

DALIT RIGHTS –IDENTITY AND ASSERTION IN RAJASTHAN

Annual Report, 2006

**Society of Depressed People for Social Justice
Centre for Dalit Rights, Rajasthan**

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SDPSJ-CDR

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Introduction and Background

The three year proposal 'Dalit Rights – Identity and Assertion in Rajasthan' undertaken by Centre for Dalit Rights (CDR-SDPSJ) began in April 2006. Jointly supported by Christian Aid and Dan Church Aid, the programme focuses on strengthening interventions to support Dalit communities in five districts of Rajasthan to protect and promote their human rights, in the larger context of building an environment for enhancing Dalit Rights in Rajasthan in collaboration with National Campaign on Dalit Human Rights Centre for Dalit Rights (NCDHR) and promoting awareness among civil society towards building harmony among communities. This report records the various programmes taken up during this period and reflects on their impact on the Dalit community for the one-year period.

In its work during 2004-05, CDR has worked on the issues of Dalit Rights and reported on the continued caste biased and feudal nature of the society here. Untouchability and human rights violence on Dalit communities continue on everyday basis as well as atrocities of serious nature. The work of CDR in the pilot phase focused on supporting Dalit communities to address violence on them and build accountability among the administration, legal machinery and police towards Dalit communities. In this context the **Mission statement** of the present three year proposal is:

“to eliminate untouchability and caste based discrimination and build a constructive environment where each and every person will live with basic human rights in peace and harmony”.

The **Specific Objectives** of the project runs as:

- State law enforcing agencies (police, judiciary, bureaucrats) including other duty bearers, rights holders and larger civil society including NGOs, CBOs, in the five districts¹ are sensitized on protecting and promoting Dalit rights, identity and dignity.
- Dalit rights violations including atrocities on Dalits, specially among the Dalit women are adequately addressed by the state and other duty bearers and are reduced in the five districts.

¹

- Social cohesion and harmony are promoted (inter-caste, class and gender) through the initiation of inter-community dialogue in 50 villages in the five districts².

In addition to our focus on the five districts, we also work closely with NCDHR in monitoring Dalit human rights in other districts of the state and also with other organizations and forums to build larger civil society alliances for building rights environment.

Towards achieving the goals, CDR has adopted the following **strategies**.

- Advocacy and Networking
- Monitoring human rights violations on Dalits
- Capacity building of Dalit activists, advocates and women
- Documentation
- Developing CDR as a resource centre

IMPLEMENTATION

1. LEGAL INTERVENTIONS

1.1. Human Rights Monitoring

Rajasthan records the second highest crimes against Dalits in the country, though its proportion of Dalit population is lesser than Bihar or UP. The social norms based on caste, patriarchy and feudalism creates a society of inequality and human rights violence. The lack of land, education or alternate employment among the Dalit community also forces their continued dependency on the dominant communities. There has also been very little visible protest by the Dalit community against such practices. Human rights monitoring in this context is the principle tool used by CDR to demand accountability and justice from the system to Dalit communities.

Everyday the team scans all the major newspapers in the state for all violence and atrocities committed on Dalit community. These are then documented and in the coming days, depending on the seriousness of the issue, various steps are taken. In a majority of cases, CDR writes letters to the police, administration or other statutory and human rights bodies like (SHRC/NHRC, Women Commission, SC commission) to extend justice to the victims, citing them the instance and requesting them to take action. Simultaneously we call up the police station to get further details and ask for the action taken. In case some response comes from the state we further follow it with the victim.

In addition to this secondary source of information, many people also directly report cases to CDR through letters, faxes and even in person. Thus we also receive cases that do not get reported in the newspapers as is the case in a

¹ Ajmer, Alwar, Bharatpur, Dausa, Pali

majority of incidents. During April-December 2006, 581 such cases came to CDR and over a 1261 Complaints were written and follow up done in many of the cases.

The breakup on the nature of cases is given below while the cases in brief are given in **Annexure No. 1³**. It is seen that 180 instances of mass violence is recorded followed by 132 cases under untouchability practice and 120 cases of violence against Dalit women and 124 cases of land Rights . There have also been 6 cases of custodial torture. The above is not a strict classification as in many cases the causes and effect overlap too.

Monitoring Cases - 1st April to 31st December, 2006

Sr. No.	Category of Atrocities	No. of Cases
1.	Untouchability practice	132
2.	Violence against women including rape and sexual harassment	120
3.	Mass Violence including murder	180
4.	Violence against children	7
5.	Bounded labour	3
6.	Land Matters	124
7.	Custodial Torture	9
8.	Others	6
	Total	581

1.2. Fact Finding

CDR has developed a classification of the violence against Dalits, and in cases of murder, rape, gang-rape, custodial violence, mass violence, severe untouchability house burning etc. taken as grievous cases, CDR organizes fact finding missions. Here a team of persons from CDR, NCDHR, other NGOs, human rights organizations and leading civil society members visit the place, talk to the victims and prepare a report on the crime followed by press meetings. The victims are helped to follow up the cases. During this nine month period, we have organized fact findings in 152 cases. While we are not able to do as much fact findings as the situation warrants or we would like, these fact findings create some level of confidence and support to the victims and also pressure on the administration to take just actions. We are sure that over the years, this process will make the administration more accountable and responsive and also perpetrators to be more cautious, building a human rights environment in the state leading to reduced violence on Dalit communities and society at large. When crimes against Dalits and tribals reduce in Rajasthan, one can assume that violence in society has reduced and a greater sense of justice prevails. It is

² Cases under Human Right Monitoring, details of 581 cases

an achievement that some sort of response is seen from the state and administration in 125 out of the 152 cases where fact finding has been done. This is a great achievement considering the fact that the administration do not like to register cases under the SC/ST (POA) and even lesser reach the court or conviction.

The break up of the nature of cases is as follows and the cases in brief is given in the **Annexure No. 2⁴**

Fact Finding Data from April to 31st December, 2006

Sr. No.	Category of Atrocity	No. of Cases
1.	Untouchability & Dignity related offences Practice	26
2.	Violence Against Women including rape and sexual harassment	40
3.	Mass Violence	18
4.	Violence Against Children	7
5.	Bounded labour	3
6.	Land Matters	40
7.	Custodial torture	3
8.	Murder	10
9.	Others	3
	Total	152

1.3. Legal Interventions in courts

One of the major lacunae in accessing justice by the victims and survivors in most of the human rights cases is the inability to follow up the cases, particularly in bringing them to the courts and having legal interventions. In this regard CDR has been following up a number of cases from 2005. So far 75 cases are in various stages in the courts and the team makes special efforts to support the victims, engage efficient advocates and follow up the cases in the courts. Judgments have been received in 5 cases with regard to violence against Dalit women, preventing Dalit bridegroom from horse ride in marriage procession etc. Details are found in **Annexure No. 3**

1.4 Training of Activists and Community Volunteers

³ Brief notes on Fact Finding and State Response

CDR organized number of capacity building programmes for activists and volunteers more participating 5 projected Districts empower them to advocate for the rights of them. Besides District Level programme, a two days more intensive and comprehensive Dalit activists capacity Building programme were organized in the five district on 15-16 Dec, Dausa, 18-19 Dec. Alwar, 22-23 Dec. Pali, 25-26 Dec. Bharatpur, 28-29 Dec. Ajmer. The training of Dalit human right monitoring mechanism was imparted to the participants in these two days camp to the participant by competent and renowned resource persons. The participant were also provided a hand book and poster containing the important information about monitoring, fact finding and follow mechanism and procedure and about the provision of Dalit Acts,

1.5. Training of Subaltern Advocates

A state level conference of Subaltern Advocates was organized on 29th Nov. in Jaipur with the following objectives:

- To Identify committed Subaltern Advocates in the state
- To sensitize Advocates on Dalit Human Rights
- To empowerment of Dalit Advocates
- To motivate them to take up cases of Dalit victims
- To sensitize Judiciary on Dalit rights issues
- To provide space for Dalit Advocates
- To enhance capacity of Dalit Advocates

48 Advocates participated in the seminar, 12 of were Dalit advocates from across the state. The resource persons for the sessions included Hon'ble Justice Mrs. Gyan Susdha Mishra, Hon'ble Judge Rajasthan High Court and Chairperson, State Legal Services Authority-Rajasthan High Court, Jaipur; Hon'ble Justice Mr. R. S. Chuahan, Rajasthan High Court, Jaipur; Mr. P L Mimroth, Advocate, Chairperson, CDR; Mr. Ajai Kumar Jain, Advocate Rajasthan High Court, Jaipur; and Mr. Satish Kumar, Advocate, Rajasthan High Court, Jaipur.

Dalit Advocates also shared their experience on the floor, examining the constraints in the system as well as individual problems that limited their participation in extending justice to Dalit victims. After discussions, the members decided to have a 'Core Group' at the state level as well as Advocates collectives at the five districts.

Major outcomes of the conference:

- Use better use the provisions of State Legal Services Authority
- Identify more active and committed subaltern Advocates
- Encourage Advocates to extend part of their time to the cases brought by the Dalit communities.
- Set up a State level Advocates Core group

- Conduct more training programmes for Dalit Advocates on Pleading, Drafting and SC/ ST (PoA) Act, 1989 and PCR Act, 1955.
- Recognise and create space for Dalit women Advocates
- Lobby for space for Dalits in Higher Judiciary.

State Level Advocates Core Group

- Mr. P L Mimroth, Advocate Chairperson of Groups
- Mr. Ajai Kumar Jain, Advocate, Rajasthan High Court
- Mr. Chetan Bairwa, Advocate, Rajasthan High Court
- Mr. R K Akodia, Advocate Rajasthan High Court (Former Member SHRC)
- Ms. Sunita Satyarthi, Advocate Rajasthan High Court (former member SWC)
- Mr. Satish Kumar, Advocate Rajasthan High Court
- Mr. Pooran Chand Verma, Advocate Rajasthan High Court
- Mr. Indra Jeet Kundara, Dausa

Role of Advocates

- To bring Dalit atrocity cases on voluntary basis
- To conduct or participate Fact-finding team
- To assist to the victims, eyewitnesses, and collecting other document at each stages
- To examine FIR whether proper sections are these or not, if not then advocacy with Police and file Petition for alteration of FIR
- To argue or attend the case in Courts behalf of victim or assist to Special Public Prosecutors

1.6. Special Training of Advocates

CDR also organized as man as 15 legal literacy and awareness camps in 5 districts during the project period besides meetings and seminar of local advocate to motivate them to fight for Dalit rights. However special training programme of dedicated advocates in each district were also organized in which pool of advocate and Core Goup of volunteers Advocate were also forms. These training programmes were attended by good member of advocates and perhaps this type of programmes were organized for the first training in these District namely on 16-17 December at Dausa, 19-20 December at Alwar, 23-24 December at Pali 26-27 December at Bharatpur and 29-30 December at Ajmer. the special feature of programme was that a Hand Book for subaltern advocates containing very useful and basis information about S/C & ST Act & Rules and poster on Dalit Rights were provided to the participant advocates. List of District Level Core Group of Advocates are shown in the **Annexure No. 3**

Outcome

75 cases are being followed up in Courts at the state level in collaboration with NCDHR, Rajasthan and are shown in the **Annexure No. 4**

2. CAPACITY BUILDING OF WOMEN AND YOUTH

During the first year and half of CDR's work we have taken up a number of cases where the victims and survivors were women. Hence during this year we realized the need to engage with women to understand the legal provisions in addressing violence as well as creating building self-confidence and networking among women leaders in the five districts. A state level conference of Dalit Women was organized in – and training for women and youth was organized in December 2006.

The two programmes brought women from different districts together, building the 'we-feeling' among them as well as the commitment to continue fighting against untouchability and violence and to work for their complete elimination. The programmes also helped build the confidence of the CDR team to organize such programmes.

2.1. State Level Dalit Women conference – 21-22 June 2006

Rajasthan has very strong feudal as well as Patriarchal roots and it is not surprising that women play very little role in the public be it at the local or the state level. In the home too women have subsidiary role and the state is in the forefront for reinforcing the traditional and cultural suppression of women as can be seen from the strong forces that even wanted to promote the burning of women at the funeral pyre of their husbands. While Dalit women are engaged in fending for their families and children, working from morning to night in the agricultural farms as well as other non farm work, they too have very little voice within the house. In addition they are also harassed and victimized by the dominant caste men and women as the caste and untouchability practices are very entrenched. Under these circumstances, in keeping with our objective of providing a space for women to come together, enjoy and express themselves, share with each other as well as to gain insights into their rights and strengths, we organized the first state level conference of Dalit women at Jaipur.

Women participants from different and distant parts of the state came for the conference. About – women from Alwar, Ajmer, Bharatpur, Barmer, Bhilwara, Jaisalmer, Jodhpur, – districts participated. Day one was a day of enjoyment and cultural expressions were the participants from the different parts, sang and danced and shared their lives and stories through their local songs. Many of the songs expressed their situation and there were a few that spoke of their struggles for justice and their own strength.

Human rights Issues of Dalit women

Day two was a day of sharing the deprivation and human rights abuse and violence they faced. The circumstances and incidents of violence on Dalit women vary. Even educated and employed women are not exempt from them. Anita Verma from Dausa narrated the harassment she faced as a Dalit woman in her office. She had taken the case upto the State Women Commission, but was yet

to get any support. However she was determined to continue her struggle for dignity and equality.

Many cases were those of lack of shelter, not being registered under BPL, not being provided potable drinking water in the habitation-having to walk long distances every day to fetch water, not being given housing schemes, children facing discrimination and humiliation in the school, lack of road, street light, not having ration cards to purchase subsidized grain,

Natho Devi from Dausa explained how even to date the dominant caste do not allow them to take water from the hand-pump installed by the government

Mishri Devi from Bharatpur explained how even certain communities even among Dalits face further discrimination. As a member of the Nath community, considered one of the last and least even among the Dalit community, the drainage water from the whole village is directed to their settlement, leading to stench, flies and mosquitoes, resulting in high incidence of disease and ill-health in addition to the very unhealthy environment in the habitation. Just because they are from the lowest community, dominant people think they can live in filth and stench.

Land grabbing by the dominant and middle castes is very common and one of the frequent cause for conflict and resulting violence. Many such cases were narrated in the conference. In addition, Dalit women are kept out of emerging opportunities to engage as agents in the development interventions. Savitri Devi from Ajmer explained how she was initially nominated as an ASHA, but was not selected finally.

What comes across is also the constant fear under which the Dalit communities and the women particularly live. On one hand one has to be very careful not to cross or fall in the bad sight of the dominant castes. On the other, at the instance of any existing conflict in the village, women have to be extra careful, and they live under great stress and fear.

Experiences of elected Panchayat members

It was interesting to note that there were both positive and negative experiences of Dalit women who were elected to the panchayats. Some of them expressed that owing to their being educated and able to gain resources and programmes for the Dalit community, they gained recognition and respect within the community. However their experience with the dominant castes and the officials was very unpleasant. It was doubly difficult as they not only did not cooperate, but also tried to humiliate, undermine the authority and even harass and block their participation. In some places the officials and dominant caste members would not even share the seat with Dalit women.

Despite all these, what was also very energizing and enriching was the hope that the women held out. They felt that if we are educated, we will know our rights and we can demand. If we are united we can struggle against all the injustices. The need to educate girl children was expressed and the need to support one another to fight for our rights.

Resource and solidarity

The representatives and dignitaries from NCDHR included Ms. Vimal Thorat, Ms. Urmila, Ms. Rajani Tilak and Ms. Catherine, intern from Italy. Bhanwari Devi from Bhateri village under districts who has become a symbol of women's struggle in Rajasthan and all across the country as a Sathin urged the women to take courage and fight for justice. Speakers also reminded members of Babasaheb Ambedkar, who was certain that the rights of women and that of Dalit women have to be upheld above everyone else's. Members remembered Jalkari Bai, who fought in the war for independence but was not recognized or remembered being a Dalit woman. The conference dates coincide with the remembrance of Kali Bai, the tribal woman who fought the British.

A number of other members also attended the conference and encouraged the participants - Dr. Kusum Meghwal (Udaipur), Ms. Deepa Baswal, Ms. Anju Karadiya, Ms. Suman Devathiya, Ms. Deepa Baswal, Smt. Shanti Devi Mimroth, Ms. Hira-Devi Sapanch (Dausa), Ms. Pramila, Ms. Poonam Advocate (Alwar), Ms. Suman Kardam, Ms. Aruna Akodiya (Kota), Gayatri Walia, Yogendra Jatav Advocate (Bharatpur), Prem Bhai -Sarpanch Kotkhawda, Sumitra Verma -Editor Nari Express Ajmer, Manju Roy, Mamta Jetli, Divya Meghvansi, Vandana, Advocate and others.

The outcomes and suggestions of the Conference:

- Women should become more aware of their rights and come together at the state level network.
- Police, administration, Govt. and dominant caste communities need to be sensitized to address Dalit women's issues.
- To identify Dalit women rights defenders, advocates, media persons, academics, Panchayat representatives etc to be part of the state network.
- CDR to extend necessary support and facilitate the building of the state network.

A State Level **Core Group of Dalit women** was formed by the conference:

- Smt. Shanti Devi, Jaipur
- Smt. Bhawari Bai, Ajmer
- Smt. Anju Karariya, Jaipur
- Smt. Aruna Akodiya, Kota
- Smt. Prem Bai, Jaipur (Rural)
- Smt. Manju, Rai,
- Smt. Pramila, Alwar
- Smt. Suman Kardam, Alwar

- Smt. Suman Devathia, Jaipur

2.2. Training - Women and Youth

On 30-31 Dec. 2006, CDR organized a two day workshop for women and youth on legal matters. The programme was focused on women and youth primarily from Dalit communities to provide information and skills to Dalit youth and women to address violence against women and the community in general and to expand and enhance the human rights environment and legal awareness in the state.

The programme focused on giving awareness on the SC/ST (POA) Act, monitoring human rights violence from secondary and primary sources, conducting fact finding missions, registering the First Information Reports and following up cases through various legal mechanisms.

Members looked at the legislations that protect women and Ms. Sunita Satyarthi, ex-member of Rajasthan State Women Commission and advocate explained the various clauses under the The Domestic Violence Prohibition Act.

Resource persons:

P.L. Mimroth President CDR

Satish Kumar Advocate, State Co-ordinator CDR

M.P. Chaudhary, Programme Co-ordinator CDR

Gopal Verma State Monitoring Secretary NCDHR

Sunita Satyarthi, Ex-member Rajasthan State Commission for Women

Priti Daruka, PWESCR Delhi.

Anita Verma Social Activist.

60 Men: 27 Women participated in the training.

3. PROGRAMMES TO ENHANCE DALIT DIGNITY AND CONFIDENCE

3.1. Dalit Dignity Rallies

60 years after independence and the Constitution proclaiming equality, liberty, dignity and democracy, Dalits in all parts of the country continue to be outcast, untouchable, dependent and oppressed. The high degree of dependency on dominant communities as well as the strong caste bias in administration, police and judiciary, Dalits do not get support from these systems to assert their rights or gain their entitlements. CDR organized six rallies to create visibility on Dalit rights, bring together and build confidence in the community and make demands on the administration. They were organized in different districts as Bharatpur, Ajmer, Pali, Dausa, Alwar and Hanumangarh. The detail report is given in **Annexure 5.**⁵

⁵ Public Hearing on Land

Alwar District

CDR organized a dalit dignity rally on 25th December to 27th December 2006. The route of the rally was Thana Gazi to Alwar Collect rate. This rally held meetings at Narayanpur, Bhangroli, Bansur, Harsauli, Gyanpura, Mundawar, Kot kasim, Rampur, Tijara, Guntashahpur, Kishangarh, Bibirani, Mubarikpur, Naugawan, Alwada, Ramgarh, Piprauli, Diwakari and so many villages. About 6000 people involved and participated in the Rally through at Distt.

Rally concluded at Collectorate of Alwar and submitted a memorandum about Dalit problems to the DM.

Bharatpur District

The Dalit dignity rally was organized from 10th October to 12th October 2006. The route of the rally was Nagar to Bharatpur, Collectorate office. Rally went through Ravidaspura, Rasia, Deeg, Kumher, Nadbai, Halena, Chhaukarwada, Busawar, Weir, Kanawar, Bayana, Brahmbad, Rudawal, Rupwas, Uchain and other villages enroute. A memorandum with demands was submitted to the District Magistrate. More then 7000 people participated in this Rally.

Ajmer District

Dalit dignity rally was organized from 11th October to 13th October 2006. The route of the rally was Pushkar to Ajmer, Collectorate office. This rally held meetings at Peesangan, Mangaliawas, Byawar, Masuda, Bandanwada, Bhinayia, Kekadi, Sarwad, Nasirabad, Srinagar, Kishangarh and other villages. A memorandum was submitted to the District Magistrate. More then 8000 people participated in this Rally.

Pali District

The rally was organized from 18th November to 20th November 2006, going from Sumerpur to Pali, Collectorate. This rally held meetings at Bali, Desuri, Bizowa, Marwad Junction, Bauri, Chellawas, Sojat, Jadan, Devli, Rohat, Boa, Raipur, Jaytaran and other villages. The rally submitted to the DM. More then 10000 people participated in this Rally.

Dausa District

Organized the rally from 22nd November to 24th November 2006. The route of the rally was Lalsot to Dausa Collectorate. This rally held meetings at Geejgarh, Sikray, Mehndipur, Malwas, Papadada, Lanka, Bahrawanda, Nihapur, Bandikor, Gudakatta, Santhal, Biwai and other villages. A memorandum was submitted to the DM. More then 10000 people participated in this Rally.

Hanumangarh District

The rally was organized on 28-29th December 2006, going through Lilawali, Sangaria, Ratanpura, Nagrana, Shergarh, Manksar, Leelawali, Chandna, Nawan and Hanumangarh Collect rate. The memorandum of demands was submitted to the DM. More than 5000 people participated in this Rally.

The following demands were submitted to the DMs by the leaders of the Rally. The memorandum in each of the rallies presented the specific issues that came up in the various villages where the rally held meetings. The demands covered primarily the following issues.

- Dominant caste people continue to occupy Dalit lands, this should be addressed by removing the encroachment and giving possession to Dalits.
- Government land (Shivaychak) should be allotted to Dalits.
- Include all Dalit families in B.P. list, to help them access essential grains, other subsidies and services.
- Ensure that Dalit widows get widow pension as they are most vulnerable.
- Install hand pumps in Dalit basti /colony to provide drinking water.
- Police should file the FIR when Dalits report atrocities and other human rights abuse on them.
- Administration and Police should take effective steps in processing cases brought by Dalits according to SC/ ST Act and Rules.
- Compensation, traveling allowances and daily allowances should be paid according to SC/ST Act and Rules.
- Victims of atrocities should be given agricultural land and homesteads.
- Constitute District level monitoring and vigilance committees to review and control atrocities on Dalits.
- Special Component Plan's money should be allocated as per norms and programmes implemented effectively without diversion and misuse.
- Dominant caste members who encroach the access roads to Dalit habitations should be removed.

3.2. Human Rights Defenders Award

International Human Rights Day, 10th December 2006 was celebrated to felicitate Human Rights Defenders on Dalit cause at Jaipur. 21 members who have contributed to protecting and defending Dalit rights from the village to the state level were felicitated in a public function. Mr. R.K. Akodiya, ex-Member of the Rajasthan State Human Rights Commission and Mr. Dushyant Ojha, Secretary of the CPI, Rajasthan presented the citation and honoured the members with a shawl and Rs.1100/-. The brief note on each of the members is given in the annexure, which covers their struggle across the various social, cultural, worker, access to facilities and services and other rights issues. They congratulated the members and encouraged them to continue the fight against untouchability and for the dignity of Dalits.

3.3. Massive Signature campaign to abolish untouchability at various districts and Jaipur

On 10th Dec. 2006, CDR organized signature campaign to abolish untouchability at various places in the five districts. This helped to create a greater awareness among the public on the need to abolish this inhuman practice and many people signed up for the same.

The signatures were collected at the following places:

- Hope Circus, Alwar
- Ambedkar Circle, Jaipur
- Ambedkar Circle, Ajmer
- Nasha Mukti Kendra, Pali
- Railway Station Bharat Pur
- Gandhi Circle near bus stand, Dausa

While the principle of equality between human being is the first step of the development of civilization, due to narrow mindedness, in-equality and exploitation and slavery, bounded labourer and untouchability still continue. In Rajasthan both casteism and feudalism are strong and place many disabilities on Dalit communities, like not being allowed to take water from the public ponds, Dalit bridegrooms are not allowed to ride on mares. Due to casteism Dalit can not enjoy right to equality throughout their life.

We can not be proud of our country even though we belong here and this is our society. This limits our contribution to our families and communities and our country too. It is also a danger for the unity and solidarity of the nation.

Keeping aforesaid things in mind we organized the signature campaign in the different headquarters. Hundreds of people signed on the canvas to abolish untouchability.

3.4. Media Felicitation

On 28th September CDR organized a meeting to felicitate 48 members from various print media, both English dailies and Hindi, who had supported the cause of Social Justice by giving visibility and voice to Dalit issues. Dr. Bhanawat, Director, BJMC, Rajasthan University, Jaipur; Mr. R K Akodia, Former Member, SHRC; and Mr. P L Mimroth, Chairperson, CDR were the Felicitation committee. The good relationship between media and Dalit issues through the work of CDR over the past year was thus recognized and further enhanced through this process. List of the members who were felicitated is given in the **Annexure No.6**

4. ADVOCACY ON ECONOMIC RIGHTS OF DALITS

4.1. Dalit Budget Workshop

Budget is an indicator for the commitment of the state on any issue. The Central Government launched Special Component Plan (SCP) for Dalits in 1979-80. Provision of this plan is very progressive as seen:

- SCP is funded wholly by the Central government

- Fund will be proportional to Dalit population
- SCP requires that all sectors allocate funds under SCP, providing for all round development of Dalits.
- Funds have to be spent entirely for the uplift of Dalit community
- State Social Welfare Department is the nodal agency in the states.

Various lapses are found in the implementation. The amount is not allocated as per the norms and even when allocated budget is unspent or diverted. Under these situations, there is growing awareness among civil society organizations to analyse and advocate for adequate budget allocation and efficient implementation of programmes. CDR has begun to engage in this process with support from NCDHR and BARC. We organized a joint workshop on Dalit budget on 22nd September 2006 in Jaipur.

The workshop set the agenda for Dalit budgeting in Rajasthan:

- To give visibility to the economic rights issues of Dalit community.
- To highlight the lapses of the State Governments in implementing the measures / Welfare schemes for Dalit communities.
- To sensitize the Ministers, Policy makers, Chief Bureaucrats and legislatures on the Dalit Budget
- To sensitize the National SC Commission to take cognizance of these issues and initiate proper action for implementing welfare schemes.
- To make the Special Component Plan be more effective in implementing the provisions only for Dalits.
- To give publicity to the welfare schemes, implemented by Social Welfare Department

Dr. Subrto Dutta, Sr. Budget Analyst, BARC, Mr. P L Mimroth, Chairperson, CDR, Mr. Than Singh, State Convenor, NCDHR, Mr. Vijai Goyal, Budget Analyst, BARC and Mr. Satish Kumar, State Co-ordinator gave inputs for the workshop.

The workshop introduced the concepts behind budget, SCP, budget allocation and diversion, advocacy strategies and the nature of programmes under SCP and we are happy that after this Rajasthan Assembly held half hour discussion on Dalit Budget in during the Budget Session 2006-07.

4.2 State Level Consultation on Dalit land Rights

The CDR organized a State Level Consultation on Dalit land Rights at Pant Krishi Bhawan, Janpath, Jaipur on 16th November, 2006. This type of Consultation on Land and Revenue affecting rights of Dalits was first time in which revenue experts, Members of the Revenue Board, lawyers and Dalit activists participated and seriously discussed the Legal lacunas and en adequacy of effective implementation of Revenue law in Rajasthan.

4.3. Public Hearing on Land

Most Dalits are landless. Even the lands earmarked for Dalits by the British Regime as depressed class lands (BHUDAN YAGYA Lands) and Government allotment have been taken away by the Dominant Non Dalits and therefore even today 74% Dalits are agricultural labourers who earn less than a dollar a day. They are forcibly made as illiterates and even today they constitute 48% - the majority among the illiterates in India. They are undernourished and infant mortality and maternity mortality rate among the Dalits are high. They do not have access to adequate housing and water. Their accesses to common properties in the villages are totally denied and they live separately in colonies beyond the villages and their civil rights are completely denied. They cannot worship in the village temples in par with the caste Hindus and they are buried or cremated separately. In short they are not treated as Human beings and they are yet to gain their Human Status. In nutshell, economically they are poor, socially they are oppressed, politically powerless and culturally sidelined.

Status of Dalit Land in Rajasthan

Since in the wake of globalization process, land reform specially in feudal state Rajasthan seems to have lost its flavour and favour not only with the Government but also in the agenda of political parties. It is submitted that land reforms particularly effective enforcement of ceiling laws should remain an essential element of national agricultural and rural development strategies to provide livelihoods to a vast majority of rural population especially Dalit Communities and also to acquire assets, gain employment or increase their income and quality of life.

In Rajasthan land reform can change not only the current culture of exclusion so that Dalits can gain access to land, credit, technology, market and other prospective services but also become active partners in the development of this 'BIMARU' state. We believe that there would be strong pressure for effective implementation of land ceiling and land reform laws. The key to success would be strong organization and mass mobilization of prospective beneficiaries vociferously demanding the change in their favour backed by equally forceful political will of the state to intervene in favor of poor landless Dalits & the dispossessed.

In many cases in Rajasthan it is observed that when land is allotted to Dalits by the state Govt, relevant documents are not given to them. Often Dalits lose land given to them by the state by one or the other following manner:

- The entitlement is in the name of Dalits but the possession is not in their hands.
- Possession of land is there but relevant documents are not with Dalits.
- When they mortgage their land in case of their distressed needs.

- In case, the land is mortgaged to the Bank/Cooperative societies on account of the loan given by them and when the loan is not repaid on time the Bank/ Cooperative societies offer bids / auction to sell the land.
- There are many cases in which Dalits land is purchased by the higher castes in the name of some Dalits person and they reap the benefits.
- The Dominant castes people encroach the parts of Dalits land in their neighborhood taking undue advantage of Dalits ignorance who are not well aware about their field boundaries and amount of land owned.
- When the Dalits borrow money from the higher caste villagers and if they are not able to return it, the higher castes people grab a big chunk of Dalits land.

Land reform for SC/ST communities has failed owing to reasons like:

- Concept of absentee land lord.
- Laconic Revenue laws of the state.
- Negative Role of the revenue officers as observed by ex. Chairman of Rajasthan Revenue Board Mr. R.S. Kumbhat "Ham Shoshn Karta hai".
- Defective policy of the state in regularizing the agriculture land which has deprived the landless persons from getting land through allotment .Even pasture land has not been exempted from regularization.
- Non-positive attitude of Revenue officers & other courts. This point is strengthened by quoting some examples-
- Frequently the collusive decrees are passed by the Revenue courts on the basis of adverse possession, despite restriction of section 42 as observed by Justice Guman Mal Lodha in one of his judgment.
- In one of the judgment (of the single judge of Rajasthan High Court) Hon'ble judge adjudicated that if Trust is created over land of SC/ST then restriction of section 42 will not operate.
- Lack of will on the part of the state to execute protective legislation in true spirit.

Violence related to land:

- Dalits often protest when their land is grabbed by others and dominant caste members retaliate with violence. The nature of the retaliation varies as seen below:
- Murder on land dispute
- Dominant caste perpetrators do not adhere by court rulings in favour of Dalits
- Dalit Land grabbing in the name of Temple
- Illegal encroachment on Dalit land by dominant castes people
- Discrimination by Land Allotment Committee on Dalits
- Forcefully dispossession Dominant caste members
- Illegal transfer of Dalit land to Dominant caste people
- Illegal encroachment on Dalit residential land by dominant castes people
- And other types violences against Dalit

Aims and Objectives of this PH:

A Public Hearing was held on 26th Nov. 2006 where a number of cases were brought to the jury. The detail report is given in **Annexure 6**.⁶

This Public Hearing aims at bringing out a “Detailed report with observations and recommendations” on the land related Human Rights violations on Dalits- especially the violation of the Civil-Economic and Political Rights of Dalits. CDR will use this report as an Advocacy material to pressurize the Elected Representatives of the State, Bureaucrats and Commissions to render justice to these victims. This report would strengthen the hands of victims and CDR as well, to go for Legal Intervention in the respective Courts which includes filing of PIL in High Courts and Supreme Court to bring those culprits into books for legal punishment. Also CDR will approach the UN Human Rights Mechanisms with this report to invoke their intervention to pressurize the GOI to implement the Legislations and Constitutional provisions that is already in place for the promotion and protection of the rights of Dalits. The greed of dominant castes to grab the land of Dalits was a major reason behind of case atrocity and discrimination.

The objectives

- To give visibility to the issue of Dalit Land , Caste discrimination, Untouchability Practices and Atrocities that are enforced on Dalits even after 58 years of Independence.
- To highlight the manner in which article 17 of our constitution has been subverted by the Central and state governments
- To highlight the lapses of the State Governments in strictly implementing the provisions of the Rajasthan Tenancy Act, 1995 and other land laws.
- To highlight the lapse of the State Governments in strictly implementing the provisions of the SC/ST POA Act 1989 and Rules 1995
- To sensitize and challenge the Elected Representatives, the Law Enforcement Agencies especially the Police and the Revenue departments as to how they are insensitive to the discriminatory practices and atrocities that are being inflicted on Dalits despite the prevalence of provisions of Constitution and special legislations.
- To make public the caste mindedness of the District and Police administration in dealing with the cases of Dalits whose rights are severely violated by the casteist forces.
- To give visibility to the role of District and Police Administration in conniving with the Casteist forces.
- To publicize the role of Corruption and bribe in handling the cases relating to Dalits.

⁴ Public Hearing on Land

- To sensitize the National SC Commission to take cognizance of these issues and initiate proper action for rendering justice to the victims.
- To sensitize the Civil Society on the HRs violations and land problems on Dalits and impart the need to address this issue adequately in their involvements.
- To bring to the notice of the Judiciary the plight of Dalits and to ensure speedy and effective Justice Delivery system.
- To make the Criminal Justice Administrative system to be more effective in implementing the Acts and Rules to protect and promote the HRs of Dalits.

Jury Members

The following learned Jury Members ranging from Retired Chief Justice, High Court, Senior Advocates, Judicial Officers to Bureaucrats and Human Rights Defenders from the State will listen to the Victims in this Public Hearing and they will bring out a "Report on their Observations and Recommendations"

- Hon'ble Chief Justice Mr. M L Simal
Retd. C J Sikkim High Court
- Mr. R K Ankodia
Former Member, SHRC
- Ms. Sunita Satyarthi
Former Member, State Women Commission
- Ms. Kavita Srivastava
Gen. Secty. PUCL - Rajasthan
- Mr. Ajai Kumar Jain
Sr. Advocate, Rajasthan High Court
- Mr. Dharam Singh Sagar
Retd. Principal Home Secretary

Recommendations by Jury

- The Government acquire the surplus "Benami" land and distributed it to land less for cultivation
- Effective implementation of Section 3 (1) (IV) and 3 (1)(V) of SC/ST(PoA) Act, 1989 and consider as a criminal case against Dalit land matters
- Effective implementation of Section 183-C of Rajasthan Tenancy Act, 1955 against Dalit land matters
- The District Collectors should conduct survey on Dalit land encroachment or illegal possession and ensure their physical possession with police protection
- The State Government constitute a vigilance Committee against the name of Dalit Benami properties
- The land allotment committee should give priority to land less Dalit or Tribals according to rules

- The Government should conduct a survey on Mandir & NAZUL land and distribute land less Dalits or Tribals
- The State Government should constitute Fast Track Land Tribunals
- The government ensures that when the Dalits borrow money from the higher caste villagers and if they are not able to return it, the higher caste people should not grab a big chunk of Dalits land.

State Response

Thirteen land related cases were deposited before the jury, while a number of other cases could not be deposited due to shortage of time. We are happy to report that two out of the thirteen have been solved by District Administration as below under:

- On dominant caste family encroached land of Mr. Ram Babu Jatav R/o Nangla Dharsoni, Tehsil - Weir, District-Bharatpur. After the Public Hearing the administration resolved the case within a week
- The administration also solved another similar type of case in village Bavdi Soda, Tonk-District in the case of Mr. Gopi Ram Raigar

5. DISCRIMINATION IN RELIEF AND REHABILITATION

Barmer and Jaisalmer districts received 509mm rainfall in three days (19th, 20th and 21st, August, 2006) against an annual average rainfall of 175mm. This caused major flood situation across Barmer District, especially the North and North East and western region of the District badly affecting the Kawa & Malwa region. This has been a record of sort in the last 100 years. More than 25 villages were submerged and 1100 villages were affected. More than 10000 people have been left homeless and 9000 persons unwell. Water levels in some of the submerged villages especially Kawa and Malwa has been at 20 to 25 feet. Some of the most affected villages are that of Barmer, Ramsar, Baytu and Sheo taluks. Around 55000 people were affected in Barmer District alone.

Reports from Dalit NGOs victims and various media news received in the office of based Centre for Dalit Rights and NCDHR (National Campaign on Dalit Human Rights) Jaipur to the effect that Dalit flood victims were discriminated on account of caste in the relief and rehabilitation process carried out by Govt. & Non governmental agencies. It was also reported by press that all powerful upper caste persons had been preventing the drainage of water from village / hamlets populated by the low Caste namely Dalits especially in KAWAS village.

Thereafter the dalit groups of the State set up a monitoring team to look in to the allegations of Caste-based discrimination in relief and rehabilitation measures in Barmer flood affected areas. The Monitoring Committee consisted of six members under the leadership of Mr. P.L. Mimiroth and Mr. Sathish from CDR. A detailed report is annexed in **Annexure No. 7**

The team met with affected people, NGOs, other civil society organisations and volunteers providing relief measures and government authorities. People reported that immediately after the floods, affected people came together across caste boundaries both to provide relief and also access them. However as soon as the emergency situation was over, the dominant caste members refused to have food prepared and distributed by Dalit volunteers. Finally most of the NGOs succumbed to the pressures and began to supply dry rations. Along with this, there were no visits to some of the villages where Dalits were predominantly affected, the registration of the loss of Dalits was not adequate, no medical facilities were extended to them and the VHP and RSS volunteers particularly discriminated against Dalits, not providing them relief including food materials. In places members of the Safai Karmachari communities were totally excluded from any kind of relief materials. Even NGOs and civil societies succumbed to the pressures of the dominant communities and there was very little presence of the state machinery on the ground.

Major findings

- A large number of Dalit Hamlets have been affected by the flood in the Barmer and Jaisalmer districts of Rajasthan
- The Govt. and District Administration have not extended relief and rehabilitation measures in all areas.
- The Dominant caste people are not eating food with Dalits
- No loss of life among Dalit
- The dominant caste people forcibly prevent Dalits from receiving relief materials in some camps.
- No proper health facility in Dalit hamlets
- The Govt. survey on loss and rehab program do not cover Dalits adequately

6. COMMUNITY HARMONY BUILDING

While the Constitution promotes a harmonious society based on justice, equality and dignity of all people, in our society, the human rights of Dalits are abused on everyday basis as well as with violence and atrocities. There is the need for all sections of society to work for the rights of the excluded and marginalized sections to promote a harmonious society. With this purpose CDR organizes common meetings of Dalits and nonDalits bringing together thinkers and activists to work as human rights defenders.

The meeting was organized on 29th August 2006 in Pali, where 39 people from different sections participated. The leaders and resource persons for the session consisted of: Mr. R.K. Akodia, ex. Member of Rajasthan State Human Right Commission, Dilip Singh Choudhry, P.L. Mimroth President of CDR, Satish Kumar Advocate, State Co-ordinator CDR, Lubhash Rathor, N.K. Raja (Principal) and Mrs. Sunita Rangi.

Objectives of the meeting were:

- To promote understanding on the human rights issues of Dalits across various sections of people
- To allow Dalits on public places like temples, dharamshalas etc.
- To eliminate discrimination of Dalit children in school.
- To permit Dalit bridegrooms to ride horses through public roads during marriage procession.
- To eliminate discrimination and untouchability practice at drinking water sources like well and handpumps, ponds etc.
- To prevent discrimination in disaster situation
- Respect and honour women, including Dalit women.
- To promote space for interaction between Dalits and dominant caste.
- To build a sharing and caring society

Outcomes:

- Identified human right defenders across castes.
- Opportunity created for interaction.
- Members agreed to initiate dialogue with dominant caste groups and leaders.

Follow Up:

We find that members of the committee are engaging in fact finding missions and engaging with the Dalit community after any violence and taking some efforts for promoting Dalit human rights.

7. NETWORKING & COLLABORATION

7.1. With NCDHR: The CDR is a fairly flat organization and works closely with Rajasthan unit of NCDHR at the state level. We have signed a MoU (Memo of Understanding) for smooth collaboration with the purpose of strengthening and supporting Dalit rights assertion in the state. The main aspects of the MOU are:

- That CDR will facilitate and co-operate NCDHR through extending basic structural support including office space, and other allied infrastructure including man power to carry out its activities of NCDHR in Rajasthan.
- That CDR will specifically and closely work in five atrocity prone Districts namely (I) Dausa, (II) Pali, (III) Alwar, (IV) Ajmer and (V) Bharatpur in terms of conducting Fact Finding, monitoring of atrocities and other allied

- follow up actions for securing justice to the victims and empowering the social activists, lawyers, human right defenders.
- NCDHR will carry out the similar type of activities in rest of 27 district of Rajasthan and take follow up action programme case with the help of CDR.
 - The CDR and NCDHR will share the cost of office maintenance and infrastructure cost to the extent of 3-1 ratio per month and bear the same in the same proportionate.
 - It is also agreed that in broader sense there will be territorial jurisdiction of CDR in above named five distt. and rest of the 27 District will be taken care of by NCDHR, Rajasthan in terms of Fact Finding normally follow up and legal intervention in Rajasthan and without explicit consent the agreed jurisdiction will not be transgressed or violated by CDR & NCDHR.
 - This MOU is a kind of formal agreement aiming to strengthen, expand and penetrate the Dalit Rights activities and combat atrocities without duplication or clase in Rajasthan by deciding clear cut demarcation and territorial jurisdiction.
 - This MOU will be effective with effect for April 2006 and will continue till such time both the parties agree to part with from the above mentioned agreement.

7.2. With Mass Organizations: CDR also has close relationship and participates as well as jointly organise programmes with progressive organisation like the PUCL- Rajasthan, Bandhua Mukti Morcha- Alwar, Rajasthan Samagra Seve Sangh- Rjajsthan, Jamaite Islami Hind- Rajasthan, Janwadi Mahila Samiti- Rajasthan, Rajasthan Mazdoor Nirman Sangh, Jaipur .

7.3. Networking with other NGOs: In its work CDR has developed fairly good collaboration with other NGOs in the state. CDR involves them in the fact finding missions and other common programmes. When they come across Dalit issues they also seek the support of CDR and sometimes requests that CDR takes them forward. Organisations that have collaborated during this period are:

UNNATI- Jodhpur, Jan Chetna Sansthan- Sirohi, IDEA- Balotra, URMOOL- Falodi, SASVIKA- Ajmer, SAMANTER- Bharatpur, UPKAR-Thanagaji, SAMBHAV- , INSAF- Jaipur, CECOIDECON- Jaipur, Bal Rashmi Society- Jaipur, VIVIDHA- Jaipur, VISHAKHA- Jaipur, Lok Adhikar Network- Western Rajasthan, Jan Mahila Vikas Samiti- Ajmer, Akat Gram -Rajasthan, State Resource Center on Peace and Justice- Jaipur, Dr. Ambedkar Memorieal Welfare Sociaty- Rajasthan, Bhartiya Bodh Sabha- Rajasthan, LUPIN- Bharatpur, PRAYAS - Chittorgath, Centre for Health Equity-Jaipur, BARC- Jaipur, Jai Bhim Shikhshan Sansthan- Jodhpur, Rajasthan Christian Youth Association- Jaipur, Dalit Kashta Nivaran Samiti- Alwar, Legal-Socio Academy- Jaipur, Dalit Ahiyan – Jaisalmer / Barmer and other Human Rights groups

While these organisations collaborate and cooperate on Dalit issues, CDR also collaborates in their programmes of capacity building, health care and training, building communal harmony and AIDS awareness programmes.

7.4. Issue Based Collaboration

In addition, CDR has participated and supported in over 90 meetings, seminars, workshops and public meetings to further issue based campaigns on land, womens rights, right to water, right to food, right to information, National Rural Employment Guarantee Act, Campaign against female foeticide, campaign against torture, police and judiciary reforms etc. Please find Annexure No. 7

7.5. Seminar on Stats of Dalit Rights in Rajasthan ISF, Delhi

The CDR successfully organized a event in the historical ISF JLN Stadium New Delhi in this event a session was convene or organized on Dalits situation in Rajasthan. The main speaker were Mr. Paul Divavar-NCDHR, Ms. Kavita Srivastava-PUCL, Mr. Narenrda Kumar-PAIRVI, Mr. Tulsi Das-BHIM SASTHAN, Mrs. Bhanwri Bai-NCDHR Rajasthan, Mrs. Rama Jabdia-NCDHR Rajasthan, Ms. Hemlata Kansotia, Mr. Gopal Verma-NCHR, Mr. M P Choudhary and Mr. Satish Kumar.

8. A BRIEF REVIEW OF IMPACT

The consistent work of CDR in monitoring human rights of Dalit communities have lead to various positive outcomes and a greater awareness among Dalit communities, increased number of cases being registered and followed up, greater interventions by the state administration and police as well as greater engagement of civil society organizations on Dalit rights issues. A few of these to name:

- Level of awareness about legal Rights Dalit population has increased many fold and a good indicator to this impact is evident in the fact that figures of FIR registered during the last few years have increase substantially. During this period CDR has registered 1261 complaints with various state machinery. Please find **Annexure No.8.**
- The level of sensitization among law enforcement agencies and civil society has also increased with the result the police has started filing complaints the Dalits and rate of conviction also is slightly on increase. The state responded to 189 complaints registered during this period. Please find details in **Annexure No. 9**
- Media and NGOs also started taking cognizance of Dalit atrocities or caste based discrimination witch has also proved helpful to great extent for highlighting the case of atrocities

- Visibility and credibility of Dalit Rights movement has also got commendable visibility and space in the work of other voluntary organizations and civil society organizations.
- The law enforcement officials, the police and bureaucrats have also started to take note of Dalit atrocities and problems from time to time by effective implementation directing the concern officers to implement the Constitutional provision and Special laws like SC / ST Act 1989 Rules 1995 and PCR Act, 1955
- As a result of constant follow up and legal intervention vigil on the role of Special PP in the special Courts by CDR and NCDHR in some of the cases Special Public Prosecutors has been replaced by the Advocates of the choice of the of the Dalit atrocity victim resulting in conviction to the accused
- State Government has also for the first time constituted **State level Vigilance and Monitoring Committee** in the State under the provisions Special SC / ST Act and Rules
- **Assembly discussion** for half an hour on Dalit budget

9. TEAM

Centre for Dalit Rights is an initiative of Society of Depressed People for Social Justice (SDPSJ). SDPSJ has been addressing Dalit issues for almost fifteen years on voluntary basis. This project helped us strengthen Dalit movement in Rajasthan in the five project districts. At present there are 16 full time activists with the organisation – 7 based in the six districts and others based in the headquarters. Monthly planning and review meetings of the team is held at the headquarters where the various cases and other issues are discussed and decisions taken. This also becomes an important on-the-job training for the team.

10. SDPSJ GOVERNING BODY

Present members and other Special invitees

1. Dr. M P Raju, Chairperson
2. Mr. Madan Khorwal, Vice president
3. Mr. P L Mimroth, General Secretary
4. Mr. Ramji Lal Dadar, Treasurer
5. Mr. Asha Ram Goutam, Secretary
6. Mr. Shayam Lal Jedia, Member
7. Mrs. Promila, Member
8. Mr. R K Akodia, Member
9. Mr. Jag Jeevan Das Parkhi, Member
10. Mr. Tara Chand Vaidh, Member
11. Mr. M P Choudhry, Special invitee
12. Mr. Shanti Devi, Special Invitee
13. Mr. Satish Kumar, Special Invitee

11. THANK YOU NOTE

CDR would like to record our sincere gratitude to the Dalit communities who are engaged in demanding rights and accessing justice towards building a human rights environment and egalitarian society. The spirit of resilience, endurance and sacrifice gives us the inspiration to continue our fights for a society of peace and justice. Our thanks are to NCDHR with whom we collaborate closely in expanding Dalit human rights assertion and identity across the entire state. We have worked together in most of the monitoring issues, legal interventions, public meetings and public hearing. We also thank the various NGOs, mass organizations and civil society organizations who have collaborated during various events and programmes. Media has played an important role in giving visibility and taking the message across the state and nation. Our thanks also to Dan Church Aid and Christian Aid who have supported our work during this period. We have also been supported for specific programmes by Action Aid and IGSSS.

12. Annexures

1. List of cases monitored
2. List of fact findings
3. List of District Advocates Core Group
4. List of Legal interventions in Courts
5. Dalit Dignity Rallies
6. List of facilitation of Media person
7. Public Hearing on Land
8. Discrimination in flood relief and rehabilitation
9. List of Complaints registered by CDR
10. Details of Government / HRs Institutions response