

# Public Hearing: Discrimination and Atrocity on Dalit and Excluded Community in Bangladesh



The constitution of People's Republic of Bangladesh has recognized equal rights, dignity and non-discrimination as the fundamental rights of its citizen as well as the operational principles of the state by following the international standards. Despite the constitutional provisions, international standards and Government willingness, Dalit community in the country continuously face discrimination and atrocity regarding their lives and livelihoods because of their marginalized status. Being minority they often live with timidity to seek justice against atrocity. Along with complicated judicial process, influences of dominant caste in the judicial procedure often make the Dalit population out of justice. In this context, Nagorik Uddyog and Bangladesh Dalit and Excluded Right Movement (BDERM) organized a public hearing with a view to draw attention of concerned government authority, National Human Rights Commission, human rights organizations and activists, lawyers, academicians and civil society to the prevailing atrocity towards Dalit community. The event was organized on 21 and 22 December 2014 at CIRDAP Auditorium, Dhaka. In the public hearing nine (9) specific cases on discrimination based on untouchability, land grabbing and eviction, atrocity on livelihood, rape, murder etc. were presented and honorable juries made recommendation to ensure justice to the victims along with legal analysis by a legal expert.

The public hearing was graced by the presence of Ms. Nirupa Dewan, Honorary Member, National Human Right Commission (NHRC), as the Chief Guest. The juries were Ms. Shamsun Nahar Begum, Senior District Judge (Retired); Professor Mesbah Kamal, Department of History, University of Dhaka, Mr. Sheikh Hafizur Rahman, Associate Professor, Department of Law, University of Dhaka, Barrister Sarah Hossain, Executive Director (Honorary), BLAST and Advocate Narayan Chandra Chormakar, Lawyer and also a member of Dalit community. Mr. Shahriar Shakir, Lawyer, Supreme Court of Bangladesh acted as legal analyst in the public hearing. The event was facilitated by Mr. Zakir Hossain, Chief Executive, Nagorik Uddyog and Advisor, BDERM.

A brief of the cases discussed in the hearing by the victim

## **Untouchability**

1) Like other areas, Dalits in Gaibandha district are not allowed to have or buy food at any local restaurant. Even they do not have access to hair dresser too. Rajesh Basfor, a member of Basfor community in Bonarpara, Saghata Upazila under Gaibandha district was beaten by a restaurant owner and staffs when he wanted to buy some chapati near Bonarpara rail station. Rajesh informed the Upazila administration and chairman of Union Parishad about the incident. But no action taken except rebuking the restaurant owner for beating the victim. The administrations avoid the issue saying that as there is no law in the country to address the practice of untouchability, they cannot do anything.

2) Like Gaibandha, Rishi community of Dhalgram village under Bagharpara upazila of Jessore did not have access to the restaurants in the bazar over 100 years. Surjo Biswas, a journalist of Rishi community brought the issue in the hearing. He shared that many times they protested such practice of untouchability but the situation remain unchanged. In 2013, they submitted a petition to the Deputy Commissioner (DC) and Superintendent of Police of Jessore to end such inhuman practice. DC undertook investigation and circulated a government directive to stop such practice and asked the Police authority to oversee the implementation of the notice. Now Rishi community has access to restaurant at Dhalgram Bazar only but still in six other unions of the Upazila, Dalit community is not allowed to have food sitting in the restaurant.

## **Violence against Dalit girls/women**

3) Arpita Rani Das, a 12 year old girl child of Guabaria village under sadar Upazila of Pirojpur District, was raped and murdered on 28 June 2013. As the victim's family is very poor and belonged to Dalit community, the police did not pay proper attention to the case. The main perpetrator was arrested but got bail immediately. Then the victim of the family is receiving constant threat to withdraw allegation. Being afraid of life, victim's family has to live in other places.

4) Champa (pseudonym), a Dalit girl of 16 years was raped in her house on 21 September, 2014 at night but the rapist set free in the guise of mediation by his associates and family members. She is the daughter of Surya Chandra Robidas of Sundarganj Municipality under Gaibandha District. At first police did not allow any FIR in this regard. But pressure from the Dalit and human rights activists made them to lodge a case. The medical test of the victim has not been made yet. The main culprit still at large while two of his associates have been arrested. The victim's father revealed that last year his shop in the lease land was gutted by the miscreant and over 10 bighas of his land was grabbed by the others though he has all documents in hand. The rape on his daughter might be happened to evict him from this locality which help them to grab his land easiest way.

5) Golapi Robidas, a widow of Chandpur Union under Pachbibi upazila of Joypurhat put in to a false case of possessing half litter of wine. This happened as he did not accept the proposal of physical relation with a member of Union Parishad. Being influenced by the perpetrator police broke into her house and found nothing unusual. But taking her into the police station they pressed her to give money as bribe to get free. As Golapi failed to meet their demand they appeared her in the court and she remained in jail for few months. Now the charge sheet against her has been submitted.

## **Land grabbing and eviction**

6) Satish Chandra Mondal has 34 acres high land and 16 acres agricultural land beside a project of Land and Housing Development Company. The company several times offered Satish to sell his land which was his ancestral property and only support for living and livelihood. Being refused by Satish the company cut down his high land and filled up agrograin land with sand. Satish filed a FIR with local police station but they did not help her due to influence of the company rather they suggested Satish to take the offer of the land grabbing company.

7) Sono Mridha and Kajali Mridha were tea laborer in the Lakhaichara tea garden. They used to plant fruit tree, vegetable and crop around their house where they live over 100 years for generation. Last year, the tea company destroyed their crops, cut down trees without any notice to extend tea plantation. They paid very low for as a tea labor, crops and other plants around their houses was important supplement to their livelihood.

8) Around 600 people of 198 families of Rabidas community used to live in the khas (government owned land) land in the western khal area of Wari in Dhaka. One influential person in the locality bought some land behind the colony few years back. Then he tried to evict the house of the Dalit in the name of extension of road and demolished some houses. Thus gradually he is grabbing the land and houses of the Rabidas families through threatening, physical assault, financial temptation etc. Even he tried to demolish a temple of Rabidas colony.

## **Atrocity on livelihood:**

9) Around 34 families of Pal community live in the Bamunia Pal para under Sonatola Upazila of Bogra District. This year, after the national parliament election, some unknown demolished their raw potteries worth over lakh takas which was also their only means of livelihood. In August, 2014 Pal community of Aria Palpara of the same District faced similar incident. Some miscreants demolished their thousands of potteries in the dark of night. In both cases, administration did not take any positive action to identify the culprit. The neighbors belong to Muslim community, used to say that they should feel lucky to live in this air and land, let alone justice.

## **Recommendations of Chief Guest and Jury Board Members**

- NHRC and the jury board members took the cases of violence and atrocities against Dalit girls/women very seriously and will provide all sorts of support to ensure justice. A team of civil society members would visit the areas, meet concerned authority and undertake regular monitoring and follow-up services to ensure speedy trial of the case. The rape victim should be encouraged to continue her study and other social activities (for case no. 4). The family members of Arpita rape and murder case (case no. 3) may submit a petition under section 107 of the Code of Criminal Procedure 1898 to the court of the executive magistrate for their protection.
- The cases should be shared with the concerned ministries, National Human Rights Commission, Member of Parliament to take proper action by the responsible government department.

- In the land grabbing cases, long term strategy need to be set. The community has to be organized and collectively defend the land grabbers where whole community is at risk of eviction from their land. Tea laborers of Lakhaichara live in their places over centuries. So legally they have opportunity to claim the land. A writ petition may be submitted to the high court under article 102 of the constitution of People's Republic of Bangladesh to protect the lives and livelihood of tea laborer at tea garden. For case no. 6 at Savar of Dhaka, a case may be filed at the court of of the executive magistrate under the section 145 of Code of Criminal Procedure 1898.
- Public awareness against untouchability is important. We have to create mass consciousness against untouchability at community and national level.
- Building communication with organizations for support towards Dalit community. Even it is important to communicate and consult with political parties against atrocity on Dalit communities.
- Involve National Human Rights Commission about atrocity on Dalit and Excluded communities and inform all cases to the Committee for Marginalized and Dalit communities of NHRC.
- The victim of false case (case no. 5) Golapi can submit a discharge application to the court before framing of the charge by the court.
- A writ petition can be submitted to the High Court under article 102 of the constitution of People's Republic of Bangladesh according to PIL to have a direction from the high court against untouchability.