated about how to talk to her and what rules should be followed. The Government conducted an eight day training on counselling. It was so bad - the kind of language used to describe the women was so bad.' Savita, Lawyer Haryana.

4. Conscientized communities towards social justice

Activists who work with communities say that more and more dalit communities should know what their rights are and start demanding them. Abhirami says that her organisation, NDMJ, trains people on the law and their rights. This increases people's assertion and also shows an increase in registration of FIRs. She says that community leaders are more aware about how to file complaints - "They directly call us and ask what sections should be filed. They take cases up to the higher level. Now more convictions are happening because people are aware of rights and how to depose'. She also feels that survivors have become very good dalit human rights defenders - 'They are more aware and very committed. They have experienced the system. Creating dalit human rights defenders out of them is good'. She says that it is important for a movement to build young people around identity, but also important that non-dalit youth and children understand and participate.

Mohini from Haryana says that it is very important for dalit women to feel that they are not alone - that there is a community to support them. She gives the example of a friend of hers who was on the bus when she saw a young girl in a difficult situation - "I have a friend called Laxmi. I tell her to remember Babasaheb in difficult times. Once Laxmi was on the bus and she saw a girl getting off the bus but her bag got caught in the belt of a boy who was sitting. The girl kept requesting him to let go of her bag and he responded that since she was responsible for it, she should come and do it herself. The girl was struggling to handle the situation. Seeing this, Laxmi went up and pulled the bag from his belt so hard that the belt came off. She abused the boy and asked him if he would do the same if his sister's bag had got caught in his belt. When this incident took place, Laxmi was shivering, but once she responded, others in the bus also supported her. This made her feel more confident to deal with other situations. "

Abhirami says that the support of dalit men in this struggle is very important. She feels that dalit women cannot fight these issues alone, but they should be in leadership positions. "The support of men is very important in this struggle and we cannot isolate them. Women need support to be able to do this work and to be able to function. If my husband doubts me or does not support me at home, I will not be able to have full satisfaction. Dalit women don't have other social support, they should at least have the support of dalit men. The overall empowerment should be dalit empowerment.'

The activists also feel that working in these difficult spaces puts them also at risk of similar violence - "The risk of taking on these issues is high. We have to be concerned about our own safety and also the girls who speak out. We learn self-defence. We also keep sharing our own experiences so girls don't feel

alone. I think I am brave but if I was in a jungle with many drunken men, I would not think about being brave and getting them punished. I would only think of my safety and how to get out of that situation. I will act based on the situation." Says Mohini from Haryana

"We should strengthen our own leadership and start taking women's issues seriously. In the women's movement, dalit rights are lost and in the dalit movement, women's rights are lost. Women activists talk about IPC (Indian Penal Code) and other criminal Acts but not about the SC/ST Act. In the dalit movement, we do not talk about women's rights." Suman Devathiya. Rajasthan.

"I don't agree that women don't support and give opportunities to other women. Especially among dalit women we support each other. I came into litigation because of a dalit woman. They don't compete with you. Savita, Lawyer, Haryana.

'In every state, cases of sexual violence against dalit women is increasing. We need moot courts to teach children how courts function, how to make statements, what is cross examination. Often women have so much of evidence but they just cannot speak in front of the judge. Savita, Lawyer, Haryana.

'We can organise big protests outside the court to demand a fair trial, but if our women cannot even speak in front of the judge, it becomes weak. The woman needs to be thoroughly prepared to give the correct statement. If she can give the correct statement fearlessly, no court will be able to refuse her justice. Women use the word zabardasti (being forced) to describe rape, even gang rape. The police use the same words to register FIR. The court says 'this is zabardasti, not rape'. We have to explain how this word is used in the village context. Some women say 'galat kaam (bad things)'. This language should change." Savita, Lawyer, Haryana.

We tell the women 'as a woman if you speak about issues, your sister, sister in law and daughters will change and be affected by you." Mohini, Panipat, Haryana

"The safai karmachari andolan organised a two day workshop for children from 8th to 10th std. who were still studying or dropped out. My dadadi is very traditional and did not want me to go but my father encouraged me. My dadaji said that girls who go out run away with boys, but my father was supportive. He said that he trusts me and that I would learn something. I saw that boys and girls are able to relate with each other. I spoke to media also about how I felt. I felt that there is life possible outside the village. I learnt about freedom of speech and rights. I didn't feel that boys would misuse me. The boys at the training behaved well with us. They learnt from us and also taught us things." Mohini, Panipat, Haryana

5. Empowering dalit communities

There is ample data to show that the process of keeping dalit communities suppressed is facilitated by making them dependent for day to day existence on dominant caste groups. The economic and social vulnerability makes dalit women and young girls particularly at risk of sexual violence. Activists working closely with dalit communities feel that it is important that interventions break this dependence. *"Livelihood doesn't mean setting up self-help groups. Whatever the surplus land the government has, should be divided among dalit women. Many don't even have houses. If they stay on government land, they face violence either by the government or by non-dalits who want to claim that land.* Many communities don't have ration cards since they don't have permanent places. They get deprived of even those schemes that are meant for them. The government should work for the last marginalised person on their list, which is the dalit woman. Look at how badly the schemes and budgets are monitored." Suman Devathiya. Rajasthan.

Building dalit communities with skills to address violations is seen as a step towards addressing the issue

of rampant sexual violence meted on dalit women and children - "We have community groups of dalit women in 25 districts, district advocate communities in 10 districts and student groups in ten district level dalit hostels. The lawyers are mainly dalit men. They support us with the district level cases and keep us updated about the progress. The student groups participate in protests and fact finding. In the protest in Bihar against the dilution of the SC/ST (PoA) Act, many students participated' Gauri Kumari, Bihar

6. Addressing discrimination in educational institutions

The activists feel that educational institutions instil and reaffirm caste prejudices. While dalit children are made to feel at a very young age that they are somehow inferior, the dominant caste children are made to feel that they have some amount of protection and immunity when they discriminate or oppress dalit children. This needs to be addressed - 'We file cases, we get convictions also. Rights can be got through legal means, but how to ensure dignity? If I was a policy maker, I would first train all teachers on caste and gender based discrimination. Children learn at home from family and parents. Teachers also play a critical role. Even if there is training and sensitisation, there should be a way for teachers, school principals and higher officials to be held accountable. If they practice discrimination, it should be documented in their Annual Confidential Record and should affect their promotion and other benefits'. Abhirami, NDMJ

Students from dalit communities and dominant castes need to understand the historical legacy of caste and how it affects everyday interactions and creates long lasting prejudices. The struggles against caste have to be foregrounded in text books. Mohini says that she works with dalit women of all sub-castes - 'Only 20% people know Babasaheb. Among the women, no one talks about him. If we ask them, they say he wrote the Constitution. Schools and colleges don't teach about Babasaheb and Savitribai. It should have been a separate subject. Children would understand their rights and the issues they face. We ask older children to have tuitions for younger ones at least for 20 min everyday on this issue "Mohini, Panipat, Haryana

"We have a network of around 100 young women. Some have done Masters, some PhD. We work with media. We meet with girls in colleges. Many are already aware of Babasaheb and we create a network with them. They face many issues related to scholarships and admissions. Most of the teachers are savarn. We give training on the SC/ST Act and ask the girls to stand on their own feet. Leadership is very important. "I feel that knowledge is very important - about laws, rights and how we can use these in our personal lives. These are not taught in any school or college or anywhere. Without that, our women are very kamzor (weak).It is only when I came out of the village on a fellowship that I came to know about Babasaheb and how he is linked to us and we to him. My life is deeply connected to the issue that I work on. Till I die, I hope to be a small daughter of Babasaheb. Not a big daughter." Mohini, Panipat, Haryana

7. Increasing gender and caste representation within the system

Activists feel that having women and dalit representation within the system can help. However, sometimes these representatives could face a lot of pressure and harassment themselves. It is therefore important that they have support mechanisms and good training to understand their own powers within the system.

Dalit women elected representatives in local governance can play an effective role in supporting women and survivors in particular.

*"More dalit women should take up law. Outside the court, many people are fighting. Of 100 cases, only 5 go to court. If there are good lawyers they will not allow compromise. We have to fight within the court as much as we have to fight outside."*Savita, Lawyer, Haryana

"It is very important that dalit women are involved in counselling and legal services for dalit women survivors. Most dalit activists get involved only after the case is heard in court. Activists should have good network with women lawyers, particularly dalit women lawyers, in the court".Savita, Lawyer, Haryana

"Power is important. Like I have the power of being a lawyer, so it makes me feel that I can challenge anyone. If the FIR is not registered, I immediately call the SP and say 'I am the advocate from Patna High court.' Now even the police know that if the FIR is not filed and this madam comes, she will go straight to the IG and it will create a big problem for us. I came to know about a mahila thana (women police station) that was putting pressure on women to compromise. I complained to the IG. Now the mahila thana SHO is sitting at home" Savita, Lawyer, Haryana

"I use my power very well. When I am about to enter an office, if anyone stops me, I raise my voice and ask very sternly 'do you know who I am?' I show a lot of attitude. Knowledge and power gave me attitude. Now I fight inside the court." Savita, Lawyer, Haryana

"I always insist in the court about security for the survivor. Only FIR and compensation will not help the woman. She should be able to have a lawyer and file a case. If the thana cannot provide her security, the court should. There is a failure by the court to provide security for women" Savita, Lawyer, Haryana

"There is very poor leadership among our women. They cannot raise their voices even about issues that are closely related to them. They expect the panchayat and their husbands to raise issues. This is an attitude of negativity. Ambedkar gave us rights to talk about land, policy, rights and any issue." Mohini, Panipat, Haryana

8. Reliable data systems

There are several gaps in the data on sexual violence on dalit women. The NCRB data does not adequately capture crimes against women disaggregated by caste, age, disability, religion, language etc. this makes it difficult to plan solutions and hold systems accountable. There should be reliable statistics readily available to all government agencies, commissions and civil societies. Trends and changes over time should be documented. Ethical standards, however, must be in place to protect such groups and individuals from possible harm, intentional or otherwise.

Leaving no one behind, according to the UN Women, means "addressing the needs of the most marginalized: those who are disadvantaged socially, politically, environmentally and/ or economically". The report adds that the strategies to achieve the goal of 'leave no one behind' - including those related to measurement - must be devised in ways that do not aggravate further social fragmentation, stigmatisation and/or other forms of harm or abuse of vulnerable groups. The report also says that support for the design of statistical strategies and targeted data collection instruments that adequately capture the realities of disadvantaged groups, including hidden or hard-to-reach groups-while ensuring ethical standards-is of utmost importance. This will make it possible to inform and develop policies and programmes that respond to their realities. The effort taken to define and describe inequalities across groups is a necessary first step towards challenging prevailing forms of power and inequality.

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Dr. Sylvia Karpagam

I am a public health doctor and researcher - a product of inter-caste, inter-religious, inter-State marriage. Conversion of my parents to Christianity and an urban upbringing has brought with it many privileges that I have often taken for granted. Working on this report has been humbling in many ways and I offer my deepest respect and admiration to the women whose lives have often been laid bare and vulnerable.

The question that was hanging around when making this report was "When almost all Indian women experience patriarchy and undermining of their experiences of sexual violence, why should the dalit woman's experience be viewed separately?"

It comes from the location of the dalit woman. While navigating the broader patriarchy that operates at home, at schools, at colleges, at police stations, at courts, at hospitals, the dalit woman also faces the burden of being at the most vulnerable end of the caste system. The privileges that many of us take for granted are unavailable to many of our sisters. All that is often left at the end of each narrative is a single woman or girl, sometimes with her family, face to face with cruel and brutal structures that no individual or family or community can, or should, face.

Sexual violence against Dalit women is not an isolated event. Sexual violence originates from privilege, goes on to entitlement and ends in impunity. It affects the health, well-being and dignity of the dalit woman, and is a huge barrier to her reaching anywhere close to the enormous potential that she possesses. The states of Haryana, UP, MP, Bihar and Rajasthan, where this report draws from, have some of the worst indicators for dalit communities in terms of health, livelihood, nutrition and access to justice.

The strength of the Dalit women is demonstrated with every page - the small built lawyer taking on a burly policeman, the single mother who can joke and smile and be serious and angry and passionately full of life or the tired activist who says she has to struggle not to be broken at the brutality she sees everyday.

We cannot as a society close our eyes, ears and hearts to the narratives of the women in this report.

All that this report seeks is that we stand beside these vulnerable and courageous women and their families, as allies, never leading, never appropriating, never judging - just there, alongside.



**"Ours is a battle not for wealth; nor for power,
ours is a battle for freedom;
for reclamation of human personality."**

Dr. B. R. Ambedkar

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