

Press Release

Fact finding Team Condemns Ransacking and Attack on 200 Dalit Families in Kaithal, Haryana

New Delhi, April 26, 2013

The Fact finding team condemns in the strongest possible terms the recent incident of ransacking and attack on 200 Dalit families in village Pabnava of district Kaithal, Haryana, by a mob belonging to the dominant caste community namely, "Rod" of the same village dated 13th April 2013. National Dalit Movement for Justice (NDMJ) of NCDHR and Delhi Solidarity Group sent a fact finding team to Pabnava, Kaithal, on April 26, 2013 to assess the situation arising out of this incident. The fact-finding team comprised Himanshu Kumar, Human Rights Law Network; Ratnesh Kumar, Indian Social Institute; Sanjeev Kumar, Delhi Solidarity Group; Mukesh Kumar, Sambhav; Utpala Shukla, Peoples Union for Civil Liberties; Adv. Rajat Kalsal; Adv. Rahul Singh, Mehul Dabi, Rajesh Kumar, Abirami of NCDHR-NDMJ.

The Fact Finding team found that there is complete sense of insecurity that prevails amongst the Dalits in the village and many have already fled from their houses. The deserted houses in Pabnava are mute witnesses to the gloom and fearful atmosphere that arises in the trail of several such instances of brutal caste violence.

The role of the Administration raises many questions and concerns. There were inadequate safety and protective measures adopted by the Police and administration. The Government of Haryana acted in a very casual way and it is to be noted that only after visit of P.L. Punia, Chairperson of NCSC, the Administration arrested 13 accused involved in the incident and began to assess the damage incurred and announced relief and compensation package.

Pabnava is not the first and would also not remain the last case of caste violence against Dalits in Haryana and elsewhere in this country. Haryana has earned notoriety for large and gruesome cases of caste violence against Dalits since a long time and the entire state should be declared as an atrocity prone area. Jhajjar, Gohana, Salwan, Mirchpur and many other places where caste violence has become a norm have not faded from memory. We cannot say with any confidence that such incidents will not recur in the future again.

This is certainly not an isolated incident as the crimes committed against Dalits have been scaling up even after 60 years of independent governance with a progressive Constitution and 20 years of legislation like Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The data compiled by the National Crime Record Bureau (NCRB) and the National Commission for Scheduled Castes and other government agencies bears testimony to this rising cases of atrocities committed against Dalits. NCRB reported in 2011 that on an every day basis a crime is committed against Dalits every 15 minutes in this country.

The scaling up atrocities against Dalits in the State of Haryana clearly proves the failure of Haryana Government to protect the Rights of Dalits. 'The Rule of Law' must prevail and the Government of Haryana must be held accountable for its several acts of omission and commission in being callous about implementing the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995. The failure to ensure justice to Dalits is as a sign of disrespect to the Constitution of India and the law of the land.

Fact Finding Team Recommends

- Relevant Sections 3(1) (x),(xv) and 3(2)(iii), (v) of SCs & STs (PoA) Act be invoked in the FIR.
- Immediate arrest of all the remaining 28 accused, who have been moving freely in the village, named by Chandagi Ram in the FIR no 39.
- The Police official Mr. Taken Raj, should be booked under Sec 4 of the SC/ST (POA) Act 1989 for their wilful negligence in not providing the protection to the Dalits well before the incident. The Departmental Enquiry on these Police Officials should be speed up and they should be dismissed from Service.
- Direction to be given to the Superintendent of Police, to provide adequate protection to the Victims and their family members to protect them from further harassment and intimidation.
- Accurate remuneration to be paid for damage and loss of property to the affected Dalit families.
- Directions to be given to provide the compensation as per Rule 12 of the SCs and STs (PoA) Rules 1995.
- The properties of the Accused should be attached under Sec. 7 (2) of SC/ST (POA) 1989.
- The entire Rod Community of the village should be booked under Sec 16 of SC/ST (POA) 1989 and imposed Collective fine for the commission of the offence on the Victims.
- Direction be given for filing the Charge sheet within 30 days from the date of the incident as per rule 7(2) of SC/ST (PoA) Rules, 1995.
- Exclusive Special court should be immediately set up for the speedy day today trial.
- Government should allow the Victim to engage Senior Advocate of his choice in this case as per Sub Sec (v) of Sec 4 of the SC/ST (POA) Rules 1995.
- Direction to be given to provide TA/DA as per Rule 11 of the SC/ST (PoA) Rules 1995 to the victims when they go for trials and also to meet the District and State Officials.

Additionally,

- The Government should create confidence among Dalit communities as well as the wider society by:
 1. Creating a safe environment for Dalits
 2. Taking immediate measures for return of Dalit families who had fled from their houses.
- This area should be declared as the Atrocity prone Area as per the same Act.
- Ensure complete relief and rehabilitation package to compensate the loss not only to build their houses but also to provide financial assistance and other facilities to restart their livelihood.
- Form a high level committee headed by the CM to meet and act on this, as per the SC/ST (POA) Act 1989.
- The Dalits should be given permission to hold Arms as per the provision of the same Act and Rules.
- A White Paper by the Central Government should be tabled in the forth coming session of the Parliament on the growing atrocities, untouchability and other multiple forms of exclusion and discrimination faced by Dalits in the state of Haryana.

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