

FACT-FINDING REPORT



**200 Dalit Families Attacked and Ransacked
In Kaithal, Haryana on 13th April 2013**

On 17th April 2013, A Fact finding team consisting of Activists, Lawyers and Human rights defenders went on a visit to Village – Pabnava, Kaithal district in the state of Haryana where around 200 houses of Dalit community were attacked and looted on 13th April, 2013 by a mob belonging to the dominant caste community namely, “Rod” of the same village.

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Brief History of Violence against Dalit in Haryana

Several heinous incidences of atrocities on Dalits have taken place in the state Haryana including cases of mass violence in the last few years. In the year 2012 within a span of 2 months [Sep to Oct] nearly 19 cases of rape and gang rapes have been reported in the state of Haryana, in which majority of women belong to Dalit community.

Prior to these incidents there were several mass atrocities committed against Dalits in Haryana. In October 2002, five Dalits were lynched in **Duleena village in Jhajjar district**. Two hundred dalit families fled their homes in **Harsola village in Kaithal district** after being attacked, in 2005 Dalit Houses were looted and set it on fire by Jat Community after the death of a Dominant young boy on scuffle with Dalit boys in **Gohana**. In 2010 Gruesome **Mass attack** on Dalits took place at **Mirchpur Village, Hissar**. In majority of the incidents Dalits are being **forced to leave their homes** and being subjected to **violent attacks** and **intimidation**. The pretexts for all these attacks have been minor and the attack on Dalits marked by disproportionality and excess. Some of most serious atrocities are listed in annexure to explain the nature and extent of atrocity taking place. These cases highlight the fragmented nature of Haryana society on caste lines.

The Trigger & History

Mr. Mahendra Pal belonging to Chamar community, resident of Village – Pabnava, P.S – Dandh, District – Kaithel, is a daily wage laborer and works in the surrounding areas of Kaithal district, and is heading a small family consisting of wife and two sons. The elder son Surya Kant (24) completed his graduation from Dandh College in Commerce, and is employed in a call centre at Chandigarh, and the younger one Jasmer Singh is studying at Kurukshetra University.

The elder son Mr. Surya Kant, eloped with a dominant community girl namely Meena(21) d/o Pirthi Singh belonging to Rod community resident of the same village for the last few years . On 9.4.13, they got married in the High Court of Punjab and Haryana, Chandigarh and thereafter sought protection from the administration. Since then they are staying in the District Protection Home, Kaithal, Haryana.

Mahendra Pal was completely unaware of the marriage of his son with a Rod-Maratha girl, until he received a call (in the evening 6.00 pm) from girl's father, who asked him to come to his house. This sudden call by Rod-Maratha family had naturally built a pressure on him as the Rod-Marathas have been notorious for their dominance and perversity.

About Pabnava

Pabnava is about 20 Kms from the Head quarter of Kaithel district, is a large village comprising about 5000 'Rod' community families, 300 Chamar families, 200 Balmiki families, and around 200 OBC households and a handful of Brahmin households. The Dalit population is largely economically dependent on the Rod community for their regular livelihood based on farming. Prevalence of Untouchability Practice is a common phenomenon in this village. On 13th April 2013, a violent mob of about 400 Rod communities armed with spears, batons, and other sharp- edged weapons went on a maddening spree injuring 6 Dalits and ransacked around 200 houses belonging to 'Chamar' community.

The father of the boy accompanied by his brother Joginder, went to the house of girl's father. As soon as they entered, they were immediately questioned about the whereabouts of Suryakant and the girl. He was told that his son Suryakant has secretly tied the knot with their daughter at Chandigarh court. This was shocking for him, as he was completely unaware of any love affair between his son and Rod caste girl.

The girl's family further instructed Mahendra Pal that this marriage is against social norms as the girl and boy are from two different castes and the Dalits cannot dare to think of making marriages with any caste-Hindus; moreover as the village firmly believes in village exogamy, the marriage of two within the same village is not permissible at any cost as it is against 'Bhartiya Sanskriti' (Indian Culture).

The girl's family further threatened them with the dire consequences but said that if 'you bring back your son to village, we will let him free provided he will agree to break his marriage with their daughter.' They also asked him to keep the information of this marriage secret to him alone, as spread of this news would harm their image.

Mahendra Pal along with his brother rushed back to their home and without sharing anything to anybody, immediately arranged a four-wheeler to search their relative's houses in the neighboring areas. But even after looking down to even remotest relatives they were unable to trace Suryakant and his wife.

However on April 12, 2013 Mahendra's other brother Ramkumar found this new couple at Chandigarh, who were under police protection. Later the couple was moved to Kaithal where Ram Kumar has got chance to meet them. Ram Kumar pleaded Suryakant to divorce his wife, and send her back to her home. He insisted them by putting his 'safa' under his feet. But as the couple was under protection of police, who clearly instructed Ramkumar not to build any kind of pressure on the couple and warned him that this would lead him to his imprisonment for 3 months. Therefore, Ram Kumar came back.

The Role of Village Panchayat

The information regarding the stay of the couples in the protection home in Chandigarh reached the village on 12th April, 2013. Immediately next day, the dominant caste "Rods"- called for a village Panchayat. The villages Sarpanch Husan Singh, Ex-Sarpanch Prakash belonging to Rod community were also present in the Panchayat. The members of the Panchayat pressurized the family members of Surya Kant to send back the girl Meena. They also pressurized them to get divorce immediately.

Following the Panchayat meeting, the elders from both the Rod community and Dalit community went to Kaithal in order to convince the couple for a amicable divorce. However the police officials did not allow Mahendra Pal and his relatives to meet the couple, but they permitted the family members of the girl to meet her. The parents of the girl and 3 Sarpanchs from the dominant caste community also pleaded the girl in the same manner by putting their 'safas' on her feet to go for divorce, but she plainly refused this idea. This created tension between Dalit community and Rod community of the village Pabnava.

The Incident

1. On 13th April at around 4.00 P.M , a criminal namely Sultan Singh alias Handa S/o Fatheya Singh accompanied by 3 other persons , belonging to Rod community residing in the same village entered the Dalit Basti and abused Dalits in their caste name. He also warned that they would kidnap the girls of Dalit community.
2. Fearing retaliation/threats from the dominant community, Dalits in the Basti started fleeing from their houses in search of security to their kith and kin of the neighboring places like Sonepat, Panipat etc. Around 400 Dalits including women, elderly persons and children belonging to Dalit community left the village in the morning.
3. That same day Dalit community immediately went and approached Mr. Taken Raj, DSP for the protection. Even though the DSP was at home, his wife informed that he was out of station. The D.S.P did not turn out of his house for unknown reasons.
4. The Dalit community seeing no other alternative immediately informed Mr. Kuldeep Singh Yadav, Superintendent of Police of Kaithel, who ensured that immediate action and protection will be given to the Dalits by arresting Sultan Singh and others. The S.P also ensured immediate patrolling of police personals around the village.
5. The accused Sultan Singh was arrested on the same day by the police and was taken to the Police Station. At around 8.00 P.M the mob of 400 members of dominant caste community carrying lathis, Jellies, Gandassi, and sharp edged weapons went to the police station – Dandh. They got the accused Sultan Singh released.
6. That following the above incident at around 8.30 P.M the mob with the ulterior motives, armed with Lathi, Jellies, Gandassi, and sharp edged weapons entered Dalit Basti. The dominant caste ‘Rods’ cut the electricity supply. They went on a maddening spree injuring the innocent Dalits and ransacked and looted 200 houses belonging to ‘Dalits’.



7. The dominant caste 'Rods' ransacked and damaging their house hold items such as Fridge, Television, Fans , Air Cooler, Bike, Cylinder, House hold Utensils and other vessels in the Dalit houses. It is also alleged that valuables such as cash and jewels have been looted from the dalit houses. Even food grains and cattle's were not spared. The mob also looted and broken 6 provisional stores filled with grocery items such as wheat, rice, dal, etc. The rampage continued for more than 2 hours ransacking the whole dalit community houses.
8. It also alleged that the mob also searched for the victims in the dark with the torch lights. Some how many of the Dalits managed to hide themselves.
9. Around 6 Dalits namely Minya Singh S/o Sher Singh, Chandgi Ram S/o Chajju Ram, Suresh S/o Mai Chand, SohanLal S/o Tulsi, Mai Chand s/o Chajju, Joginder s/o Mamu Ram were severly injured.
10. In between around 10 to 15 police officials came for the rescue but they were also attacked by the dominant community. 3 police personnel including the D.S.P Mr. Anil Rao also got injured. The police battalion reached the spot at around 10.30 pm.
11. On 14.4.13, FIR No.39 was registered u/s 148, 149,323, 452, 427, 307,395,332,353,186,120B IPC and u/s 3 SC/ST (PoA) Act.



The Role of Administration

The Role of the Administration raises many questions and concerns. There were no preventive actions taken by the administration. The response after the incident was very casual too. The Team learned from the survivors that Mr. Taken Raj, Deputy Superintendent of Police (DSP) for unknown reasons did not support the Dalits even though they tried to inform him about the possibility of the backlash violence. Based on the discussions the team learnt that he colluded with the aggressor Rod community. The protective measures provided by the Police and the Administration and initial inaction by the DSP Taken Raj were inadequate and which allowed the easy ransacking and looting of Dalit houses in the village. Very few numbers of police officers were deployed at the time of the incident. They were unable to protect the Dalits from the huge mob of dominant caste community.

Till date no adequate protection is provided to the Dalit community. Majority of the survivors revealed that they are still receiving threats from the dominant caste community. It is alleged by the residents of the *basti* that some of the dalits were stopped from leaving the village by the police to show that police was giving protection to the Dalits but the reality is otherwise.

So far only 24 accused are arrested, there are other 28 accused moving around freely in the village. Only after the visit of Mr. P.L. Punia, Chairperson of NCSC, on 16th April the Administration arrested 13 persons accused in the case. Despite the acute tensions in the village, the dominant community people threatened the dalits. The thrust seems to be to treat this incident as a normal case and to cover up their lapses and complicity.

No immediate relief and rehabilitation was given to the victims. The District Administration did not conduct an immediate and proper assessment of the damage of the property belonging to the Dalit community. Only after the visit of Mr. Punia, the District Administration started estimating the damage inflicted on Dalits. The administration approved a compensation of Rs.1,20,000/- each to only 3 severely injured victims and Rs. 5,000/- to another 10 victims, who sustained minor injuries.

The Key Findings of the Team

1. This incident has multiple separate issues. One is the issue of marriage of a Dalit Boy with a girl belonging to Dominant caste community thereby breaking the barriers of castes. Secondly, the assertion of Dalits by giving complaints to the police officials against dominant castes. These two separate issues were mobilized to whip up the violence resulting in large scale attacks on Dalit community. Certainly, we observed that the primary cause of violence is reaction to the assertion for dignity rather than just inter-caste marriage.
2. The recent case of violence that occurred in the village has injured six Dalits physically, causing large scale destruction of property, their shops and establishments. It is a big blow to the development of Dalit communities.
3. The Team learned that Mr. Taken Raj, Deputy Superintendent of Police (DSP) for reasons best known to him, did not support the Dalits even though they tried to inform him about the possibility of the backlash violence. Based on the discussions the team learnt that he colluded with the aggressor Rod community, ironically.
4. Inadequate safety and protective measures by the Police and the Administration and initial inaction by the D.S.P Taken Raj led to free hand of ransacking, looting of Dalit houses in the village.
5. Around 10 to 15 Police personnel were deployed at the time of incidence. The number was insufficient to protect the Dalits from the huge mob of dominant caste community.
6. Some of the villagers revealed that they are still receiving threats from the dominant caste community.
7. As per the discussion with the S.P around 150 police officials are deployed in the area after the mass attack. But the team could see only 40-50 police personal patrolling with no lady police officials.
8. It is alleged by the residents of the Basti that some of the dalits were stopped from leaving the village by the police promising safety and protection. But the dalits do not have confidence in Police, therefore they are moving to safer places.
9. The claim by the Police and the Administration that they have immediately arrested 13 persons does not seem to be satisfactory as there are other 39 accused moving around freely in the village and not been arrested. It was only after the visit of Mr. P.L. Punia, Chairperson of NCSC on 16th April the Administration arrested 13 accused involved in the incident.
10. That no immediate relief and rehabilitation was provided to the victims. No Immediate and proper arrangements were made to assess the damage of the property for the Dalit houses by the District Administration. Only after the visit of Mr. P.L. Punia, Chairman of NCSC dated 16.4.13, the District Administration started to estimate the damage inflicted on Dalits. According to SDM the administration approved compensation of Rs.1, 20,000/- each to only 3 severely injured victims and Rs. 5,000/- to other 10 victims, who sustained minor injuries.

Recommendations to the Haryana Government

Specific to the Incident ,

- 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 willful 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 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

Additionally ...

- The Government should create confidence in the 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 PoA 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 to function under the convenorship of the CM should meet and act on this, as per the SC/ST (POA) Act 1989.
- The Dalits should be given permission to hold Arms as preventive measures according to the provision of the PoA 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.



Annexure 1: Scanned copy of the FIR

CIPA-R1.11.00						
FIRST INFORMATION REPORT (Under Section 154 Cr.P.C.)						
1.	District: KAITHAL	PS: DANDH	Year: 2013	FIR No.: 39	Date: 14-04-2013	
2.	Act(s): (i) IPC 1860 (ii) ARMS ACT, 1959 (iii) SCH.CASTES & THE SCH.TRIDES (PREV.OF ATRO.)ACT,1989 (iv)		Section(s): 148/149/323/452/427/307/395/332/353/ 186/120B 25 3			
3.	Occurrence of Offence: (a) Day: Saturday Time Period: (b) Information received at P.S: (c) General Diary Reference:		Date From: 13-04-2013 Time From: 21:00 hrs Date: 14-04-2013 Entry No.: 4	Date To: 14-04-2013 Time To: Time: 04:30 hrs Time: 04:30 hrs		
4.	Type of Information: WRITTEN					
5.	Place of Occurrence: (a) Direction and Distance from P.S: East/5.0 Km. (b) Address: PABNAWA, PABNAWA (c) In case, Outside the limit of the Police Station: Name of P.S:			Beat No.: 21	District:	
6.	Complainant/Informant: (a) Name: CHANDAGI RAM (S/O) CHHAJU RAM CHAMAR (b) Birth Year: 1948 (c) Passport No. (d) Occupation: LABOURER (e) Address: PABNAWA		Date of Issue:	Place of Issue:		
7.	Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary): (52) (SEE ANNEXURE FOR ACCUSED DETAILS):					
8.	Reason for delay in reporting by the complainant/informant:					
9.	Particulars of the properties stolen/involved(attach separate sheet if necessary):					
	Sl.No.	Property Type(Description)	Est. Value(Rs.)	Status		
	(i)					
	(ii)					
	(iii)					
10.	Total value of property stolen:					
11.	Inquest Report/U.D Case No., if any:					

2. F.I.R Contents(attach separate sheet,if required):

नवकल तहीरी पैन है व्यान अजाने वन्दी राम 5/0 छंजु राम जाति चमार वासी नजदीक मस्तीद गांव पबनावा बाउध करीब 65 साल। व्यान किया कि मैं उपरोक्त नाम पते का रहे वाला हूँ और मेहनत मनदुरी का काम करता हूँ मेरे पास 3 लड़के व 3 लड़कियाँ हैं और सभी शादीशुदा हैं। हमारे पड़ोस में सुर्यकांत पुत्र महिन्द जाति चमार वासी पबनावा ने करीब 5-7 दिन पहले मीना पुत्री पिरथी जाति रोड विराटी गांव पबनावा, बरसाना, कौल, चुहडमाजरा, जडौला डौरा की पंचायत गांव पबनावा में हुई थी। जिसमें मुख्य रूप से एक सुरपथ प्रकाश, एक्स सरपथ कुड़ा राम, वर्तमान सरपथ तुसन सिंह आदि शामिल थे तथा आस पास के गांवों के मौजिज व्यापारी पंचायत में शामिल थे। पंचायत में करीब 500-600 व्यक्ति शामिल थे। जिन्होंने यह निर्णय किया कि हमारी रोड विराटी की लड़की को एक चमार जाति का नड़का भगाकर ले गया। जिसमें हमारी विराटी की नाक कट गई है और इसी रैंजीश के कारण सारी पंचायत ने सलाह मशवरा करके योजना बढ़ा तरिके से हमारे मकान पर ताबड़ तोड़ हमला चार दिया और हमारे को टेंड, चमार, जल्नाट कह रहे थे। सबसे पहले सलान हांडा पुत्र पलो हिंद वासी पबनावा ने नाजायज वस्त्राना से हमारे को जान से मारने की नियत से सिंधा पायर लिया, पवन पुत्र पिरथी टेंड जिसके हाथ में देशी कट्टा, संजु उर्फ़ हिंडा पुत्र पिरथी जिसके हाथ में देशी कट्टा, सेंधी टेंडा पुत्र लाल सिंह जिसके पास चाकु, बिनु पुत्र ईस्ता जिसके पास टेंडी कट्टा, बरेतीली पुत्र पिरथी जिसके हाथ में तलवार, रणधीर टेंड बल्ली पुत्र लाल सिंह जिसके हाथ में चाकु, टीकू रोड तरना जिसके पास तलवार, प्रदीप पुत्र कुड़ा राम जिसके पास देशी कट्टा, सतपाल उफ़ सता पुत्र अमर सिंह जिसके हाथ में गण्डासी, कृष्ण पुत्र अमर सिंह जिसके हाथ में डंडा, साधन पुत्र सतपाल जिसके हाथ में चाकु, रेखा उर्फ़ मंगु पुत्र रोशन जिसके हाथ में गण्डासी, संजीवी पुत्र प्रेम जिसके हाथ में लाठी, सुनील पुत्र महेन्द्र जिसके हाथ में डंडा, अर्जुन टेंडा के हाथ में गण्डासी, रोली पुत्र वासो के हाथ में लाठी, मनीष पुत्र सुरजन के हाथ में ईंट, सुरेश पुत्र नाथी राम के हाथ में देशी कट्टा, प्रदीप पुत्र दलेन, बिनु पुत्र डोला, विजम पुत्र अनन्त राम, जिला राम पुत्र भुरा राम, करण सिंह पुत्र नाथी राम, कृष्ण पुत्र नाथी राम, संजीवी कलदीप पुत्रान लीला राम, कृष्ण पुत्र मानांत राम, सोनु पुत्र मुलान, कृष्ण, सुलान पुत्रान लीला राम, थें पुत्र रामेश्वर, गोरय पुत्र नपा, राहींत पुत्र पाली, धीरा पुत्र पूर्ण घन्ट, विट पुत्र भाषी राम, प्रदीप पुत्र खम्भेर, अमित पुत्र बन्दा राम, सोनु पुत्र भाषी राम, सिन्दूर पुत्र अर्जुन सिंह, योला पुत्र जैनी, बिनु पुत्र शेंदा डोला, सेंधा पुत्र ईंट, मनोज कुमार पुत्र जगदीश चन्द, राज कुमार पुत्र नाथी राम, फेन्हु सिंह पुत्र मनना, उदय सिंह पुत्र मनगत राम, प्रदीप कुमार पुत्र राम पाल अकबाम रोड, मनीष पुत्र धर्मपाल जाति पहित वासियान पबनावा के हाथों में रोड, सरिया, लाठी, डंडों से लैस होकर व अन्य करीब 300-400 व्यक्ति गांव पबनावा, कौल, बडोला, चुहडमाजरा, बरसाना आदि जो ट्रेकट ट्राईलों में स्वार होकर आए। हमारे भीहला में आकर करियाना स्टोर जर्याल पुत्र शेर सिंह, राम कुमार पुत्र नन्हा राम, कर्म सिंह पुत्र झमी लाल, जसपाल पुत्र बल सिंह अकबाम चमार वासियान पबनावा की दुकानों के अन्दर धुस कर जबरदस्ती सारा सामान लुट ले गये अर्जुन तोड़ फोड़ कर गए कली राम पुत्र पिरथी जाति चमार वासी पबनावा के मकान के अन्दर से 30,000/- रुपये लुट कर ले गए तथा घरेलु सामान टी.वी., इनवर्टर, बैंड व अन्य किमती सामान की तोड़ फोड़ कर दिया। राम कुमार पुत्र प्यारा राम पबनावा के मकान के अन्दर धुसकर मोटरसाइकिल, चिड़वी, ट्रायाज व अन्य किमती सामान तोड़ दिया। माई घन्ट पुत्र अच्छु राम के मध्यान में धुसकर उत्तम परिवार को चोटी मारकर अन्दर मोटरसाइकिल व अन्य किमती सामान तोड़ दिया तथा सुरेश कुमार पुत्र माई घन्ट, प्रदीप पुत्र सुरेश कुमार, अनिता देवी पर्वती कर्म घन्ट, अमर पुत्र निहाला राम, मिया सिंह पुत्र शेर सिंह को काफी सकान बोटे मारी व इसका ईलाका हमार मोहल्ला में सभी के मकानों में भी तोड़फोड़ की। हमारे भीहला में लगे करीब 15 पंचायती सवानीसिल बाजार दियो। इस द्वारा की सूचना हमारे पुलिस को दी। जो मोका पर कर्मी पुलिस बल गांव में इमारी ईनटार के लिये आया। उपरोक्त व्यक्तियों ने पुलिस कर्मचारियों के ऊपर भी ताबड़ तोड़ हमला बोल दिया। जिसने काफी पुलिस कर्मचारियों को घाटी मारी। उपरोक्त व्यक्तियों के खिलाफ सकान कार्यवाही की जाये। ब्यान लिवा दिया, पठ लिया, सुन व समझ लिया ठीक है LTI चंदगी राम Attested Vikramjeet SHO PS Dbaud कार्यवाही पुलिस :- दिनांक 13-04-2013 को करीब 9.00 बजे याना में सुचना पास हुई कि गांव पबनावा में रोड विराटी के लोगों ने चमार विराटी के लोगों पर हमला बोल दिया। जिस पर मैं, ASI हरपाल सिंह, ASI कर्मचारी थिए, HC ईश्वर सिंह, सिंह सतीश कुमार 131 के बासवारी गाड़ी सरकारी न० HR64-4282 जिसका घालक सिंह ० पाला राम 1043, श्री टेकन राम DSP(HQ) व श्री अनील कुमार DSP गुहला के साथ पुलिस बल के साथ मध्य श्री महिन्द सिंह नायक तहसीलदार ढाई के मोका पर गांव पबनावा पर पहुँचा। जो उपर भीड़ के दोषियान उपरोक्त नै हरिजन दस्ती के मकानों पर टाया गोल दिया। जिस पर हम सभी अधिकारी पुलिस कर्मचारियों ने चिंच-बचाव किया। जिसमें कुछ पुलिस कर्मचारियों को भी चोट आई। जिनको जल्गा दे गाड़ी का प्रबन्ध करके GH कैफल में डाकटरी करवाने के लिए भेजा गया। मोका पर हाँजर श्री चन्दगी राम का कथन अविळ किया। जिसको अपना व्यान ज्ञान की ठीक मानकर अपने व्यान के निये अपने बाए हाथ का अंगुल लगाया। जिसकी मै तस्टीक करता हूँ जो व्यान वाला से सुरत जर्म 148/149/323/452/427/307/395/353/332/353/186/120 वी. भा०ट०स० व 25-54-59 आर्ज एकट, ३ एस.सी. एस.टी. एक फा घटित होना पाया जाने पर बराये कायानी नकटना चट्टस HC ईश्वर सिंह 659 के अवसाल याना है। मुकटमा टर्ज करके नम्बर मुकटमा से चुचित किया जावे व FIR की प्रतिया बाहर स्पैशल रिपोर्ट बट्टस्ट स्पैशल कम्चारी के अपसारान बाला की सेवा में जिज्वाई जावी। मुकटमा हजा में धारा 3 एस.सी.एस.टी. एक टर्ज होने के कारण मन निरीक्षण इस अधियोग को अनुसन्धान करने में सक्षम नहीं हु। जिसका कारण नकल मिसल पुलिस आगामी अनुसन्धान तेज हस्त अपेक्षा अपसारान बाला हुआने मोका पर हाँजर श्री टेकन राम हृ०प०स० के द्वावाने की गई मन निरीक्षण मध्य सारी कर्मचारियों के हाँजर मोका है, अज - गांव पबनावा द्वा० Vikramjeet प्रबन्धक अफसर याना ढाई दिनांक 14-04-2013 at 04.00 A.M. अज याना - हस्त आमद तहीर उपरोक्त पर मुकटमा उपरोक्त बाजूर्म उपरोक्त याना ढाई दर्ज रनिटर किया। जाकर नकल मिसल पुलिस मध्य अपसारान तहीर स्पैशल रिपोर्ट बट्टस्ट स्पैशल सियाही सिंह महीपाल 487 के सर्वप्रथम ड्युटी मैजिस्ट्रेट साहब, पुलिस अधीक्षक महोदय कैफल व उप पुलिस अधीक्षक कैफल के पास भेजी जा रही है।

13 - Action Taken(Since the above information reveals commission of offence(s)u/s as mentioned at item No.2:

(i) Registered the case and took up the investigation.

OR

District: KAITHAL P.S.: DANDH Year: 2013 FIR No.: 39 Date: 14-04-2013

(ii) Directed (Name of the I.O): VIKRAM JEET
No.: 00000080

Rank:
to take up the investigation,

(iii) Refused investigation due to:

OR
District:

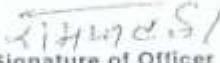
(iv) Transferred to P.S(name):
on point of jurisdiction.

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to complainant/informant, free of cost:

R.O.A.C:

14 .

Signature / Thumb Impression
of The Complainant/Informant:


Signature of Officer
Name: RAMPHAL

Rank: No.: 00000531

15 . Date and Time of despatch to the court:

Annexure 2: Status of Dalits in Haryana

Sr. No	District	Date of the incident	Incident
1.	Hissar	09.09.2012	14 years old Dalit girl gang raped by 8 dominant caste youths in Village Dabra of Hissar district.
2.	Kaithal	10.09.2012	A pregnant Dalit woman was allegedly abducted and raped by two youths in Kalyat area of the Kaithal district.
3.	Jind	21.09.2012	A 30-year-old married woman from a backward community was gang raped by three men at gun point at Pillukhera Township of Jind.
4.	Sonipat,	28.09.2012	A newly-married 19-year-old woman was abducted, held for four days, and repeatedly gang raped by four men in Gohana town of Sonipat district.
5.	Sonipat	28.09.2012	A teen aged girl, student of Class 11, was gang raped by four youths on 5 th Oct at Khami Ram Gali, Gohana town of Sonipat district.
6.	Bhiwani	29.09.2012	A teenage girl was gang raped in a multi-utility vehicle by three youths on September 29 in Tosham town of Bhiwani District.
7.	Rohtak	01.10.2012	A 15-year-old mentally challenged Dalit girl was raped by a youth in Rohtak.
8.	Jind	02.10.2012	In Gurthali village of Jind district, a 30-year-old mentally challenged Dalit woman was taken by a man identified as Dhanwa with him on the pretext of meeting a kin in neighboring Belarkha village. On way the accused took the woman at a secluded place in the fields and raped her.
9.	Rohtak	03.10.2012	In the district of Rohtaka 13-year-old girl was raped by her neighbor.
10.	Karnal	04.10.2012	15 years old Dalit girl was gang raped by two dominant caste youths and her mother was murdered in village- Kalsi, Block-Nilokhedi of Karnal district.
11.	Jind	06.10.2012	A 16-year-old Dalit girl died on 6 th Oct after she set herself on fire after being allegedly gang raped in Narwana village of Jind district.
12.	Ambala	09.10.2012	A 30-year-old widow alleged that she was raped by an acquaintance of her deceased husband in Ambala district.
13.	Panipat	09.10.2012	A woman gang raped in Panipat district.
14.	Panipat	31.10.2012	A 13-year minor girl was firstly kidnapped from the premises of Panipat Civil Hospital & gang raped by some youths in Vill-Safidon of Panipat
15.	Jind	2012	Adolescent Dalit girl gang raped by dominant caste in Village -Bhudi, Bhijoli of Jind district.
16.	Sonipat	2012	A Dalit girl gang raped by dominant caste in Vill- Banwasa of Sonipat district.
17.	Sonipat	2012	A Dalit girl gang raped by dominant caste.
18.	Yamunanagar	2012	A 16-year-old school girl complained to police that she was kidnapped and raped by two youths in Yamuna nagar.
19.	Fatehbad	2012	In village Ratia Town of Fatehabbad district a 13-year-old girl was allegedly raped by a food vendor outside her school for over four months. The accused allegedly used to lure the teen with fruits and then rape her.

Major incidences of atrocities against Dalits in Haryana-2005-2010

1.	Sonipat	31/08/05	Dalit Houses were looted and set it on fire by Jat Community after the death of a Dominant young boy on scuffle with Dalit boysin Gohana.
2.	Faridabad	24/07/05	Dalits were beaten by Dominant Caste people in Badhram village of Faridabad districtbecause they entered into the Temple. The perpetrator also alleged that one of the boys from Dalit community has stolen money from the Temple.
3.	Ambala	28/4/06	A minor Dalit boy was tortured by the police. The Railway Police tied his both hands and Legs and charged electric shock on him and put his hands into boiling water.
4.	Faridabad,	16/06/06	A pregnant Dalit woman was raped by police officer.
5.	Rohtak	08/07/06	Five Dominant Caste people gang raped a minor Dalit girl.
6.	Panipat	21/08/06	Dominant Caste people kidnapped a Dalit girl and murdered her father over land dispute.
7.	Jind	01/09/06	Dominant Caste people attacked 76 Dalit s families of Dalit Community when they opposed to physical assault against their women during a religious ceremony.
8.	Rewari	02/09/06	Dalit boy was beaten and urinated on his mouth by police and Dominant Caste people as his niece eloped with a youth from Dominant Caste.
9.	Jind	03/09/06	35 Dalit families were compelled to flee from the village dahola of Jind district over a land dispute.
10.	Salwan	26/02/07	Dalit houses were looted, Destroyed and burnt down by dominants as salwaan following a murder of Mahipal hailing from Rajput community by Dalit youth.
11.	Hissar	02/05/07	Five Dalit s including three women Allegedly subjected to humiliation and physical torture.
12.	Hissar	02/05/07	Five members of a Dalit family in mirchpur of Hissar district, which included three women are allegedly abused, physically tortured, with the help of his wife stripped them naked, and locked in the same room over an allegation of having homosexual relationship with his son 2½ back.
13.	Hissar	2010	The dominant caste Jat community in Mirchpur village of Hissar district of Haryana burnt alive a 17-year old Dalit girl and her 60-year old father and also looted and set fire to 18 Dalit houses, 2010

Reasons for Atrocities

Whenever Dalits Attempted.....

- *To avail themselves to Legal resources*
- *To assert their right to resources (Land, Water, Livelihood, Housing)*
- *To assert their rights to choice of occupation*
- *To their rights to participation on cultural life of the community (entering into the Temples or organizing religious ceremonies)*
- *To assert their right to vote*
- *To assert their rights to self dignity*
- *Dalits victimized to satisfy superstitions beliefs of dominant castes(Witchcraft, Human sacrifice)*

Non- Enforcement of SCs and STs [PoA] Act 1989 and Rules 1995: Brief Status

Though the Act was enacted in 1989, its performance has been most dissatisfaction after a decade of its enforcement. In most of the Cases in Haryana, the perpetrators easily evaded the arm of the law, usually not through any skill or cleverness of their own, but with the active or tacit connivance of law enforcement authorities. The police exploit various loopholes to enable the perpetrators to slip through with near impunity.

1. **Non-registration of cases in practice in Haryana:** Police resort to various machinations to discourage SCs/STs from registering cases. The methods police use are , pressurizing victims not to lodge complaints, threatening victims not to speak about incidents of violence, tampering with evidence, negligence and passivity towards victims, discouraging victims from registering cases and pressurising them to compromise cases, foisting false cases against victims .
2. **Refusing to register cases under SC/ST Act:** The cases registered during 1994 to 2007, out of 2421 around 81.54% of the cases have been registered under other legal provisions and only 18% of the cases are registered under PoA Act. During 2008, out of 341 cases against SCs, only 99 cases registered under PoA Act. Likewise, in 2009, out of total 303 cases, only 91 cases registered under PoA Act. In 2010, out of total 380, only 131 cases are registered under PoA Act. In 2011, out of total 408 cases, only 150 cases are registered under PoA and the rest of the cases are registered under other provision of the Act.
3. **Not citing proper sections of SC/ST Act:** In many cases where police do register a case under the Act, they cite improper sections. For serious crimes such as murder, rape, destruction of property, dispossession of land, fouling of drinking water sources, etc., police are only citing sec. 3(1)(x) from the Act, which relates to insulting or intimidating a SC/ST person with intent to humiliate him or her in public view.
4. **Shoddy Investigation and Charge Sheet not filed in 30 days or closing the cases as false cases:**During 2011, Out of 465 cases including pending cases from previous year, the huge number of 101 (22%) of the cases have been closed due to mistake of law or charge found false. At the end of the year around 18% of the cases are pending for the investigation.
5. **Trial and Conviction:** Public Prosecutors and Special Courts play a major role in presenting and arguing the case on behalf of Dalit victims. However, the majority of Public Prosecutors are non-Dalits who also feel that Dalits should not have rights and that non-Dalits have the privilege to attack Dalits and deny them any rights. Most of the cases are made weak on technical grounds and the judgment given is often in favour of the non-Dalit perpetrators. As mentioned in the Report card on 20 years implementation of Scheduled Castes & Scheduled Tribes (PoA) Act published by National Coalition for Strengthening POA Act, During 1992 to 1995, against 96.3% disposal rate for atrocity case in Haryana, the challenging of cases was only 68.8%.

Pendency rate in Haryana, 2005-2011, NCRB					
Year	Total number of cases for Trial	Convicted	Acquittal	Pending trial at the end of the year	Pendency Percentage
2005	619	21	102	496	80.1
2006	692	13	144	535	77.3
2007	703	44	142	517	73.5
2008	795	16	135	644	81.0
2009	853	50	225	576	67.5
2010	858	70	233	555	64.7
2011	830	34	228	568	68.4

Source- National Crime Record Bureau , 2005 to 2011

1. **Identification of atrocity prone areas:** Still the atrocity prone areas not declared in Haryana, though it has the ignominious record of heinous atrocities in Gohana, Budram, Mohammadpur, Jafergarh, Dahola and Salwan districts.
 2. **District Level Vigilance and Monitoring Committee:** As per Ministry of Social Justice and Empowerment published in the Agenda Notes, Out of 21 districts, not a single district has set up District Level Vigilance Committee to monitor the Atrocity cases.
 3. **State level Vigilance and Monitoring Committee:** As per Ministry of Social Justice and Empowerment published in the Agenda Notes, though there is a committee set up in the state, there is no regular meetings are taking place to review the atrocity cases. There is not a single meeting taken place during 2009 and in 2010 there is only one meeting took place in 13.5.2010.
 4. **Exclusive Special Courts:** There is no Exclusive special court to deal with the atrocity cases for speedy trial and prompt disposal of atrocity cases. During the period of 2007 to 2009 the pendency of cases in courts is 70% which is the highest rate comparing all other states.
- Annual Report of State Government-** The State Government shall, every year before the 1st July, forward the report to the Central Government about the measures taken for implementing the provisions of the Act and various schemes / plans framed by it during the previous calendar year(*Agenda Notes, Conference of State Ministers for Welfare / Social Justice, Ministry of Social Justice and Empowerment, 17-18/06/2011, New Delhi.*) . According to the Ministry of Social Justice and Empowerment, no reports received from Haryana during 2009-2010.



*Report Prepared by: Fact Finding Team Members
Photo Credit: Mehul Dabhi*

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For more copies kindly contact

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