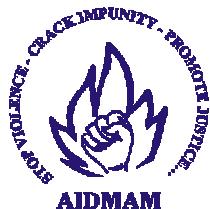


Violence Against Dalit Women

Submitted by

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Violence Against Dalit (Scheduled Caste) Women in India

Dalit /Scheduled caste (SC) women, in India's highly patriarchal and caste-based society, bear the triple burden of caste, class, and gender. Being positioned at the lowest social order of Indian society, Scheduled caste women suffer from many forms of discrimination, including lack of education, economic disadvantages, social disempowerment, domestic violence, political invisibility, and sexual oppression. In contravention of both national laws and international human rights standards that prohibit any physical, sexual or psychological violence against women, varying forms of violent acts specifically targeting SC women are occurring on a large scale across India today.

The convergence of these conditions leads to the wide-ranging and multiple layers of violence that pervade Dalit womens' lives, characterized by enduring violence in both the general community and in the family, from state and non-state actors of different genders, castes and socio-economic groupings¹.

SC women are the most vulnerable and face untouchability, discrimination and violence much more than their male counterparts. The position of Dalit women in the society is reflected by the nature and number of atrocities committed on her. Being a Dalit woman, abuse is used to remind her of her caste and keep her oppressed. On an average, about 1000 cases of sexual exploitation of Dalit women are reported annually and in the year 2001 alone, 1316 cases of rape was reported (NCRB, 2001). Not only their performance with regard to human development indicators are much lower compared to their counterpart from rest of the women, also the instances of atrocities are far higher than non-Dalit women. Untouchability and social exclusion being faced by the Dalit community, takes shape of an institutionalized system in some places in context to Dalit women, called 'Devadasi's'. Under Devadasi system, a scheduled caste family dedicates/marry its young daughter to the village goddess, and when the girl reaches puberty she becomes an available sexual partner for the priest and all upper caste men in the village.

Dalit women also face violence when they try to access rights and entitlements provided by the constitution and the government. In addition to facing discrimination and untouchability in accessing welfare schemes, women from Dalit community also faces sexual and other kinds of physical violence. In spite of the space (reservation) given to them at panchayat (village) level their participation is dismal in the local governance. Dalit women face direct impediments right from the time of filing nominations right up to announcement of the election results, including: caste and sexually-based verbal abuse; harassment, threats or physical assaults; property destruction; restrictions on freedom of movement; and illegal and fraudulent voting practices.

The recent years has also seen a rising violence against Dalit human rights defenders, and Dalit women activists are all the more vulnerable in this scenario as the violence against them take the shape and form of sexual violence-rape, gang rape, being paraded naked etc.

¹ National Campaign on Dalit Human Rights, S.j. Jayshree P. Mangubhai Joel G. Lee, *National Dalit Women Speak Out Violence against Dalit Women in India*, Overview Report of Study in Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh Aloysius Irudayam, New Delhi, march 2006. P. 3.

A significant proportion of India's Dalit women suffer multiple forms of systematic discrimination, including verbal abuse, physical assault, sexual harassment and assault, domestic violence, naked parading, ingestion of human excreta, individual and gang rape.

The plight of SC women seems much more alarming when one looks at the data pertaining to serious crimes such as rape and murder'. The number of reported cases of SC women being raped by the non-SC men increased from 604 in 1981 to 727 in 1986, 784 in 1991, 949 in 1996 and 1316 in 2001. The number came down to 1089 in 2003, but once again increased, though gradually, to 1157 in 2004, 1172 in 2005, 1217 in 2006, 1349 in 2007, 1457 in 2008 and 1346 in 2009. From the 2009 data, it may be understand that in India on an average every day 2 Dalits are murdered and 4 Dalit women are raped by the non-Dalits. The data for the 1981to 2009 period for India as a whole indicate that not only the overall number of incidence of caste discrimination and violence but also the brutal crimes such as rape and murder 'are on the increase'.² Recent datas seems to confirm increasing trends on discriminations; in 2007 there were 1,349 reported rape cases, whereas in 2008 there were 1,457 cases; hence, the increase in 2008 was 8.0 percent³.

(Please refer **Annexure I**)

It should be also noted that in India about 90 percent crimes against Dalit women are not reported to the police for the fear of social ostracism and threat to personal safety and security especially Dalit women. Also the legal proceedings are so complicated, tardy, time consuming, costly and unfriendly to Dalits that usually they do not approach courts or other law enforcing agencies for their redressal.

A series of **recent incidents from Haryana** illustrates the major threat of violence faced by Dalit women. The violent nexus of caste and patriarchy has once again raised its hood in the form of increasing sexual violence against Dalit women in Haryana, where in the month of September 17 cases of alleged rapes have been registered⁴; among them a teenage girl committed suicide after being raped, by setting herself on fire, and another victim's father killed himself after he was shown a video of his daughter being raped⁵. In October, in the 15th incident of sexual assault on women in Haryana, a pregnant Dalit woman was allegedly abducted and raped by two youths in Kalyat area of the district⁶. On October 18th, it was on the news the murder of a Dalit woman who sought justice for her minor daughter, a victim of gang rape by local men of a dominant caste, in Karnal (Haryana)⁷.*The details of the Choti Kalsi village, Nilokhandi block of Karnal district in Haryana Caste Study (Annexure II)*

² Journal of Law and Conflict Resolution Vol. 3(9), pp. 151-168, November 2011

Available online at <http://www.academicjournals.org/JLCR> DOI: 10.5897/JLCR10.033

ISSN 2006-9804©2011 Academic Journals ,Growing crimes against Dalits in India despite special laws: Relevance of Ambedkar's demand for 'separate settlement' ,A. Ramaiah

³ National Coalition for strengthening SCs and STs (Prevention of) Atrocity Act, *People's report on implementation of SCs and STs (PoA) Act 1989 and Rules 1995*; 2009-2011. P. 15.

⁴ India Blog, New York Times, *In Haryana, Hundreds Protest State's Response to Rape*, 15 October 2012.
(<<http://india.blogs.nytimes.com/2012/10/15/in-haryana-hundreds-protest-states-response-to-rape/>>)

⁵ The Hindu, *Pregnant Dalit woman raped in Haryana*, 11 october 2012.

(<<http://www.thehindu.com/news/states/other-states/pregnant-Dalit-woman-raped-in-haryana/article3985617.ece>>)

⁶ The Hindu, *Pregnant Dalit woman raped in Haryana*, 11 october 2012.

(<<http://www.thehindu.com/news/states/other-states/pregnant-Dalit-woman-raped-in-haryana/article3985617.ece>>)

⁷ The Tribune, *Dalit minor gangraped in Karnal, mother murdered*, on line edition, 18 October 2012.
(<<http://www.tribuneindia.com/2012/20121018/haryana.htm>>)

National Mechanisms and Problems in Implementation

The Indian legislative framework promotes and protects women, starting from fundamental constitutional provisions like Article 15 which affirms the principle of non-discrimination on the basis of caste and gender. Article 21 guarantees the right to life and to security of life; and art. 46 specifically protect Dalits from social injustice and all forms of exploitation. Moreover, the Indian State has approved more specific documents aimed at protecting Dalit women; the most important is the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act approved in 1989.⁸

But the law has largely failed in its ambitious mandate. The provisions that promote women rights have to be considered empty of meaning, since the low level of implementation left the situation basically untouched, and has lead to a perceived and de facto impunity for the perpetrators of crimes against Dalit women.

There is an urgent need for the redressal of violence against women as an absolute priority. The elimination of discrimination and violence against Dalit women and girls are the key to the achievement of gender equality, peace and development. Women should be given essential protective and promotive measures, so that they can access their fundamental rights.

Suggested Recommendations

- The Government Of India (GOI) should bring out disaggregated data based on caste and gender and build schemes to address the needs of Dalit women.
- The GOI should take effective measures to prevent atrocities and multiple forms of discrimination against Dalit women as recommended by CEDAW, CERD, and the UN Special Rapporteur on violence against women.
- The GOI should take steps to eliminate the culture of impunity for perpetrators of violations, incl. physical assaults, sexual harassment, rape, naked parading, and forced prostitution [1].
- The GOI should adopt convergence model within concerned ministries and establish a special task force to address the issues of violence faced by Dalit women elected representatives;
- The GOI should recognise the concerns of Dalit women human rights defenders and ensure specific policy to address the range of violence faced by them.
- The GOI should bring out a guideline to serve a protocol to be followed by all investigations officers in the cases of sexual violence – particularly rape and gang rape cases.
- Dialogue with governments, relevant UN bodies, the private sector, local authorities, national human rights institutions, CSOs and academic institutions needs to be promoted and sustained with a view to identify, promote and exchange views on best practices related to violence and discrimination against women.
- The GOI should establish support services and shelter for the survivors of violence and ensure proper rehabilitation.

⁸http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Dalit_Women/Navsarjanreport2011_genderviolence.pdf pg.19

Annexure I :

Number of Woman Facing Violence and Frequency of Violence

Form of Violence	N° of Woman who have faced Form of Violence*		Frequency of Violence	
	Number of Women	% of total Dalit Woman (500)	Number of Incidents	Many times**
Physical Assault	274	54.8	532	30
Verbal Abuse	312	62.4	331	106
Sexual Harassment/Assault	234	46.8	241	73
Rape	116	23.2	122	9
Sexual Exploitation	44	8.8	15	39
Forced Prostitution	24	4.8		24
Kidnap/Abduction	24	4.8	24	
Forced Incarceration	23	4.6	24	1
Medical Negligence	17	3.4	25	
Female Foeticide/Infanticide	2	0.4	3	
Child Sexual Abuse	23	4.6	8	22
Domestic Violence	215	43.0	76	185
* most woman have faced more than one form of violence ** many times denotes instances in which women face the violence so repeatedly or regularly that they cannot remember the exact number of times the violence occurred			Total: 1,401	489

Aloysius Irudayam S.J., Jayshree P. Mangubhai, Joel G. Lee, 2006, *Dalit Women Speak Out, violence against Dalit women in India*, Vol. 1, New Delhi, NCDHR, p. 108.

Annexure II

Caste Study: Choti Kalsi village, Nilokhandi block of Karnal district in Haryana State, India.

Subject: Kidnapping and gang rape of a minor Dalit girl and murder of her mother Kamlesh Devi Dharampal

COMPLAINT

A. COMPLAINANT'S DETAILS

1. Name: Ms. Manjula Pradeep – Executive Director, Navsarjan Trust
2. Sex: Female
3. State: Gujarat
4. Full Address: 2-Ruchit Apartments, Opp. Suraj Party Plot, B/h Dharnidar Derasar, Vasna, Ahmedabad
5. District: Ahmedabad
6. Pin Code: 380 007

B. INCIDENT DETAILS

1. Incident Place (Village/Town/City): Chhoti Kalsi
2. State: Haryana
3. District: Karnal
4. Date of Incident: 3/9/2012

C. VICTIM'S DETAILS

1. Name of victim: (1) Kamlesh Devi W/O Dharmal (2) Mansha D/O Dharmal Pannalram
2. No. of victims: 2
3. State: Haryana
4. Full Address : Chhoti Kalsi, Nilokhandi
5. District: Karnal
6. Pin Code: -
7. Religion: Hindu
8. Caste: Scheduled Caste (Sub-caste: Shahsi)
9. Sex: Female
10. Age: (1) Kamlesh Devi - 38 year and (2) Manisha - 16 year
11. Whether Disabled (SC/ST/OBC/General) person: SC

D. BRIEF SUMMARY OF FACTS/ALLEGATIONS OF HUMAN RIGHTS INVOLVED

1. Brief summary of facts:

One Dalit women found dead- and her daughter kidnapping and raped by the dominant caste youth in Choti

Kalsi village, Nilokhandi block of Karnal district in Haryana.

Chhoti Kalsi is located in Nilokhandi, Block of Kanal district. Choti Kalsi is 15 KM away from Nilokhandi town and 22kms away from Karnal city. Total Population of Choti Kalsi is more than around 3000/- which include Dalits having population of around 2000/- and the remaining being Jat, Shahsi, Bimar, Aoud and Valmik.

The details of the incident in brief is as follows:

1. Murder of the Kamlesh Devi Dharmal

On 3rd September 2012, Kamlesh Devi Dharmal aged 39 missing from her village named Chhoti Kalsi, Nilokhandi block in Karnal district. Manisha Devi's dead body found in canal farm in Nani Kalsi village on 5/9/2012. Missing complaint was lodged by police on 5/9/2012, Police Station: Butana Police station Deceased Kamlesh Devi missing on 3/9/2012 dead body found on 5/9/12 near, Sirsa canal, in Manak Majra farm of Chhoti Kalsi village First case: FIR No. 354, under IPC, 363,366,506, 365, 34, and 302 Suspected Accused: 1. Kusum Sukhram 2. Aman alias Virendra Sultan. Police denied to lodge the FIR and FIR was lodged after three days. Complainant alleged that FIR was not written as per as the information provided by the complainant and proper sections were not invoked in the FIR, under IPC and Sc/St (PoA) act. IPC sec. 114, and sec. 3(2)5 of Sc/St (PoA) act. The accused have been not arrested and Compensation has not been given as per the PoA act. Until today, the DM and SSP have not visited victim's house as per the PoA act rules 1995.

2. Kidnapping and rape of Manisha

Village: Chhoti Kalsi, Block: Nilokhandi, district Karnal on 6/8/2012 Manisha Dharampal was Kidnapped and raped by the accused from the same village. They are from the Jat who is a dominant community in the village. They were also supported by a Dalit woman to commit the crime. The Complainant Manisha Devi Dharmal, 15 years lodged the FIR on 6/8/2012 in Butana police station for the incident of kidnapping and gang rape by the accused at various places. Crime was committed in Chhoti Kalsi village and crime reg. FIR No. 394, under IPC, 363,365, 376(G), 506, 120-B and 3(1)12 of the Sc/St(PoA) Act in Butana Police station against the three accused: 1. Kusum Sukhram 2. Aman alias Virendra Sultan 3. Kishan Fatesingh. The complaint was lodged on 20/9/12 after 44 days of the incident. The reason being that the complainant was living with fear and the accused had threatened her to life (criminal intimidation). Police did invoke proper sections under IPC and Sc/St (PoA) act, IPC, 114, 34, and 3(2)5 of Sc/St (PoA) act. Two accused have been arrested but one more accused Kishan has been not arrested. Compensation has not been given to the victim's family. Trajedy is that the Victim has stopped her education. Until today the DM and SSP have not visited victim's house as per PoA act rules, 1995.

Recommendations for the investigation agency for investigation case

- CBI investigation in Kamleshdevi's murder.
- Accused should be arrested immediately as soon as possible in this case.
- Section 3(2)5 of Sc/St (PoA) act should be applied in both the cases.
- Release compensation and rehabilitation of the family as per as special contingency plan.
- Government should provide employment to the dependents of the deceased.
- Appointment of a woman advocate with credentials as Special Public prosecutor in both the

cases.

- Investigation should be completed in one month.
- Suspension and immediate inquiry against the police officers who denied to lodge FIR and not applied proper sections in both the cases.
- Statements of the complainants should be taken under CrPC sec 164.

2. Allegations of human rights violations:

Finally, one victim (Kamlesh Devi w/o Dharmpal) was killed by the suspected accused and another victim (Manisha d/o Dharmpal) was Kidnapped and gang raped in Chhoti Kalsi village of Karnal district. This is violation of Article 21 (Right to life), Article 14 (Right to equality) of the Indian Constitution and also child rights violation. It is also violation of prevention of atrocity act 1989 sections 3(1)10, 11,12 and 3(2)5, 6. The family lives in constant fear of further attacks from the dominant caste accused and their relatives..

E. WHETHER COMPLAINT IS AGAINST MEMBERS OF ARMED FORCES/PARA-MILITARY

No

F. WHETHER SIMILAR COMPLAINT HAS BEEN FILED BEFORE ANY COURT/STATE HUMAN RIGHTS COMMISSION

No

G. NAME, DESIGNATION & ADDRESS OF THE PUBLIC SERVANT AGAINST WHOM COMPLAINT IS BEING MADE

1. Mr. Senior Superintendent of Police, Karnal, Karnal district.
2. Mr. Police Sub inspector, Butana police station, Karnal district
3. Mr., Police Sub inspector, Butana Police station.
4. Mr. Deputy Superintendent of Police, Karnal, Karnal district

H. NAME, DESIGNATION & ADDRESS OF THE AUTHORITY/OFFICIALS TO WHOM THE PUBLIC SERVANT IS ANSWERABLE

1. Chief, Secretary Sachivalaya, Chandigarh. Haryana state.
2. DGP. Chandigarh, Haryana state.
3. Senior Superintendent of Police, Karnal, Karnal District.
4. Collector and District Magistrate, Karnal, Karnal District.
5. Secretary, Home Department, Sachivalya, Chandigarh, Haryana state.
6. Secretary and Nodal officer, Social Justice and Empowerment Department, Chandigarh, Haryana state.

I. PRAAYER/RELIEF IF ANY, SOUGHT

Complainant prays for judgment against Respondents as follows:

- A. Investigation to be given to CBI (Central Bureau of Investigation).
- B. Statement of the complainants and witnesses to be taken before the Magistrate statement under Crpc 164.
- C. Police protection needed to each family, round the clock 24 hour at the house.
- D. Make a (SIT) special Investigation team of CBI police officers to investigate this case.

- E. Immediate arrest of the accused that killed the Kamlesh Devi Dalit in Choti Kalsi village.
 - F. Add other sections which are not invoked in FIR or missing in the FIR like IPC sections 34,120-B-114, 506(2) and SC/ST act 3(1)10, 11,12 and 3(2)5, and 6.
 - G. Ensure that the investigation be completed within 30 days as per the rules of Sc/St (PoA) act 1989
 - H. Institute a departmental inquiry against those police officers who were involved in denying lodging FIR in the Police station. Against other Police officers who neglected their duties.
 - I. A compensation of Rs. 10 lac should be paid by the State to each of the family of the deceased.
 - J. Government should provide employment to the dependent of the deceased.
 - K. Government should allocate 10 acres of land for agricultural purpose to each of family of the deceased youth.
 - L. Provide compensation to the tune of Rs. 5, 00,000/- to the family of the victim as per the provisions of Dr. Ambedkar National Relief Scheme to the Schedule caste victims of Atrocities (Murder of a earning member of family).
 - M. Provide compensation to the tune of Rs. 2, 00,000/- to the family of the victim as per the provisions of Dr. Ambedkar National Relief scheme to the Schedule Caste Victims of Atrocities (Murder of a non-earning member of family).
 - N. Appointment of credible advocate as Special Public Prosecutor during the trial of the cases.
1. For Respondents to follow Rule 15(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, including providing for:
 - a. Mandatory compensation for the victim;
 - b. Scheme for strengthening the socio-economic condition of the victim's family.
 - c. Scheme for employment in Government or Government undertaking to the dependent or one of the family members of the victim as per as 15(1)d.
 2. For Respondents to take proper action against the negligent authorities, as per Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989;
 3. For Respondents to attach the property of all the perpetrators, as per Section 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989;
 4. For Respondents to arrange a Special Prosecutor to try the case as per Section 15 of the SC/ST
 5. For Respondent to include these demands in the agendas of the State- and District-level Vigilance committees and have these committees convene a meeting immediately to address these demands, as per Rules 16 and 17 of the Scheduled Castes and Schedoled Tribes (Prevention of Atrocities) Rules, 1995.

NAME OF AFFECTED FAMILY MEMBERS OF THE VICTIMS:

FAMILY:

SR.N O.	NAME	AGE	OCCUPATION	RELATION WITH VICTIM
1	DHARAMPAL PUNNARAM	41	LABOR WORK	SELF
2	KAMLESH DEVI DHARAMPAL	39	LABORER	DECEASED
3	MANISHA DEVI DHARAMPAL	16	STUDENT	DAUGHTER (VICTIM-KIDNAPPED AND GANG RAPED)
4	PUNAM DHARAMPAL	13	STUDENT	DAUGHTER
5	PAYAL DHARAMPAL	11	STUDENT	DAUGHTER
6	ANUJ DHARAMPAL	9	STUDENT	SON
7	TANUJ DHARAMPAL	7	STUDENT	SON

“Recommendations for strategic intervention on violence against women and atrocities on Dalits in Haryana”:

- 1. Set up Village level Human rights committee for to protect violence against women and Dalits**
- 2. Set up Block level Human rights committee**
- 3. Set up District level Human rights committee**
- 4. Set up State level Human rights committee**
- 5. Visit and fact finding by the team**
- 6. Public mass gathering at state and district level**
- 7. Follow up cases, preparation of the Victim and witnesses.**
- 8. Training on PoA act training to the members of the vigilance and Monitoring committee.**
- 9. Pressurise to the government for implementation of Sc/St (PoA) act.**
- 10. Advocacy at State and National level**
- 11. Media advocacy of the issue at large level.**
- 12. NGOs collaboration at state level**
- 13. Petitions in commissions, NHRC, NCW, NCSC and State human rights commission – using constitutional bodies.**
- 14. PIL in High court or Supreme court**
- 15. Organize all sub-caste in violence against Dalits. Issue of Dalits.**
- 16. District and state level help line for legal information**
- 17. Gender training at village level**
- 18. Awareness legal literacy**
- 19. Panel of the Advocate at district level.**
- 20. Awareness create among women**
- 21. Foot march for the protest on the violence Dalits**
- 22. Victim's meetings at the district level for the follow up cases and to Know the status of cases.**
- 23. Public hearing at the state and district level.**
- 24. Lobbying with MPs and MLAs for implementation of PoA and violence against Dalit and women violence at local level.**
- 25. Rally (Karva) in the state with rape and Murder Protest program.**
- 26. Activist training of NGOs**
- 27. Advocates training**
- 28. District in district vigilance and monitoring committees.**
- 29. State government set up Women cell, at State level.**
- 30. Special fast track courts for the women's violence and Dalit atrocity cases.**
- 31. Appointment of Special Superintendent of Police for serious cases of violence against women in every district.**
- 32. Every cases investigated by the Lady Deputy Superintendent of Police.**

