

# **PROMOTION OF SCHEDULED CASTE RIGHTS IN RAJASTHAN**

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## INDEX

<b>Sr. No.</b>	<b>Contents</b>	<b>Page No.</b>
	<b>Introduction and Background</b>	6-7
	<b>OUTCOMES</b>	
	<b>BRIEF OVERVIEW</b>	
<b>1</b>	<b>Law and policy enforcing agencies addressed violence on Dalits and protect them</b>	
	1.1. Created awareness among authorities on the nature and frequency of HR violations on Dalits:	7-8
	1.2. Provided opportunities for officials to interact with victims/survivors of violence and Dalit civil society:	8-9
	1.3. Use of Media to bring attention:	9-10
	1.4. Participation in govt programmes	10-10
	1.5. Capacity building programme for police officials	10-10
	1.6. Responses to complaints:	10-10
	1.7. Monetary Compensation in atrocities	10-10
	1.8. Officials give top priority to cases referred by CDR	10-10
	1.9. State publicity on SC/ST (POA) Act	10-11
<b>2</b>	<b>Dalit activists are capacitated to support Dalit Communities to access rights</b>	
	2.1. Capacity building of activists	11-11
	2.2. Participation in programmes organized by NGOs	11-12
	2.3. Training and workshops in collaboration	12-12
	2.4. Providing Dalit lawyers with books:	12-12
	2.5. Awareness on state provisions	12-12

	2.6. Block level committees	12-12
	2.7. Capacity Development of Dalit Lawyers	12-12
<b>3</b>	<b>Dalit women and men and children access justice against violence and atrocities</b>	
	3.1. Legal help camp	12-13
	3.2. Assembly ( <i>Panchayat</i> ) of Dalit Survivors	13-13
	3.3. Fact Finding	13-13
	3.4. Legal Interventions	13-13
	3.5. Response from the concerned authorities	13-14
	3.6. Success stories:	14-14
	3.7. Compensation	14-14
<b>4</b>	<b>Create awareness on land and livelihood rights among Dalit communities</b>	
	4.1. Dalit rights on land in the state	14-14
	4.2. State level workshop on land rights	14-15
	4.3. State level consultation on Land and Livelihood	15-15
	4.4. Manual on land laws and livelihood	15-15
	4.5. The Scheduled Caste Sub Plan (SCSP)	15-15
<b>5</b>	<b>Build solidarity with other NGOs, CBOs to support Dalit rights</b>	
	5.1. District advisory committees:	16-16
	5.2. Citizens Audit Group	16-16
	5.3. Peace rally	16-16
	5.4. A team of 15 members	16-16
	5.5 Dialogue with dominant caste people	16-16
	5.6. Providing opportunities to students exposure on Dalit rights	16-17
	5.6. Networking	17-17
<b>6</b>	<b>Network and strengthen Dalit organisations</b>	<b>17-17</b>

<b>7</b>	<b>International Advocacy</b>	<b>17-18</b>
<b>8</b>	<b>Communal harmony</b>	18-18
<b>9</b>	<b>Election Watch</b>	18-20
<b>10</b>	<b>Strengthening Gender participation</b>	
	10.1. Public hearing on women and children in Jaipur	20-20
	10.2. Study on social, economic and cultural rights of Dalit women	20-21
	10.3. Sensitisation of team members by Jagori	21-21
	10.4. Building Dalit women team	21-21
	10.5. Capacity building of women leaders in 2008 March 08	21-21
	10.6. Exposure visit to Nepal	21-22
	10.7. State level seminar with NFDW	22-23
<b>11</b>	<b>Eradication of Manual Scavenging</b>	<b>23-23</b>
<b>12</b>	<b>Organisation Building</b>	
	12.1. Team capacity building	23-23
	12.2. Reporting and Monitoring System	23-24
	12.3. Governance, Reporting and Monitoring Systems in DMKS	24-24
	12.4 Problems on managing the organization	24-24
<b>13</b>	<b>FEW AREAS OF ACHIEVEMENTS</b>	24-27
<b>14</b>	<b>Follow up issues</b>	
	14.1. Review the capacity building strategy and module for Dalit	27-27
	14.2. Deepen understanding on the context of violence on Dalit women	27-27
	14.3. Need for continued work on violence and atrocities	27-27
	14.4. Follow up on atrocity prone areas	27-27
	14.5. Focus on land and livelihood issues	27-27

	14.6. Wide dissemination and monitoring of SC/ST (PoA) Act and PCR Act	28-28
	14.7. Form platforms of victims/survivors	28-28
	14.8. Raising local funds	28-28
<b>15</b>	<b>Important Data</b>	
	15.1. Nature of Cases Monitored During-2008	28-28
	15.2. Demand Charter	29-30
	15.3 Thanks Note	30-30
	<b>ANNEXURES</b>	
	1. List of Monitored Cases	31-391
	2. List of Complaints	392-393
	3. Responses from HRs institution and other Authorities	394-395
	4. List of Fact-finding cases	395-420
	5. List of Success Cases	421-445
	6. State level Dalit Women conference	446-461
	7. Details of Monetary compensation	462-462
	8. Training on Land and Livelihood	463-472
	9. Dalit Election Watch-2008	473-529
	10. List of organized Programmes	530-536
	11. List of participation in other programmes	537-544
	12. Details of Media Coverage	545-547
	13. Report on International Advocacy in UPR	548-557
	14. Dalit Women exposure visit in Nepal	558-574
	15. Training to Police Personals	575-579
	16. State level Budget Seminar	580-589
	17. Public Hearing on women and child rights	590-600
	18. Selected Photos	
	19. Selected Press Clippings	

## **PROMOTION OF SCHEDULED CASTE RIGHTS IN RAJASTHAN**

**January – December, 2008**

**Background and Introduction:** The work of CDR has raised awareness and visibility of Dalit human rights and in protecting and promoting them. In addition CDR is also instrumental in building the capacities of various stakeholders in the task of Dalit rights as well as promoting networking among Dalit organizations in the state. CDR has also focused their efforts in creating awareness on Dalit rights among administration, police, judiciary, media as well as larger civil society.

CDR is supported through the two year proposal 'Promotion of Schedules Caste Rights in Rajasthan' since January-March 2008. Jointly supported by Christian Aid and Dan Church Aid, the programme focuses on strengthening interventions to support Dalit communities in five districts of Pali, Dausa, Ajmer, Alwar and Bharatpur in the state. The progress of the project was reported for the period January to December 2008 and this report records the various programmes taken up during first year of the project and their impact on Dalit concerns at the State and National level.

"....to capacitate Scheduled Caste women, men and children through capacity building initiatives and enable them to protect their rights using the Constitutional framework and specific legislation on protection, land right and livelihood rights along with using instruments like government policies and schemes", is the committed goal of Dalit Manavadhikar Kendra Samiti (DMKS)-CDR and its sister organisations.

**Objectives:** In keeping with this, the organisation outlined the following objectives before itself:

1. To sensitise state law and policies enforcing agencies (the police, judiciary, bureaucrats etc.,) including the other duty-bearers, rights-holders and larger civil society including NGOs, CBOs in the five districts of Rajasthan on protecting and promoting the Scheduled Caste rights identity and dignity.
2. To ensure that state and other rights-bearers address and reduce Scheduled Caste right violations including atrocities on Scheduled Castes especially on Scheduled Caste women in the five districts specially access to justice.
3. To promote social cohesion and harmony (Inter caste, class and gender) through the initiation of Inter community dialogue in 80 villages in the five districts of Rajasthan.

4. To create awareness on land and livelihood rights and entitlements among Scheduled Castes and organise them to take up advocacy and lobby with the state machinery and law enforcement agencies.
5. To build networking and alliance with other voluntary organisations and community based organisations especially Scheduled Caste organisations to build solidarity.

**Outcomes:** In promoting Scheduled Caste Rights in the state, the project has carried out various activities with following outcomes:

1. Law and policy enforcing agencies addressed violence on Dalits and protect them
2. Dalit NGOs and CBOs are capacitated to support Dalit Communities to access rights
3. Dalit women and men and children accessed justice against violence and atrocities
4. Dalit communities have enhanced awareness on land and livelihood rights
5. Networking is promoted among NGOs and CBOs to support Dalit rights
6. Dalit organisations are strengthened through capacity building and networking
7. Promoted social cohesion and harmony across Dalit and non Dalits

The following is a **brief overview** and analysis of the outputs and outcomes. The details of the various interventions are provided as annexure.

### **1. Law and policy enforcing agencies addressed violence on Dalits and protect them**

We have been able to create awareness and turn the attention of law enforcing agencies towards human rights violations and atrocities on Dalits through various strategies:

#### **1.1. Created awareness among authorities on the nature and frequency of HR violations on Dalits:**

1261 incidents of violence and human rights violations against Dalit communities were monitored from primary and secondary sources during the year. 3103 complaints were filed before 12 State and National authorities on regular basis as a way of bringing their attention on the nature and frequency of violence on Dalit communities and the need for concerted action from the authorities.

At the state level the complaints have been filed before the District Magistrates (1052), Superintendents of Police (753), Director General of Police (332), Inspector General of Police (Human Rights), SC/ST Nodal Officer (283), Divisional Commissioner (56), Chief Minister (39), State Human Rights Commission, Rajasthan (78), State Commission for Women, Rajasthan (97).

The number of complaints filed before national authorities are: National Scheduled Caste Commission (164), National Human Rights Commission (81), National Commission for Women (69), State and National Election Commissions (8) and 95 complaints on violation of Dalit rights with other officials/agencies. A total of 3107 complaints have been filed before the agencies during the year from January to December 2008.

Maximum cases have been filed before the local level authorities at the district level; District Magistrate and District Superintendent of Police followed by higher level police officials, providing them authentic information on the nature of violations.

### **I.2.Provided opportunities for officials to interact with victims/survivors of violence and Dalit civil society:**

**Public Tribunal** was organised in Dhaulpur district under the EIDHR project with jury members coming from both Dalit and non Dalit communities. The Superintendent of Police inaugurated the hearing. 14 Cases were deposed. The public hearing was a means of sensitising and getting the attention of officials and larger civil society on Dalit rights issues.

We are also happy that there was immediate response in a number of cases; in six cases there was immediate response in terms of monetary compensation, arrest of perpetrators, relief and rehabilitation and filing charge-sheet within a month.

**State level workshops on land and livelihood rights:** We conducted three day workshop (27<sup>th</sup> -29<sup>th</sup> November, 08) on building understanding on land rights in the state. Two eminent persons Mr. R.K.Ankodia, Former member Rajasthan State Human Rights Commission and Mr. Gopal Das, Former RAS participated in the workshop providing inputs to the participants as well as engaging with them to understand the ground situation in the state. The workshop was a forum for activists to understand the classification of land, laws related to land, the link between land and livelihood and the potential for Dalits accessing land in the state and the problems connected to it.

In a state level conference on land on 27<sup>th</sup> September, 2008 along with NFDLRM, Mr. R. K. Saxena, Ex- IG (prison) and present consultant of CHRI participated, bringing his valuable insights into land, livelihood and Dalit rights.

**State level consultation on monitoring Dalit rights:** DMKS-CDR organised a state level consultation on monitoring Dalit rights with NDMJ-NCDHR on 10<sup>th</sup> May 2008.Mr. Than Singh Jatav, Convener, NCDHR, Rajasthan, Jaipur and Mr.



Ajay Jain, Leading Advocate, Rajasthan High Court, Jaipur participated along with Dr. SDJM Prasad from Delhi.

**State level budget seminar:** Prof. Surjeet Singh from IDS, Jaipur, Dr. Subrato Dutta, from BARC, Paul Divakar from DA3 and Prof. Manchand Khandela participated in the workshop organized along with Dalit Arthik Adhikar Andolan (DA3) and BARC. Mr. Hiralal Raigar, MLA and Mr. Vijay Goyal also participated in the seminar.

**Celebrations:** Various celebrations like Ambedkar Jayanti, Human Rights Day, Anti Poverty day, Women's day have been occasions for inviting and having interface between Dalit community and officials at the district level and state, providing better understanding and empathy.

Some of the officials who were part of the various programmes included:

- Mr. Munna Ram Meena, Sarpanch
- Mr. J.P.Chanwaria, Depy. Director, Dept. of Social Justice & Empowerment, Ajmer
- Ms. Kavita Srivastava, General Secretary PUCL
- Mr. R. K. Saxena , ex- IG prison and present consultant of CHRI and Government of India on prison reform
- Mr. Kishore Aswal, Retd. RAS
- Mr. Satyanarayana Singh , Ex- IAS officer,
- Mr. Ajay Jain, Leading Advocate, Rajasthan High Court, Jaipur
- Mr. Than Singh Jatav, Convener, NCDHR, Rajasthan, Jaipur
- Mr. Pokharmal Parihar, Advocate, Ex. M.L.A.
- Prof: Manchand Khandela,
- Mr. Hiralal Raigar, MLA
- Honorable Smt. Sumitra Singh, Speaker, Rajasthan State Assembly, Jaipur
- Mrs. Pratibha Jain, Eminent Educationist and Former Principle Maharani College
- Ms. Sunita Satyarthi, Former Member, Rajasthan State Women Commission
- Dr. Renuka Pamecha, Vividha Features
- Mr. Sawai Singh, President, Samagra Seva Sangh
- Justice Rao Usman Ali Khan
- Dr. Madhu Sastri, Unuversity Lawa Collage, Jaipur
- 

### **1.3. Use of Media to bring attention:**

We have extensively used the media to create awareness among both state and its offices as well as among civil society. We find that when media covers an issue the state authorities give greater attention and this has helped us gain justice to people whose rights are violated. This has also provided an

opportunity to build the perspective on Dalit rights. We have been able to build up credibility among the media and **41 news papers covered 1097** news items on different programmes and issues, building the credibility on the issues that we work as well as the organisation. This we realise has helped bring attention of the authorities on our concerns and interventions.

#### **1.4. Participation in govt programmes:**

We have also taken the time to participate and support different programmes of the government. The department of social welfare organised the 'social welfare week' trying to create awareness on the programmes of the department. We actively participated in the same with the officials.

CDR also participates in the District level Monitoring and Vigilance committees giving us the opportunity to engage with officials and raise their attention to Dalit rights violations in the state.

#### **1.5. Capacity building programme for police officials:**

36 police officials in Alwar district (20 constables, SI, 15 Dy S Ps, and 1 Addl. SP) were given a one-day orientation on caste issues and Dalit human rights violations, SC/ST (PoA) Act, Protection of Civil Rights (PCR) Act, constitutional provisions and international human rights frame. Issues and constraints on the police were also discussed while the responsibility of the police on filing all cognisable offences without fail was stressed upon.

#### **1.6. Responses to complaints:**

The impact of the various measures of engaging with the officials is seen in the fact that **475 responses** were received from the different officials on the various complaints that were sent to them. This works to about 15% of the complaints filed before them.

**1.7. Monetary Compensation in atrocities:** A sum of **Rs.83, 01,160.00** has been disbursed as compensation to 423 members (Dausa -40, Pali -46, Alwar-164, Ajmer-15, Bharatpur-35 and EIDHR districts-123) during the year. This happened through consistent following up of the cases as well as the awareness and empathy created in the officials through various means.

#### **1.8. Officials give top priority to cases referred by CDR:**

A circular was sent by the Director General of Police, Rajasthan to all SP's that if a Dalit Human Rights Defender of CDR approach them, police should give them priority and take immediate remedial action. This also shows the confidence and credibility the interventions of CDR have been able to gain with the administration.

#### **1.9. State publicity on SC/ST (POA) Act:**

The Dept. of Social Justice and Empowerment has allocated Rs.1 Laks to every Collector for publicity of the on SC/ST (PoA) Act in the year of 2008. This effort

of the state can be directly linked to the influence and work of CDR on Dalit human rights issues.

Strategies that facilitated the engagement with the officials and gaining their attention and action are building good rapport with sympathetic officials, consistently sending them information, following up cases regularly, providing them constant feedback with documents and proof, ensuring that we verify the case before taking it to the officials. We have also maintained the relationship with senior officials who have ensured the response of other officials. This is not to say, that there are no delays, some officials do not cooperate and thus we still have many cases that do not find a solution.

## **2. Dalit activists are capacitated to support Dalit Communities to access rights**

We have carried out various programmes to build the capacity of our team in various ways. Team is fully involved in organizing and conducting many programmes of our own as well as in collaboration with others giving many opportunities for strengthening their skills and knowledge.

**2.1. Capacity building of activists:** In the feudal context of Rajasthan, DMKS and its sister organisations have provided much impetus to Dalit organisations in addressing Dalit rights violations and supporting members in their struggle for justice. Dalit activists were trained in different districts on criminal administration, SC/ST (POA) Act, registration of FIR, SC/ST rules, Fact finding issues. The activists were also trained on the use of RTI and NREGS. The training was held on 4-5 Jan 08, Bhilwara, on 14 October 2008 in Alwar, and 5-6 Nov. in Pali district. The trainings also included national and international human rights frame and constitutional provisions for Dalits.

While the focus has been on the five project districts of Ajmer, Alwar, Bharatpur, Dausa and Pali, the project has also undertaken programmes in other districts. These programmes also provided the opportunity for the NGOs and CBO members to interface with officials at the state and district levels.

**2.2. Participation in programmes organized by NGOs:** In addition to organizing training programmes, the project also provided 72 opportunities for project team, activists, advocates and community leaders to participate and understand Dalit rights issues and the wider context in meetings and workshops organized by advocacy and campaign organisations at the state and national levels like Indian Social Institute (ISI), National Campaign on Dalit Human Rights (NCDHR)<sup>1</sup>, Dalit Ardhik Adhikar Andolan (NCDHR-DA3), National Dalit Movement for Justice (NCDHR-NDMJ), National Federation for Dalit Land

Rights Movements (NFDLRM) and Wada Na Todo Abhiyan (WNTA), peace rally and programmes of other organizations on various issues.

**2.3. Training and workshops in collaboration:** DMKS has also been in the forefront in organising programmes in the state in collaboration with the different units of NCDHR – DA3, NDMJ, NFDLRM, BARC, JAGORI, and NFDW. These programmes have helped to raise the visibility of the issue as well as provide greater scope for the work of DMKS and other Dalit organisations in the state.

**2.4. Providing Dalit lawyers with books:** DMKS helped set up a legal library in the CDR offices in Ajmer, Alwar, Bharatpur, Dausa and Pali district so that young advocates and activists who are unable to purchase the relevant books and materials will be able to refer them at this library.

**2.5. Awareness on state provisions:** Provisions under the social welfare and empowerment department in the state was taken up as a special programme in Ajmer district, owing to the critical role the department plays in Dalit development.

**2.6. Block level committees:** the project identified male and female activists from NGOs, local elected representatives, govt functionaries and students to form block level committees with 10-15 members. About 3-5 members are women. The members are given training and orientation on Dalit rights issues. They take part in fact finding cases on violence, follow up the cases with the state, hold press meetings and guide and support the District Coordinators. All blocks in the five project districts have constituted their block committees. The most effective block committees are found in Alwar district where there is high level of awareness, political awareness, and prompt action. This is reflected in the fact that the district has highest amount of monetary compensation.

**2.7. Capacity Development of Dalit Lawyers:** District level Dalit lawyers' capacity building workshop has been organized in all project Districts. The objective of organising capacity building workshop was to strengthen the Dalit lawyers in different district so that they can take up the cases especially of Scheduled caste and Scheduled tribes and support them in providing justice to the victims.

Now we have 80 Dalit and non-dalit (Core programme and EIDHR) committed lawyers in the respective Districts.

### **3. Dalit women and men and children access justice against violence and atrocities**

**3.1. Legal help camp:** held in Kanchaanpura village in Bharatpur district (26.1.08), Jirota Kala village in Dausa (17.3.08) legal aid training was held in

Bayana village in Bharatpur (23.9.08), Dalit victims legal training in Dausa (19.10.08),

### **3.2. Assembly (*Panchayat*) of Dalit Survivors**

62 (51 male and 11 female) victims/survivors from Bharatpur district were brought together to strengthen their morale in their fight for justice on 21<sup>st</sup> Nov. 08. It helped the members to:

1. To express solidarity with the survivors
2. To build confidence and be aware of their rights
3. Sensitization of law enforcement agencies

#### **Legal gaps faced by the members include:**

- The police do not lodge FIRs and under sub-section of SC/ST Act
- The local police are harassing and not cooperating with survivors.
- The Investigation Officers are not fair in investigation and do not bring out the facts
- The law enforcement agencies not using provisions of SC/ST Act
- The perpetrators are always threatening the survivors

The need to build strong Dalit victims network was felt for continuous advocacy with the District level law enforcement agencies.

**3.3. Fact Finding:** During this year DMKS has been engaged in conducting 'Fact finding' in 120 severe cases of atrocities. These are means of supporting the victim/survivors who continue to be harassed by the perpetrators, police and do not get any support to take their case up for justice. Often the family and community are also too intimidated to take up the case and even when they do, need tremendous amount of moral and material support to do so. The terrorizing case of **Mr. Nathu Bairwa of Padasoli village, Jaipur** is an example of the nature of harassment and pressure on Dalit victim/survivors.

**3.4. Legal Interventions:** 91 cases were followed up through legal interventions which were followed up in courts. The nature of interventions include filing FIR, filing protest petition before the court in cases which have been set aside as FR (Final Report), monitoring of statement recording by advocate, arguments monitoring, prepare victims before statement and evidence. It also includes assisting public prosecutors at the different courts in the Block level and special courts at district levels.

*Minor girl of 8 years, Ladi Devi, the accused was convicted of life imprisonment and 10 years rigorous punishment of imprisonment as a result of legal intervention by CDR.*

**3.5. Response from the concerned authorities** to complaints made by DMKS also opens a way for following up the case legally. Of the 3107

complaints that were filed before various authorities' response were received from **475 complaints** (15%).

**3.6. Success stories:** During the year, the project has been able to achieve success at various levels in **125 cases** of violence against Dalit members. The nature of cases varies from land grabbing, untouchability and discrimination, beaten up, rape, rape of minor girls, kidnap, bonded labour, prohibition to use public road for marriage procession, prohibition to celebrate Ambedkar jayanti and many similar ones. While the level of success is not the final stage in some of the cases, they are important steps to go forward.

**3.7. Compensation** reported in the former section while not a compensation for the violence or injustice suffered is a form of compensation to the members. Some examples where we were able to access justice are:

*The case of Haka Ram Bheel in District Pali is one of the examples where he was burnt by a feudal lord and instead lodged a false case of theft against him to grab his land. But after the intervention of the Centre for Dalit Rights, he succeeded in accessing justice and could able to get his land back*

#### **4. Create awareness on land and livelihood rights among Dalit communities**

**4.1. Dalit rights on land in the state:** CDR began its engagement on land rights issues in 2006 as it realized that a number of atrocities were based on Dalits asserting their right to land. In addition the proposed changes by the state on the Rajasthan Tenancy Act, removing and non implementation of the protective elements in it for Dalits also made the focus on land rights much more critical. CDR has undertaken campaigns and rallies as well as done considerable advocacy on Dalits right and need to land ownership.

Rajsasthan has a unique situation where there is surplus land in benami transactions and there is potential for demanding for land to Dalits. This is reflected in the report of the Governors Committee on land under the presidency ship of KR Narayanan. Hence we plan to identify the land, capacity build the local leaders and committees, legal procedures and strengthen the demand for land to Dalits.

**4.2. State level workshop on land rights:** During 2008 DMKS organized a state level workshop on Dalit land rights along with NFDLRM. This helped create a larger platform on land rights. The workshop decided upon the following action points:

1. Exert pressure on all the political parties to include the issue in their political manifesto.
2. Translate all the manuals of policies and Act into regional languages in simplest form.
3. Engage Dalit lawyers to address land issue at judiciary level.
4. Launch campaign to generate awareness among people.
5. Engage in media advocacy to inform and mobilize the community.

**4.3. State level capacity building on Land and Livelihood:** Three day training on land and livelihood issues was held from 27<sup>th</sup> -29<sup>th</sup> November, 2008 in Ajmer. It outlined the various land related laws, the problems in accessing justice under the laws and the extant of lands available for distribution to the landless in the state. And how Dalit can access and protect their lands and enhance their livelihood, the training also touched upon budget allocation to Dalits under SC-SP and the use of RTI.

**4.4. Manual on land laws and livelihood:** We have also made a manual on all issues related to land – Rajasthan Tenancy Act, Rajasthan land revenue Act, provisions for SC/ST on land, land allotment rules, ceiling Act, NREGA, RTI, SC/ST Finance corporation schemes, bank loans, legal aid etc. This is helpful in training and capacity building to strengthen Dalit land movement in the state.

**4.5. The Scheduled Caste- Sub Plan (SC-SP)** is specially provided by the Planning Commission to promote equity and equality of Dalit communities in the different development arena in the state. This provides proportionate budget allocation to Dalits in all central and state ministries and departments. Despite the provision being mandated from 1979, the programme is beset with under-allocation, non implementation and diversion of the resources. The effective allocation of this budget alone would go a long way in promoting Dalit livelihoods and development. Recognising the importance of SCSP, DMKS organized a state level workshop for Dalit activists and leaders at the state level in collaboration with DA3. The workshop covered the following objectives:

- To analyses , inform and aware participants about Government's Strategy in disbursing the budget ensure for welfare of Scheduled Caste
- To build awareness among activists so that the issues could be raised during the state elections with public representatives so that this could be included in their political mandate
- To discuss Rights of Scheduled caste on natural resources and impact of globalization on them
- To design strategy on advocacy on economic rights of Dalit in Rajasthan.

The Minister of social welfare and empowerment called for meeting and enquired into the reasons for sub account not opened, diversion, mis-utilisation of funds.

## **5. Build solidarity with other NGOs, CBOs to support Dalit rights**

**5.1. District advisory committees:** At the district level eminent and influential persons have been brought together as an advisory committee. They include writers, professors, retired bureaucrats, NGOs etc. They meet once in about six months and when based on need.

**5.2. Citizens Audit Group:** As part of the EIDHR project, a new idea of citizens audit groups have been initiated, who comprise of both non Dalit and Dalit eminent persons who promote Dalit rights, raise their voice against the continuing practice of untouchability. In the state an eleven member body has been formed with 9 non Dalit members; 3 are women. Find their voice to be very active and effective.

The activities have been able to engage with NGOs and CBOs in the state to create awareness on Dalit rights and also elicit support towards the cause of Dalits. Some of the important interventions in this regard have been:

**5.3. Peace rally** on 17<sup>th</sup> October on Anti Poverty Day. Participants took a pledge not to discriminate on the basis of caste, religion, community, gender and colour.

**5.4. A team of 15 members** working with civil society organisations in Afghanistan visited DMKS. They had a fruitful time understanding Dalit issues and also met with community.

**5.5 Dialog with dominant caste people:** A meeting was held with members from different communities on issues of Dalit rights at the Swami Vivekananda upper primary school in Alwar district. The purpose was to engage in dialogue with dominant community members and develop healthy relationships across. A number of members realized the issues of caste discrimination and the situation of the Dalit communities and shared their concern to overcome them.

### **5.6. Providing opportunities to students exposure on Dalit rights**

During 2008 CDR provided students internship programmes on Dalit rights issues. Mr. Abhi Goyal from 26<sup>th</sup> May to 25<sup>th</sup> June, 2008. He has completed his Sr. Secondary from Rajasthan Board, Ajmer and is currently studying LL.B. in ICFAI University, Dehradun, Uttranchal

Ms. Deepika Sulania and Ms. Poornima from 30<sup>th</sup> May to 29<sup>th</sup> June, 2008. They completed Bachelor of Arts from Jaipur, and now they are studying MBA Degree in Vansthali Management Institute, Jaipur, Rajasthan.



Ms. Suvarna Barkade and Ms. Madubala Thakur from 1<sup>st</sup> to 31<sup>st</sup> December, 2008 doing their BSW (Final year) from Yashwantrao Chavan School of Social Work, Jakatwadi, Satara, Maharashtra

On 19<sup>th</sup> December, 2008 Mahatma Jotiba Fule College of Social Work, Yavatamal, Maharashtra, 25 (21 Female and 4 Male) MSW (Final Year)

**5.7. Networking:** At the state level on a regular manner about 11 NGOs come together on various issues and we plan to continue it forward. The network come together to do media, legislature advocacy, land issue, reservation, effective implementation of SC/ST (PoA) Act, PCR Act issues.

## **6. Network and strengthen Dalit organisations**

One of the strategies of strengthening the Dalit rights issues in the state is to network with other Dalit organisations to strengthen them and also expand the rights frame. In the various programmes conducted at the district and state level, attention is paid to inform and bring together many Dalit organisations.

CDR organized two-day workshops for 8 Dalit organisations from different districts (Jaipur, Sikar, Jodhpur, Ajmer, Jhunjhunu, Jaisalmer, Alwar, Chittoorgarh) in their organisations on various matters of organisation building and Dalit rights monitoring. They had shown their active engagement in various programmes. Four of them are funded and four are doing voluntary level.

We are also encouraging Dalit lead NGOs to register themselves and that CDR will support them in accessing state programmes and other programmes. At present we have not been able to identify any women organisations.

## **7. International Advocacy**

Mr. P L Mimroth from CDR was a member of the team that attended the Universal Periodic Review of the Human Rights Council in Geneva from 9<sup>th</sup> to 13<sup>th</sup> June 2008 (Under EIDHR). The periodic report of India was discussed where the Indian government did not mention any thing on caste or tribe discrimination as usual.

The team took part in a session on Descent based discrimination organized by IDSNI. The team also took part in a workshop organized by IMADR on descent based discrimination. In this way some visibility to the issues of caste based discrimination was brought to the UPR review though not in official manner. In addition at the local level International Labour Day in ten districts. We also celebrated 17.10.08 as Anti poverty day in Jaipur; Human Rights day was also celebrated in 10 districts through meetings, protest, signature campaign. International womens day was also celebrated.

## **8. Communal harmony**

Alwar – 28<sup>th</sup> September, 2008 meeting with other organisations and dominant caste members –sensitive people agree that there should be no discrimination. They share the issues in their own platform. But some hard core people do not agree.

People targeted for this meet are sarpanches, members or councilors, different caste leaders, active social activists, media persons and dalit activists, leaders –find the meetings an initial step, where there are more atrocities – a light sensitization

1. Regular meetings with the dominant caste people
2. Engagement of young people
3. Legal Awareness
4. Sensitization of community members

**Inter-Community Dialogue and Community Feast on 16<sup>th</sup> November, 2008  
in Panchayat Khiwandi, Tehsil- Sumerpur, District- Pali**

About 45 members attended the meeting and we plan to continue the meetings for creating

1. Change of mind-set in favor of Dalits
2. Respect to each-other
3. Promotion of inter-caste marriages
4. Eradication of bad social evils
5. Promotion of brotherhood
6. Organized community feasts at local level
7. Sensitization of non-dalits

**9. Election Watch:**

Dalits even after 61 years of independence Dalits are not allowed to vote or to vote to they want to vote. There is also a specific safeguards contained in section 3 (1) (VII) of the SC/ST (PoA) Act 1989 and sections 171 A to G of Indian Penal Code 1860 to protect the rights of marginalized groups namely the Scheduled Caste and Scheduled Tribes community but despite the constitutional safeguards and special legal measures, the majority of poor and disadvantaged groups in the interior parts of the Rajasthan are not allowed to cast their vote according to their choice. The dominant groups and communities often intimidate and pressurize either not to vote or to vote in favor of particular candidate or party. This has been the modus-oprendi of dominant groups and the incidents of denial of this political right to the marginalized in certain areas of bordering districts of the State significantly increased over the past two elections.

The total number of seats in the Assembly Constituency of Rajasthan and seats reserved for the Scheduled Castes and the Scheduled Tribes, as determined by the Delimitation Commission under the Delimitation Act, 2002 is given below

<b>S. N</b>	<b>District</b>	<b>No. of Const.</b>	<b>S.N</b>	<b>District</b>	<b>No. of Const.</b>
1	Sri Ganga Nagar	6	18	Jodhpur	10
2	Hanumangarh	5	19	Jaisalmer	2
3	Bikaner	7	20	Barmer	7
4	Churu	6	21	Jalore	5
5	Jhunjunu	7	22	Sirohi	3
6	Sikar	8	23	Udaipur	9
7	Jaipur	19	24	Doongarpur	4
8	Alwar	11	25	Baswara	5
9	Bharatpur	7	26	Chittorgarh	6
10	Dholpur	4	27	Rajsamand	4
11	Karauli	4	28	Bhilwara	7
12	Dausa	5	29	Bundi	3
13	Sawai Madhopur	4	30	Kota	6
14	Tonk	4	31	Bara	4
15	Ajmer	8	32	Jhalawar	4
16	Nagaur	10		<b>Total</b>	<b>200</b>
17	Pali	6			

### **Strategy adopted by Dalit Election Watch**

- **Release of Dalit Manifesto**, CDR prepared and released a Dalit Manifesto consisting the major Demands of Dalit.
- **Identifying the volunteers**, NGOs and other activists in sensitive areas, constituencies, and booths for rendering their services to have constant watch and act as Watch Dog machinery in such areas for reporting to the control room election commission and administration.
- **Identification of the Sensitive areas** at State wide to inform the National Election Commission and State Election Commission and other concern authorities to take preventive measures.
- **Launching a Massive campaign** about voting rights among Dalit communities across the state through local civil rights groups, individuals and human rights defenders and other Dalit rights networks by distributing pamphlets and other materials.
- **Holding divisional level meetings** of local NGOs, Media persons and individuals at Bikaner, Jodhpur, Bharatpur, Kota, Jaipur and Ajmer for seeking their help and cooperation in identifying the sensitive areas,

constituencies and pockets apprehending gross violations of political rights of Dalits.

- **Informing the National Election Commission** and State Election Commission about the identified sensitive areas for taking precautionary measures
- **Establishing the Control room** that works round the clock; receive complaints and forward them to the concern commissions and authorities.
- **Awareness camps & signature campaign** at District and block levels in various sensitive Districts of Rajasthan to build awareness and mobilize Dalit voters for their political rights.
- **To inform such violation cases** during the election process immediately to the National Election Commission, State Election Commission, concern Collectors , Superintendents of Police and other authorities by fax, email and other means to have regular dialogue to combat booth capturing and other unlawful activities in these sensitive areas.

The impact of the campaign has been:

1. Greater awareness
2. Engagement of large number of volunteers
3. Rapid action on complaints
4. Dalit Minister as Education Minister
5. Non Dalit Minister for Social Justice and Empowerment
6. Consider sensitive areas list
7. Increase in number of cases registered under SC/ST (PoA) Act section 3 (1), (viii)
8. Election observers and officials seek information from the sensitive areas

Still much more to be done as many places where Dalits were prohibited to access their right to vote and become victim of atrocity and many more incidents are left behind which haven't reported.

## **10. Strengthening Gender participation**

**10.1. Public hearing on women and children in Jaipur:** 16 cases were deposed in the public hearing on Nov. 21<sup>st</sup> 2008. In three cases the victims got relief. One of the cases was that of the Boys hostel, where the facility and quality of food has been improved, one arrest was made, mass destruction enquiry was done.

**10.2. Study on social, economic and cultural rights of Dalit women:** On the status of economic social and cultural rights of Dalit women in the state, the study was conducted by CDR. The study highlights the constraints in access to food, water and livelihood for Dalit women that is quite similar to

those across the state. The study assessed the ground situation in the context of rights on food, water and livelihood and the programmes currently implemented by the state. Segregation, untouchability and barriers to access leaving Dalit women considerably excluded from rights was observed across the villages and the programmes. The report highlights the gaps in implementation despite many positive provisions and made recommendations on setting up a monitory system that will be effective and consistent.

Smt. Sumitra Singh State Assembly Speaker and Mrs. Pratibha Jain, Eminent Educationist and Former Principle Maharani College spoke at the programme which was attended by the Preeti Daruka, the Director of PWESCR from Delhi.

**10.3. Sensitization of team members by Jagori:** Seema Srivastav from Jagori, Delhi was invited to have a one day session with all the team members to understand gender experiences, women's issues, patriarchy, position of women in society. The session was done with a number of group exercises and helped members to have some understanding on gender issues. We plan to follow this up.

**10.4. Building Dalit women team:** Currently four women fellowship holders in Alwar, Ajmer, Dhaulpur, Pali are provided fellowship holders are supported by Jagori for following up violence on Dalit women and form Dalit women potential leaders and activists. Three are graduates and one is a non graduate.

**10.5. Capacity building of women leaders in 2008:** Women from the district (Dausa) came together for a capacity building session and celebration of women's day. The capacity building focused on elected women representatives and their role in the panchayat. As of now about 50 Dalit Women sarpanches are identified who are able to actively lead their panchayat.

*Maya Devi from Saithal Panchayat, Dausa is about 35 years old, became the Sarpanch from reserved constituency. The main dominant castes are Brahmin and Mali (OBC) community. She faced discrimination as a Sarpanch and was prohibited to enter temple. After the capacity building workshop and meetings with other women, she is very active in bringing much development to the panchayat, remove encroachments from public roads, benefit to Dalit communities and conducts inspection and up keep all the registers of the panchayat.*

**10.6. Exposure visit to Nepal:** 5 members from DMKS visited Dalit and Dalit women organisations in Nepal from 12-17 Dec 08. They included staff,

governing body members and community leader. The visit provided an opportunity to meet with Dalit organisations across the country and gain insights into strategies and impact on issues of untouchability and violence.

**10.7. State level seminar with NFDW:** We held a state level seminar with NFDW on 22<sup>nd</sup> Nov 08 bringing together about 126 Dalit women from different districts for experience sharing among Dalit women leaders and activists, and to understand and to develop a Dalit women committee that can address violence on them. At present there is no organized forum of Dalit women in the state today. The meet helped to identify potential Dalit women coordinators from different districts and plan for developing a body at the state level.

- To strengthening of Dalit women movement in Rajasthan
- To identified potential Dalit women leaders
- To established alliance and network at State and National Level
- To formation of State level Core Group of Dalit Women
- Constitution of State Core Committee

The members identified their problems:

1. Caste based Discrimination
2. Atrocities against Dalit women
3. Rape
4. Untouchability
5. Illiteracy,
6. Lack of awareness,
7. Liquor,
8. Domestic Violence,
9. Land grabbing

The members identified the following solutions:

1. Building self help groups among Dalit women
2. Legal awareness,
3. Economic Empowerment of Dalit women
4. Promotion of Education rights,
5. Equal access of Govt. schemes
6. Build women groups,
7. Capacitation and awareness program
8. Awareness and Advocacy
9. Mobilization of Dalit women to get united and raise their voice

Members also expressed they needed the following support:

1. Trained trainees,
2. Organisation to guide
3. Capacitation workshop
4. Financial support to build Dalit women network
5. Legal awareness camps

A core committee was formed at the end of the consultation with **Mrs. Anita Verma State Convener, Rajasthan** and members from Makrana, Bharatpur, Chaksu, Jaipur, Jaisalmer, Pali, Dholpur, Alwar, Ajmer.

*Mrs. Prem Devi wrote her own experience indicating that when she was elected as a member of Chaksu Panchyat Samiti in Jaipur. She wanted to work independently for Dalits but Sarpanch always ignored her. When she came into the touch of CDR and attended some trainings and seminars which enhanced her knowledge and self confidence. Thereafter she started accessing her power and started intervene in the process of decision making in the Panchyat and started raising case of violations and untouchability at our village*

## **11. Eradication of Manual Scavenging**

The CDR conducted survey in Karoli and Dholpur Districts for identification of manual scavengers and prepared detailed report and highlighted this to the NHRC. The NHRC took cognizance and issued notices to the District Administration

After constant follow up with the NHRC, the State Government of Rajasthan deputed a Mr. Purosottam Biyani, Additional Director, Local Bodies, Jaipur to find out the practice of manual scavenger in Karoli District. The Director has recorded statement of several Dalit victims. He founded more than hundred dry latrines in Karoli District and instructed to conduct survey and replaced all dry latrines. And also to register criminal cases under the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act, 1993 against perpetrators.

## **12. Organisation Building**

**12.1. Team capacity building:** different programmes were organized for training of the team. Criminal justice systems, drafting and writing complaints, report writing, gender and womens issue, personality development training, communication skill and exposure to other programmes.

The organizing of various programmes have also capacity built the team in many ways. They are also involved in training communities, activists and new Dalit NGOs.

Team members also attended various training programmes held by other NGOs and networks. One was also on fund raising and accounts maintenance.

## **12.2. Reporting and Monitoring System**

- Monthly team meeting is held regularly in the first week of every month in which Programme Coordinator and Accounts Officer present their reports of activities done in the previous month, plan for the next month and share their experiences in the light of logical framework of the DMKS.
- Programme Coordinators and Monitoring team consisting of the State Coordinators physically inspect and report on the implementation of activities to the Core Committee from time to time.
- Accounts unit meet regularly with the Director Programme Coordinators regularly to monitor the expenditure against financial plan and legal compliances.

### **12.3. Governance, Reporting and Monitoring Systems in DMKS**

- General body is the apex body, consisting of all members of DMKS, which elects the Governing Body, ratify decisions taken by the Governing Body, approves Annual Reports, Action Plans and Budgets and Audited statement of accounts.
- Annual General Body meets once in a year to ratify decisions taken by the Governing Body, and to discuss and to formulate policies for the DMKS.
- Governing Body usually meets thrice in a year to ratify decisions taken by the Chief Functionary, Director, Coordinators, and other Programme heads, review activities and to take important decisions regarding the management of the DMKS.
- Core Committee consisting of the Chief Functionary, Director, Representatives of Governing Body and Programme Heads meet, periodically to review the important activities and share action plan of the DMKS.

### **12.4 Problems on managing the organisation**

We have been engaged in Dalit rights work in consistent manner from 2004. Some of the problems in carrying the work at the desired pace are:

1. Lack of competency among educated volunteers
2. Limited resources to support sufficient number of cadre
3. Difficulty in getting Dalit women staff who will travel and do fact finding cases
4. In many cases police and other officials do not cooperate
5. Unable to get cases reported on time
6. Threat to CDR staff when they do fact finding
7. Threat that CDR will be black listed
8. Political threats from political leaders when taking up atrocity cases
9. Need the support of lawyers who at times are very costly

### **13. FEW AREAS OF ACHIEVEMENTS**

1. Level of awareness and contacts / liaison through net work and activities of Dalit groups across the state considerable increased, over 1000 Dailt



activists and associates all over the state and they are now on the roll of volunteers of Centre for Dalit Rights.

2. Number of F.I.R's and Conviction rate in SC/ ST Act and statutory relief to the victims increased around 30%. It was also observed that majority of F.I.Rs were got registered at the instance of Court intervention under Section 156(3) of Criminal Procedure Code.
3. Administration and law enforcing agencies also sensitized towards SC & ST problems.
  - I. Issuance of Special directions to all SP'S for proper and prompt investigation of SC/ST cases.
  - II. Instructing all SP'S of the state to entertain the CDR Representatives and redress their problems/ grievances.
  - III. Police started organizing orientation programmes on PCR Act and SC & ST Act for police personals in many Districts by inviting CDR as resource person.
  - IV. The State Govt. for the first time since 1995 from the enactment of Rules of SC & St Act re-constituted the State Level Monitoring & Vigilance Committee under the Rule 16 of the SC/ST Act 1989.
  - V. District Level Monitoring & Vigilance Committees formed and activated in all 33 Districts at the instance of CDR.
  - VI. The victims got Total Rs.83,01,160-00 (Eighty three lacs, one thousand, one hundred, sixty) monitory relief in respective project Districts under the SC/ST Act & Rules
  - VII. 72 charge sheets filed before the concern Courts.
  - VIII. The joint events have been organized on to eradicate untouchability practices with the Department of Social Justice & Empowerment.
  - IX. Department of Social Justice & Empowerment also released a sum of one lac rupees to each District administration for launching campaign against *untouchability* at the instance of CDR.
  - X. CDR organized a State Level seminar on "*Dalit Budget and Special Component Plan*" in Jaipur on 11<sup>th</sup> February, 2008 highlighting the diversion and lapses of allocated fund in the Budget and non- implementation of Special Component Plan in the State and thereafter as a follow up action, Mr. Madan Dilawar Hon'ble Minister for Social Justice & Empowerment convinced Special meeting of concerned officials and pulled them up directing to implement the provisions of Special Component Plan and other budgeting guidelines in all Departments.

- XI. Two District Collectors nominated District Coordinators of CDR being a Special Invitee in Monitoring & Vigilance Committee meetings at District level.
  - XII. The District Collectors invited to CDR to conduct awareness programmes on NREGA scheme.
  - XIII. We received 475 positive responses from the various institutions
4. The National Human Rights Commission considers our survey of our survey and directed to the State Government to investigate the matter. The State government appointed Depty Director of Local bodies conduct physical visited and recorded statement of manual scavenger victims and directed to District Collector Karoli to build Dry latrines and also took cognizance under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993.
5. The CAG group (Under EIDHR) has been actively engaged in all activities and advocate all Dalit issues at various levels like as Human Rights Institutions, Law Enforcement Agencies, Civil societies, and non- dalit communities.
6. The perpetrators got the punishment in 6 cases.
7. The 80 Advocates are ready to plea the Dalit cases in various Courts.
8. The CDR launched a Dalit Manifesto for all political parties to consider Dalit issues in their Party Manifestoes. On our request the Election Commission considered our lists of sensitive areas and deployed more forces in these areas. Dalit voters first time to come forwards to vote in various places. 181 complaints were received during this period and the Election Commission conducted re-polling in 65 polling booths. Nine FIRs has been registered under the section of 3 (1) (VII) of SC/ST Act (Non-dalits prohibited Dalits to cast their votes or forced them to vote to a particular person)
9. **First ever Dalit Minister become Education Minister:** In the Dalit Election Manifesto one of the major demand was that education portfolio of the State Government should be handled by Dalit Minister in Rajasthan as since Independence the Minister of Education of the State had always been appointed from upper caste mostly from Brahamin community. As a result the plight of Dalit community in the field of education has been very dismal. Like wise the Ministry of social welfare now renamed as Ministry of Social Justice and Empowerment responsible for empowerment of Dalits and marginalized groups had always been headed by Dalit minister and because of this reason all the bureaucrats and other Department had given a raw deal to this Department. Keeping in view of this fact, Dalit Election Watch in Dalit manifesto demanded that if Government is really interested to uplift

and empower the Dalit community in Rajasthan then the Education Minister should be from the Dalit Community and Social welfare Minister should be headed by non Dalit Minister.

We are happy that the new Government of Mr. Ashok Gahlot has formed the Congress led cabinet in which he has appointed Mr. Mater Bhanwar Meghwal (Dalit) as an Education Minister and Mr. Ram Kishor Saini (Non Dalit) has been made the in charge of Minister of Social Justice and Empowerment. For the first time this tradition has been broken by the newly formed Congress Government headed by Mr. Ashok Gahlot and we feel this drastic change will certainly improve the Dalit situation in terms of Social, Economical and Educational spheres.

#### **14. Follow up issues**

**14.1. Review the capacity building strategy and module for Dalit activists/NGOs/CBOs and build upon it to ensure enhanced protection of Dalit human rights violations (civil and political, land and economic rights) at district level.**

**14.2. Deepen understanding on the context of violence on Dalit women and** develop mechanisms to support and strengthen Dalit women's access to justice with a focus to strengthening Dalit women leadership.

#### **14.3. Need for continued work on violence and atrocities**

In 2006 Rajasthan account for about 20% of all crimes committed against Scheduled Caste in India. This ratio of crimes against Scheduled Caste was much higher than their share in the country's Scheduled Caste population, which was about only 5.5%. In fact Rajasthan's share in the crime was four times higher than its share in Scheduled Caste population. The atrocities in Rajasthan take various forms and include insult and abuse, beating, grievous hurt, foisting of false cases; wrongful confinement/arrests, etc. (Source: National Crime Bureau)

#### **14.4. Follow up on atrocity prone areas**

A micro analysis by the organization reveals that though the situation is not good all over the State, Scheduled Castes of rural areas of atrocity prone districts are highly under-privileged and unaware of their rights. They live under high poverty. Most of them are landless and depend on the labour work given by landed and rich people. In many villages here, they still don't dare to use metal utensils. In short, they are virtually leading their life as if they are living in primitive age and are not enjoying the freedom of the independent India. Our organization has been working for last 10 years for the attainment of Scheduled Castes rights in India through a rights based mode.

#### **14.5. Focus on land and livelihood issues**

We have begun the process of working on land, livelihood and Dalit budget. These would help strengthen other rights of Dalits that would reduce their dependency and enhance their ability to withstand violence and access their rights.

#### **14.6. Wide dissemination and monitoring of SC/ST POA Act and PCR Act**

The main legal act to safeguard the Scheduled caste and Scheduled tribe people against atrocities is Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act 1989 is very good of legislation. This Act provides for punishment for destruction of property belonging to Scheduled Castes as well as for legal action against public servants who wilfully neglect their duties required under the Act. It also has provision for Special Courts for Scheduled Castes. But in reality authorities, especially police refuses to register case under the act which safeguards the other castes from punishment for the violations. Therefore, SC/ST (PoA) Act. 1989 and Rule 1995 need to be monitored to ensure the Act and Rules really benefit to victims and stringent action is taken against perpetrators. This may perhaps to some extent curb caste violence on Scheduled Castes.

#### **14.7. Form platforms of victims/survivors**

We have also begun to build platforms of victims/survivors so that they will be able to strengthen each other and support the follow up of the legal interventions.

#### **14.7. Raising local funds**

We have also begun an initiative to explore fund raising at local levels. The beginning has been made by explaining the need to the team and the governing body. The plan is to raise funds from both individuals and institutions across both Dalit and non Dalit communities.

### **15. Important Data**

#### **15.1. Nature of Cases Monitored During-2008**

<b>S. No</b>	<b>Type of Atrocity</b>	<b>No.</b>
1.	Untouchability Practice	380
2.	Murder	77
3.	Rape	72
4.	Violence Against Women	149
5.	Mass Violence	99
6.	Violence Against Children	29
7.	Bonded Labour	9
8.	Land Matter	140

9.	Custodial Torture/Police Torture	27
10.	Assault on Dalit Bride Groom	11
11.	Violence during election	181
12.	Negligence on the Part of the Administration	57
13.	Others	30
	<b>Total</b>	<b>1261</b>

## 15.2. DEMAND CHARTER

### Hon'ble Sh. Ashok Gahlot

Chief Minister

Govt. of Rajasthan

Jaipur

Hon'ble Sir,

Centre for Dalit Rights wish to express congratulations on assuming the high office of Chief Minister again. We believe that your honour is having a strong political will and certainly take constructive measures to upgrade the quality of life to regain the lost dignity and honour to the marginalized people specially the Scheduled Casts and Tribes. For this purpose, the Centre for Dalit Rights would like to offer the following suggestions for socio- economic uplift of these neglected sectors of Society and we hope your Govt. committed to this cause will take appropriate administration and other steps very early:-

1. Every land less rural family of S/C and S/T in the state should be endowed with land through distribution of ceiling surplus lands, Bhoodan lands and waste lands, long term leasing of temple lands, purchase of private lands etc. and these lands should be developed through minor irrigation like wells, community wells, bore-wells, community bore wells, tube wells, Bandhs Check dams, like etc and providing other inputs.

And to set up a Land Tribunal in Rajasthan to look into assignment of lands to SCs and STs to ensure not only their proper allotment but also effective utilization of such allotted lands. Whenever the lands allotted to SCs & STs or owned by them, have been grabbed by dominant groups/ individuals, stern and immediate action should be taken by this Land Tribunal to recover such lands and hand over to the original SCs & STs beneficiaries. All such cases pending in courts should be transferred to the Land Tribunal.

2. Residential Schools of high quality from class VI to XII including I.T.I. type institutions should be established in every District of the Rajasthan one each for S/C & S/T girls S/C & ST. Boys, and funds of Kasturba Vidyalyayas should be restored to the hands of S/C and S/T and socially educationally Backward Community for implementation of the scheme.

3. Revitalization of Special Component Plan (SC-SP) through and net work of new institutions of Relevant Planning for S/C & S/T should be established consisting of : -

- i) State S/C and S/T Development Authorities (SDAs)
- ii) District S/C and S/T Development Authorities (DSDAs)

Population equivalent proportion of total Plan Outlay (5 years, Annual or any other period) of Centre and State Should be placed at the disposal of SSDAs before sector wise and Ministry / Department wise allocation is made, on corpus of SCP and TSP.

4. A massive democrat campaign should be launched by Govt. to abolish untouchability practice in any form especially in rural areas to change the mind set of the people.
5. Due representation should be provided for S/C and S/T in the various State Commissions, Boards, Bodies and State level decision making and resource allocation Bodies.
6. To ensure full and effective implementation of the SC & ST (PoA) Act 1989 and Rules 1995 including the appointment of Special Courts in all Districts, Special Prosecutors, the Monitoring and Vigilance Committees, take immediate steps to prevent further violence and atrocities against SCs & STs especially Dalit women in the State, take legal action and departmental disciplinary action against police and other public servants who willfully neglect to discharge their duties required under the SC& ST (PoA) Act.1989.
7. To reconstitute the State Level and District Level Monitoring Committees under Rule 16 & 17 of the SC/ ST (PoA) Act, 1989 and ensure adequate representation of committed Dalit human rights activists, women, Dalit women, Dalit social activists. Dalit organizations like Centre for Dalit Rights and other group should be consulted in the enlistment of Committee member at all level.

We sincerely believe your hounor will accede to our genuine demands and do the needful for strict implementation.

**16. Thanks Note:** DMKS-CDR is extremely grateful to the Danchurch Aid and Christian Aid for extending financial support for implementation of the Project activities in the feudalistic and atrocity prone Districts of Rajasthan.