



**Can Law Overcome Social Exclusion of *Dalit* Communities at village level?
Two villages of Uttar Pradesh, India**

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**Deepak Singh
(India)**

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Members of the examining committee:

Prof. Dr. Ashwani Saith (Supervisor)

Dr. Rachel Kurian (Co-Supervisor)

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For Enquires:

Postal Address:

Institute of Social Studies
P.O. Box 29776
2502 LT the Hague
The Netherlands

Tel: +31-704260460

Email: Vdieren@iss.nl

www.iss.nl

Location:

Institute of Social Studies
Kortenaerkade 12
2518 AX The Hague
The Netherlands

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Acronyms

BPL	Below Poverty Line in India
BDO	Block Development Officer/Office
BJP	Bhartiya Janta Party
BSP	Bahujan Samaj Party
CPRC	Chronic Poverty Research Centre
CNI-SBSS	Church of North India-Synodical Board of Social Services
DBSS	Diocesan Board of Social Services
EIDHR	European Initiative for Democracy and Human Rights
FGD	Focus Group Discussion
FIR	First Information Report
GS	Gram Sabha
HRW	Human Rights Watch
IAY	Indira Awas Yojna (Indira Housing Scheme)
MBSY	Mahamaya Garib Balika Ashirwad Yojna
NCDHR	National Campaign for <i>Dalit</i> Human Rights
NREGA	National Rural Employment Guarantee Act
OBC	Other Backward Caste
PUDR	People's Union for Democratic Rights
RTI	Right to Information Act 2005
SC	Scheduled Castes
SHO	Station House Officer
SOP	Standard Operating Procedure
SPBSY	Savitribai Phule Balika Shiksha Madad Yojna
SSP	Senior Superintendent of Police
ST	Schedule Tribes
SP	Samajwadi Party
TB	Tuberculosis
UNODC	United Nations Office on Drugs and Crime

Glossary

<i>Ambedkar Village</i>	:	The most preferred village for Development in U.P. province for the SC/ST community, named after Dr. B.R. Ambedkar, a great <i>Dalit</i> leader and chairman of Indian constitution drafting committee
<i>Antodaya card</i>	:	An identity card or social security card given to Economically most backward person
<i>Awagarh</i>	:	A development block of Etah district falls under Sub-division of Jalesar Tehsil
<i>Bahujan Samaj Party</i>	:	A national political party basically dominant in U.P. provincial politics. Majority of the supporters of the party belongs to lower caste strata (SC/ST) of the society.
<i>Balmiki</i>	:	The “Untouchable” or ‘outcaste’ professionally sweepers. The lowest not only in the caste hierarchy but also one of the most vulnerable in sub-caste
<i>Bandhua Mukti Morcha</i>	:	Bonded Labour Action Group
<i>Barai Kalyanpur</i>	:	One of the villages comes under <i>Barai Kalyanpur</i> Panchayat area
<i>Bigha</i>	:	1/5 of an acre land
<i>Brahmin</i>	:	Priestly class and the upper most in caste Hierarchy
<i>Dalit</i>	:	The ‘untouchable’, downtrodden communities, Lowest in hierarchy of Indian caste system
<i>DBSS Agra</i>	:	A faith based organization and Justice and Development wing of Diocese of Agra, Church of North India that is working with the rural <i>Dalits</i> irrespective of religion.
<i>Dhobi</i>	:	The scheduled caste ‘washer man’ community
<i>Etah</i>	:	One of the districts of U.P. Province
<i>Indira Awas Yojna</i>	:	A central government housing scheme for BPL Families, named after late prime minister of India Mrs. Indira Gandhi
<i>Jalesar Tehsil</i>	:	District sub-division of Etah
<i>Kanoongo</i>	:	Land Revenue officer
<i>Kharanja</i>	:	A path made of clay bricks

<i>Kori</i>	:	The scheduled caste weaving community
<i>Land Patta</i>	:	Land registration certificate
<i>Mahamaya Balika Samridhi Yojna</i>	:	U.P. state government's welfare schemes for the girls belonging to BPL families in U.P.
<i>Nagla Bakhti</i>	:	One of the villages comes under <i>Misakalan</i> Panchayat area
<i>One Lakh</i>	:	One hundred Thousands
<i>Panchayat</i>	:	A body of elected members from villages/wards in a Panchayat area for local self governance
<i>Patwari</i>	:	The government employee who measure land and keeps the record in sub-division office of a District
<i>Samajwadi Party</i>	:	A political party basically dominates in U.P. provincial Politics. Majority of the supporters of the party are Yadav and Muslims in U.P.
<i>Sarpanch</i>	:	President of Panchayat executive committee
<i>Savitribai Phule Balika Shiksha Yojna</i>	:	U.P. State government welfare schemes for Higher education of girl child in U.P.
<i>Thakur</i>	:	The landlords and upper caste in caste hierarchy

Abstract

This study is concerned with the effectiveness of progressive laws in promoting the livelihood and personal securities of the Dalit community in villages in India. Using a social exclusion framework to identify the forms of discrimination and disadvantage experienced by the Dalits, field research was conducted in two villages in the Etah District of Uttar Pradesh, a context associated with a high population of Dalits with tensions between them and the dominant castes. Both these villages have similar socio-economic characteristics; however, while the village of Nagla Bakhti is a “common” or ‘typical’ village Barai Kalyanpur had been identified by the State Government as an Ambedkar village and associated therefore with special welfare and other programmes to better the situation of the Dalits. Such comparative analyses reflect the usefulness of progressive laws and special programmes, while at the same time, providing an understanding of the ways in which the Dalits themselves challenge the status quo as a consequence of these interventions.

The study shows that while the laws passed at the Central level have progressive characteristics, their influence in promoting the livelihood and personal security of the Dalit communities in both villages is limited. The various arms of the state (government officials, police, judiciary etc) in both villages continue to support the vested interests at the village level. This means in reality, the perpetuation of the traditional caste-dominated patterns of control and violence and continued livelihood and personal insecurity on the part of the Dalits. The situation of Dalit women is often worse than that of their men, as existing patriarchal norms and practices place them in a subordinate position. The study shows that in spite of the formal increase in electoral strength, there continues to be a deficit with regard to deep democracy for the Dalit communities in the villages. Thus study underscores the need for a political response on Dalit security in villages and suggests *power to people* as the key for political persuasion.

Key Words: Personal and Livelihood Protection, Law, Government Welfare Programs, Social Exclusion, Rural Dalit, Uttar Pradesh, India

Relevance to Development Studies

The study reveals multifarious combination of laws and welfare programs attached to an individual and community development, and illustrates that failing to protect and promote *Dalits* in villages is not just individual failing of laws and program but a system failure. Thus study calls for a political response on Dalit security in villages. The study innovatively use some of the approaches e.g. while it investigates issue at individual level, it's emphasis remains more on identity based collective exclusion of rural Dalit communities. Second, it analyses the issue in comparative manner with gender lenses that highlights the position of *Dalit* women.

Chapter 1

Livelihood and personal security of *Dalits* in India:

Framework of the research

1.1 Introduction

The caste system of social stratification in India has been the basis of continued social discrimination of the lowest strata or “outcastes” most notably through the practice of ‘untouchability’ and other severe forms of exclusion. The latter group has, in the recent period, adopted the term “*Dalit*”, (literally meaning ‘ground down’) – to refer to themselves, this term reflecting not only their state of oppression, but also an assertion of their identity and their collective power for emancipation (I.D.S.N. 2007: p.3). The government uses the term ‘Scheduled Castes’ to refer to the *Dalits*. According to the 1991 census they accounted for a population of 138.2 million, 85% of whom lived in villages (Planning Commission 2002-2007: p.405). In 2001 these communities constituted 167 million people or 16.2% of the total population of India (Thorat 2005, p4)¹.

While caste discrimination had historically discriminated against the *Dalits*, their plight was recognised by political activists who increasingly took up their cause, and struggled to enact legislation to counter these aspects. Of particular importance was the role of Bhimrao Ramji Ambedkar, who became the first law Minister after Independence, and who also was the main author of the Indian Constitution. In a major break with the past, the new Constitution, which was adopted in November 1949, abolished untouchability, and introduced a system of reservations in the public services, including jobs in the civil services, schools and colleges for persons from the scheduled castes and scheduled tribes. Since then there are efforts from the Indian state to develop specific policies for economic, social, and political empowerment of the *Dalits*. Thorat (2005) sees them as two-fold strategy of the government to overcome the deprivation of the SCs and STs. These include (a) measures and safeguards against discrimination and for equal-opportunity in economic, civil, education and political spheres; and (b) developmental and empowering measures particularly in economic, education and social spheres (Thorat 2005: p.8)².

¹ However, 10th five-year plan 2002-2007 count them 179.7 million, representing 17.5 per cent.

² Thorat and Mahamallick, CPRC working paper 33, p.8

The preventive method against discrimination include legislations i.e. Anti-untouchability Act, 1955 (later known as Protection of Civil Rights Act in 1979), and the Scheduled Caste/Tribe Prevention of Atrocities Act, 1989. This Act was significant in that it prevented the commission of atrocities against the members of the Scheduled Castes and the Scheduled Tribes and provided special courts for the trial of such offences. By this Act, courts are empowered to compound offences under SC and ST Act 1989 and PCRA 1976. The Public Prosecutor is the officer of the court who has the authority to assist the court in dispensing justice, Section 18 of the Act specifies that Section 438 of the Criminal Penal Code has no application to persons committing an offence under the Act (Singh 2003: p254). The first legislation treats the practice of untouchability and discrimination in public places, and community life as an offence. The second legislation provides legal protection to the SCs and STs against violence and atrocities by the higher castes. However, as Thorat has pointed out, existing laws have not been adequately thought through from a *Dalit* perspective (Thorat 2005: p.4)

Further to these legal protections against discrimination and violence, the government made its efforts to guarantee equal opportunity and scope for participation in the economic and political processes through the 'Reservation Policy'. This policy ensures a specific reserved quota (based on proportion of the population) for the lowest castes in Government and other services, educational institutions, public housing, and in various democratic bodies. These proactive measures are used to ensure proportional participation of the SCs and STs in various public spheres, which otherwise may not have been possible due to the residual and continuing caste and untouchability based exclusion and discrimination. As a result of the processes, there were introduced a series of new legislations³, amendments, commissions⁴, international conventions⁵, and welfare programs to ensure protection and promotion of the most deprived communities. For example, the Indira Awas Yojna programme aims at helping rural people below the poverty-line belonging to SCs/STs, freed bonded labourers and non-SC/ST categories in the construction of dwelling units and upgrading of existing unserviceable *kutchha* houses by providing grant-in-aid. In addition the Government supported the rural employment of the poor by the enactment of the Act No. 42 of 2005 - called the National Rural Employment Guarantee Act. The Act provides a guarantee for rural employment to householders whose adult members volunteer to do unskilled manual work not less than 100 days of such

3 RTI 2005, NREGA 2005, Social Security Act 2007, Domestic Violence against Women Act 2005.

4 NHRC1993, State Human Rights Commissions, National Commission for SC/ST 1978-2004, National Commission for Women 1990, National Commission for Minorities 1992

5 Universal Declaration of Human Rights 1948, International Covenant on Civil and Political Rights1966-Article8, ILO conventions 29, 105 (See '*Liberation from Bondage*', published by Volunteers for Social Justice, 2003 Chandigarh, India), CEDAW 1979 (Irudayam 2006: p.3)

work in a financial year in accordance with the scheme made under the Act. If an applicant is not provided with employment within 15 days he or she shall be entitled to unemployment allowance.

While state legislation is often top-down, the removal of social discrimination can also be promoted by a more bottom-up process related to the participation of *Dalits* in the democratic structure. With a history of over 60 years of electoral voting, and influenced by demographic factors, one can see important shifts in regional and national level power structures with increased political solidarity and consciousness among the *Dalit* communities. However, there is less evidence of this strength at the village level – where most of the *Dalits* are concentrated.

1.2 Research Rationale and Objectives

Given the extensive enactment of laws and policies, it is useful to study the extent to which they have been effective in removing the social discrimination experienced by the *Dalits* in India. In other words, it is important to understand the extent to which these laws have been able to achieve their objectives (Barbara Harris-White 2006: p.1) and how has the state, the legislature, the police, the bureaucracy and the other arms of the government protected the *Dalits* and supported the effective implementation of these laws. It is also important to see if and how electoral strength which is gaining at the national and regional levels can also be exercised at the level of the villages – can the rural *Dalit* ever go beyond electoral democracy and exercise deep-democracy in villages.

The objective of this study is to understand the meaning and usefulness of the law for the reality of *Dalit* communities with particular emphasis on their livelihood and personal security. It also investigates if and to what extent the traditional power position of the dominant castes in relation to both land and influence in state institutions has been challenged through progressive policies and programmes. A related objective is to understand the democratic power of the *Dalits* at the village level and the extent to which it has been able to challenge existing norms and practices. Attention is given wherever possible to the gendered nature of the different processes involved.

The study is specifically concerned with analysing the extent to which changes with regard to livelihood and personal security can be improved through the concept of Ambedkar villages, the latter identified as a priority for development by the Government of Uttar Pradesh for Scheduled

Castes and Scheduled Tribes, and directly monitored by the government's principle secretary who reports to the Chief Minister of the Province.

1.3 Research Question: As mentioned above; the study focuses on two aspects of social exclusion i.e. livelihood security and personal protection of Rural *Dalits*, and questions “Can law overcome social exclusion of *Dalit* communities in Indian villages?” In fact, the question aims to investigate institutional processes in which laws and government programs are executed through police, judiciary, bureaucracy and *Panchayat* in villages; and further to analyse democratic power of *Dalit* communities in villages as why it has not been developed into deep democracy to check their social exclusion.

1.4 Methodology

The study uses a comparative approach to understand the effectiveness of laws in promoting the livelihood and personal security of *Dalits*. It studies two villages, one of which is an Ambedkar village *Barai Kalyanpur*, and the other a common village *Nagla Bakhti* in the same district Etah in order to analyse the significance of positive programmes (conducted in the Ambedkar village) in supporting the empowerment of the *Dalits*.

The research develops and uses the concept of social exclusion (chapter 2) to understand the ways in which *Dalits* are discriminated and disadvantaged in society, and studies the specific laws and government programmes⁶ related to personal protection and livelihood promotion, evaluates their implementation processes (interaction between laws, social structures, state's institutions and local people) in a relative and gender sensitive manner at village level, and then highlights some of the potential areas for political persuasion. In this regard, it combines Rights Based, Group Based and Institutional based methods⁷ to analyse social exclusion in each village.

⁶ Here law is perceived as broad objective for desired protection and livelihood promotion of *Dalit* communities while programs through which it is ensured by the state. However in some cases e.g. NREGA for rural livelihood promotion, law is in the form of welfare program of the state.

⁷ **Rights-focused** studies have examined the factors or events which determine whether people are able to secure those rights which affect livelihoods.

Group-based investigations identify specific social categories and detail their relative deprivation [ILO 1996: 17].

The institutional approach, seeks to draw links between: "the ability of certain categories of persons to participate in social life (and) the evolving nature of: It is possible to merge approaches. For example, the group- and institution-based approaches can be pursued at the same time by examining the participation and interaction of a particular social group in and with a series of institutions. <http://www.chronicpoverty.org/page/toolbox-social-exclusion>

1.5.1 The context of the region, Etah District: This section provides relevant details of the regional context in which research was carried out in two villages of Etah District.

i. Agricultural land distribution and caste



Fig 1: Geographical Map of District Etah
 Panchayat Barai Kalyanpur
 Village Nagla Bakhti in Misakala Panchayat

Etah falls under the category of ‘agricultural dominated districts’. The district depends mainly upon ground water resources for about 70% of its irrigation. A limited area also receives surface water irrigation mainly through Lower Ganga canal and Upper Ganga canal.

Most of Etah District and particularly in *Awagarh* block is an area affected by salt. According to study conducted by R.K. Saxena et al. 1991, out of 4.45 *Lakh* ha of the area, 1.99 *Lakh* ha is affected

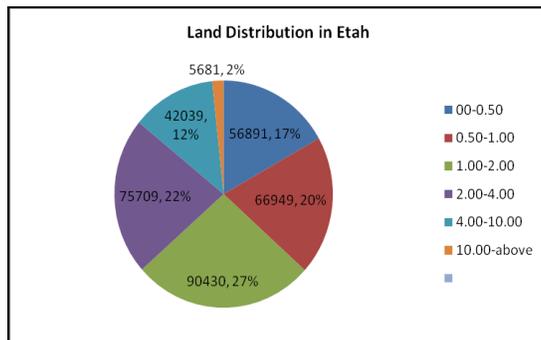
Table 1

Table 6. Length of canal and extent of salt-affected area

Blocks	Length of Canal (km)	Salt affected area (ha)
Nidhuni Kalam	73	421
Jalesar	71	1361
Awagarh	95	4343
Marehra	21	19

Source: National Bureau of Soil Survey and Land Use Planning, Nagpur - 440 010 (India) in R K SAXENA et al. 1991 p91

by various soil-degradation hazards. About 56,571 ha of land is affected by salinity/alkalinity and another 90,011 ha land is likely to be affected, if proper control measures are not adopted (R. K. Saxena 1991: p.88). Most of salt degraded land, which was distributed under state land distribution scheme, is owned by the *Dalits*.



Graph 1 : Land Distribution in Etah in Ha,
Source: Author's own work based on District Settlement Report of Etah, 2008

There is unevenness in land ownership on the basis of caste. As per district settlement report (as shown in the graph 1) out of total 387989 agriculture farms in 337699 ha; 285796 people own from 0-1 ha land that contains total 123840 ha @ 0.43 ha/person while 401 big farmers, mostly from upper castes, owns total 5681 ha @14.16 ha/per person(District Administration 2008: p.11). The Majority of the people who own 0-1 ha piece of land⁸ are from *Dalit* background. It is important to note that 0-1 ha category includes landless agriculture labourers too, but the report does not mention their number, which again goes to *Dalit* communities.

ii. Status of *Dalits* in the District

Etah is predominantly a rural population (Table 2) of Hindu religion including the *Dalits*. Many *Dalits* have accepted Christianity as their faith. But, due to national policy there is a fear of losing schedule caste benefits if the *Dalits* register themselves as Christian as there is no SC benefit for a Christian *Dalits*. Therefore, many Christian *Dalits* are still counted as Hindu *Dalit*. Although, the status of such *Dalits* includes them in national policy, their social status remains unaccepted in villages.

⁸ most of the land is affected by salinity

Etah was founded in 1852 during British rule, although historically from 76-176 AD the famous King Kanishka, Vashishk, Huvashishk and Vasudev ruled it. They belong to the *Kushan* and *Yadu* dynasty (District Administration 2008: p.1). From 14-17 centuries, the area was dominated by the Mughal rulers.

Table 2: Demography of religious groups in Etah

S. No.	Religion	Total Population	Rural	Urban	Percentage
1	2	3	4	5	6
1.	Hindu	2434856	2118279	316577	87.26
2.	Muslim	319386	163810	155576	11.45
3.	Christian	4272	2773	1499	0.15
4.	Sikh	5084	2756	2328	0.18
5.	Buddhism	18815	17320	1495	0.67
6.	Jain	7013	981	6032	0.25
7.	Other	23	20	3	0.00
8.	Did not tell	961	808	153	0.03
	Total	2790410	2306347	483663	100.00

Source: District settlement report 2008 of Etah

Thus the attitude and behaviour of the *Thakur* and *Yadav* communities can easily be identified as ruling caste and class while the majority of the Muslim and Christians who converted during Mughal and British rule belong to *Dalit* communities.

iii. Law and Order in Etah

There are 28 police stations in the district of which 17 are in urban and 11 in rural areas. However, the district is known as ‘politically hyper sensitive’ and ‘The kidnapping capital of Uttar Pradesh’. The murder of more than 80 people with political affiliations has been reported from Etah since the Samajwadi Party (SP) came to power with 11 people being killed in the 2006 *Panchayat* polls alone. Etah is an SP stronghold with all eight seats having sitting SP MLAs. Its main rival is the Bahujan Samaj Party (BSP), the *Dalit* political party in the province. Out of the 1,503 villages in the district, 1,279 had been declared hyper-sensitive by the election commission of India. Indian Express reported that police busted as many as 53 arms factories and recovered close to 450 illegal weapons in just two weeks during elections. The district has nearly 24,000 licensed weapons of which 22,000 were deposited by the police. (Indian Express 2007)

1.5.2 Research site and rationale for choice of villages:

The village *Barai Kalyanpur* is an “*Ambedkar Village*” while village *Nagla Bakhti* falls under the general category of common villages. Both villages are socio-economically extremely backward with a substantial *Dalit* population. These two villages are uniquely different from each other in policy implementation and monitoring processes. Under the *Ambedkar village* development scheme, *Barai Kalyanpur* is centrally monitored for its development initiatives. The *Ambedkar village* development aims at uplifting the rural poor particularly those belonging to SC/ST communities. The concentration of SC population is the basic criterion for the selection of villages within an Assembly Constituency. It receives a package of 11 welfare schemes⁹, which are monitored by ‘Ambedkar Cell’ headed by the principal secretary to the provincial Government. The ultimate responsibility of implementation rests with the distinct officers and downward units of organization at block and villages. While in contrast, *Nagla Bakhti* as a common village does not receive such importance in the implementation and monitoring process nor does it receive a package of extra development schemes. The development in the village is governed through the *Panchayat* and BDO office. Though both villages fall under *Awagarh* development block, in privileges and governance they differ from each other. Thus, these two villages were identified to have a comparative study of the implementation process of laws and schemes for *Dalit* communities and to assess whether the implementation of laws comparatively make any difference for *Dalit*?

1.6 Primary and Secondary Data

As a part of desk research, initial information was collected for this study from government websites, online academic journals, scholarly written articles and books available at ISS library in The Hague, Netherlands. Thereafter, as a part of field research, more specific secondary and primary data was gathered in India from the District Information Office of Etah district, Block Development Office (BDO) of *Awagarh*, DBSS Agra, National Campaign for *Dalit* Human Rights (NCDHR) New Delhi, and official records of *Barai Kalyanpur* and *Misakala Panchayats*.

The data (qualitative and quantitative) related to the demographic profile of the region and village (on the basis of caste, class-occupation, and gender), implementation status of laws (NREGA, Bonded Labour, SC/ST act, RTI act, Social Security Act, Land Act), schemes (Pensions for Widow,

⁹ The development programmes for saturation in Ambedkar villages are: Link Road, Rural electrification Nali/Khadnja Rural Sanitation, Free Boring, IRDP, Indira Awas Yojana, Drinking water, Primary School Building, Kisan Pension, Widow Pension <http://information.up.nic.in/>

Old and Handicapped; IAY, Mahamaya Balika Samridhi Yojna, Savitribai Phule Balika Yojna, BPL and Antodaya cards and its benefit) and their status. Analysis of secondary data provided a necessary specific base to interact with local village people, NGO workers, *Panchayat* Members, *Sarpanch*, BDO and Administrative authorities.

Semi-structured interviews for case studies, focus group discussions and public hearings (Annexure 5, 6) were organized and observed in order to cross check the findings from secondary data and consolidate facts with live examples. In each village, interaction was classified with BPL & IAY beneficiaries, NREGA workers, Women and men SHGs, interviews with victims of caste and gender violence, interviews with *Dalit Panchayat* members. Furthermore, interviews were conducted with *Sarpanch* of concerned village *Panchayats*, BDO *Amargarh*, and leaders of NCDHR New Delhi respectively (Annexure 7). A proper introduction to the research was given to each interviewee and his/her prior permission was given to publish the data.

While the villagers disclosed their identity for publication, this study uses pseudo names as it was deemed necessary to protect the people, given the high degree of violence in the district. However, if required in any particular case that benefits people in these villages, real names are available from the author.

1.7 Organisation of the Paper

The first chapter introduces the problem, context, methodology and the overall framework of the research. Chapter 2 develops the concept of social exclusion, which has been applied to analyse the situation of the *Dalits* in the villages. Chapters 3 and 4 are in-depth studies of the two villages (first at *Nagla Bakhti* and then *Barai Kalyanpur*). Chapter 5 discusses major findings and responses for political persuasion.

Chapter 2

Social Exclusion: A Conceptual Framework from the *Dalit* Perspective

2.1 Introduction:

This chapter explores and develops the validity of the concept of social exclusion to analyse the deprivation, discrimination and violence experienced by rural *Dalits* in a caste ridden rural context of India. This concept is viewed as useful as it provides wide-ranging analysis on inter-group inequalities and the resultant inter-group conflict. According to Thorat (2008) the concern about social exclusion is precisely because of its linkages with underdevelopment and inequality, and because it produces poverty in the excluded groups and inter-group conflict. (S. Thorat 2008: p.171).

2.2 Social Exclusion Analytical Concept and Application

The concept of social exclusion has been developed since the 1970s (Sen 2000: p.1) by many scholars¹⁰ (Sen In S. Thorat 2008: p.166). However, this study focuses on only some of the literatures that reflect upon the issues relating to personal protection and livelihood promotion of the *Dalits* in Indian villages.

Thorat (2005) explains that, in India, exclusion revolves around social processes and institutions that exclude, discriminate, isolate and deprive some groups because of ascribed rather than achieved features, beyond individual agency or responsibility (Thorat 2005: p.4). These social processes and institutions in villages are basically constituted around; firstly, the caste system, which governs relations between individuals, and even more between groups, through its principles of segmentation,¹¹ exclusion, and humiliation (Guru 2000)¹². Secondly there is patriarchy, which defines the terms of gender relations, gives women a subservient role, denying them the benefits of equal citizenship (Menon 1999)¹³. Thirdly there is land, which provides the material basis for social life and sets the conditions for a social exchange in the countryside. Access to land, and the struggle over it, is of fundamental importance for the livelihood and most often is the cause of violence. The nature of the power matrix becomes obvious when the landholding patterns are superimposed on

¹⁰ Silver (1995), p. 60. See also Gore and Figueiredo (Gore 1994,1997) and de Haan and Maxwell (Haan 1998).

¹¹ "Satish Sabherwal, "Civilization, Constitution, Democracy," India's Living Constitution, eds. Hasan, Sridharan, and Sudarshan, pp. 1-30.

¹² Gopal Guru, "*Dalit*: Reflections on the Search for Inclusion," Contemporary India: Transitions, eds. Peter R. de Souza (New Delhi: Sage Publications, 2000), pp. 59.

¹³ Nivedita Menon, ed., Gender and Politics in India (New Delhi: Oxford University Press, 1999).

the caste profile of a region.¹⁴ The *Dalits* by and large are not only the humiliated castes but also the dispossessed castes (Desouza 2003: p.105). It illustrates that deprivation and social exclusion among *Dalits* is a multidimensional phenomenon (Chronic Poverty Research Centre 2009)¹⁵ and their lives are affected by the inter-relationships between economic and social institutions (Silver 1994: ch.3), which, in turn, determine their mobilities and creates 'unfavourable exclusion' and 'unfavourable inclusion' (Thorat and Mahamallick 2005, p5) in personal and livelihood protection.

The debate moves further as to whether *Dalits* are included in laws without strong socio-economic empowerment and checks and balances in institutional processes. If it is yes, then who makes the laws, for whom and who governs them? In other words, what is the role of the state (Anna Coates 2001: pg11)? This is one of the crucial areas in social exclusion analysis as *Dalits* find themselves quite privileged with the laws that are in place - but remain deprived in terms of their access to personal protection and promotion of their livelihood. According to Commins this points to 'system failures' rather than to individual failings as causes of social exclusion (Commins 2004: p.60)

To study the level of exclusion in relative term, Amartya Sen's work on 'entitlements' and 'vulnerability' approach, is viewed with the notions of 'relative poverty'¹⁶ (Sen 2000: p.6). This can comparatively spell out exclusion of the *Dalits* from participation in social, political and economic processes that create conditions for the persistence of chronic poverty for the excluded and discriminated groups (Thorat S. & M. Mahamallick 2007: p.4). Relative poverty or deprivation in this study is used both for caste and gender analysis.

Thus, the analytical framework adopted for this research is basically concerned with the manner in which different social agents interact and the processes and systems that lead to discrimination and unequal access to benefits that are supposed to be available to all (Saul Banda 2007: 2). It examines multidimensional, institutional, relative, and micro-macro aspects of social exclusion in implementation processes of law and government welfare programs, and identifies the factors and actors that create personal and livelihood insecurity among rural *Dalits*. It does so, first, through

¹⁴The National Institute of Rural Development recognizes this link between land, markets, and social institutions such as caste. It sees "land and agrarian reforms (as the) unfinished agenda of the last five decades. Even if its scope is severely restricted in the present day due to demographic pressure, access to land, its optimal use, investment, and cooperation are possible only if such reforms are put in place. Land reform is not just distribution of land. It aims to break the land-caste based controls, guarantee access to technology and credit, and create conditions for maximum production and marketable surplus, all so necessary for rural transformation." NIRD, India: Rural Development Report 1999, p. 121 (N.I.R.D. 1999)

¹⁵ <http://www.chronicpoverty.org/page/toolbox-social-exclusion>.

¹⁶ Comparison between *Dalit* and 'upper castes', and women and men both at vertical and horizontal level.

directing more attention to the relationships between poverty and agency; and second, by providing a framework to draw together separate literatures on access to land, employment, organization and representation and social services and to inter-relate them in a way, which illuminates the path of social change.

However there are also a few discerning areas in the concept of social exclusion. Firstly, Higgs and White explains that the understanding of social exclusion is still rudimentary, even in individual countries like the UK that is known for strong social research tradition, although the nature of deprivation is a relatively well-researched theme (Higgs G. And S. White 1996: p.3). Commins argues through Chapman and others, that studies have not yet addressed the central questions of 'system failures', nor examined the impact of major changes at global or national levels for people living in the rural areas (Commins 2004: p.60). Therefore, study would also verify it during empirical studies.

Secondly, though social exclusion of *Dalit* as a community is a wide open issue in India and abroad¹⁷, literature¹⁸ on social exclusion emphasised at individual level. Sen's capability analysis¹⁹ also discusses more at an individual level. Though this view offers the possibility of looking at the development intervention at an individual level, which includes both women and men, it suppresses political issue of identity based collective²⁰ exclusion in particular case of *Dalit* communities in India. Thorat (2008, p.168) provides important insights in this regard, however his collective assessment from the *Dalit* perspective restrains to explain position of women and the extreme poor within *Dalit* groups. Thus, in this context, study on *Dalit* exclusion requires effort that merges individual & collective analysis in an interactive manner for a developmental and political response. Therefore this study, whilst keeping an eye on individual units emphasises identity based collective exclusion of *Dalit* communities in Indian villages.

17 The *Dalit* or so-called untouchables of South Asia-including Nepal, Bangladesh, India, Sri Lanka, and Pakistan-the Buraku people of Japan, the Osu of Nigeria's Igbo people, and certain groups in Senegal and Mauritania. (Report by HRW for UN, Sept. 2001: ch.1, hrw.org)

18 The European Union joint inclusion report describes social exclusion as a process whereby individuals gain the opportunities....(European Union, Joint Inclusion Report In Ron Haskin 2004: 1)

19 Sen 2000, p3

20 Group exclusion, individuals of one particular identity, Thorat 2008, p. 168

Chapter 3

Livelihoods and Personal Security: Evidences of Law Enforcement Process In village *Nagla Bakhti* (General Village)

3.1 Introduction: Village *Nagla Bakhti*

Village *Nagla Bakhti* is located about 4 km away from *Awagarb* block development office. The village is a part of *Misakala Panchayat*, which consists of 5 villages i.e. *Nagla Bakhti*, Chamarapura, Mohanpur, Khushalpur, and Bhaisna. This *Panchayat* area is a reserved constituency for women *Sarpanch*²¹. Therefore, it is *Thakur* woman headed *Panchayat*, however her husband and father-in-law are known as *Sarpanch* in the area. The *Sarpanch* resides at village *Misakala* about 1 km from *Nagla Bakhti*. The village is fully dependent on agriculture and related occupations. Climatic conditions are not very different from other villages as there is very low rain fall. The agriculture depends on ground water or rainfall. According to one of the oldest men, *Thakur* Jairam Singh age 95 years, ‘people have lived in *Nagla Bakhti* for past 150 years’. However, it was observed that there was no electricity, no primary school and no health centre. The village is linked by a 2.5 km muddy road which becomes extremely difficult to navigate during the rainy season.

3.2 Societal Composition on the basis of Castes and Gender

There are many castes and sub-castes i.e. Balmiki (Sweepers), Kori (Weavers), Jatav (Cobblers), Nut (Traditional Gymnast), Kumhar (Potter), Kadere (Blacksmith), Dhimar (Fishermen), Taili (Oilman), Badai (Carpenter) consist of 104 households with a population 597 (Table 3). The table indicates, in each category i.e. SC, OBC and upper castes, the proportionate number of women is less than men. *Thakurs* are single largest community and it was observed that they have a great deal of socio-economic and political influence in the village and especially on lower castes. There is high illiteracy among SC and OBC groups in comparison to HC (Annexure 1). It was difficult to find a gender based education data of the village. However, it was expressed in FGD’s that illiteracy among women is more than men in the village.

²¹ A *Sarpanch* is a democratically elected head of a village level statutory institution of local self-Government called the Gram (village) Panchayat in India.

Table3: Caste Demography of the Village Nagla Bakhti

Scheduled castes					Other Backward Castes					Upper Castes					ST
Caste	Total Families	W	M	C	Castes	Total Families	W	M	C	Caste	Total Families	W	M	C	None
Jatav	11	14	13	31	Teli	2	4	2	6	Thakur	36	49	55	60	
Balmiki	3	6	5	11	Kumhar	12	26	25	58						
Kori	20	24	23	47	Dhimar	3	11	10	14						
Nut	1	3	3	4	Muslims	08	13	14	29						
					Kadere	5	5	8	15						
					Badai	3	6	5	8						
Total	35	47	44	93		33	55	64	130		36	49	55	60	
Total Population of SC = 184					Total Population of OBC = 249					Total Population of HC = 164					

W=Women, M=Men, C=Children Source: DBSS Primary Data August 2008 reorganized by Author

3.3 State and Central Governments' Development Programs/Schemes

While there was information on some 18 different welfare schemes on the notice board of block development office *Awagarh* (fig.2), my study showed that few *Dalits* knew sufficiently or benefited from these schemes. This existed in spite of the fact that these schemes could have been advantageous to them. Such schemes included the NREGA, old age and widow pension²², handicapped pension, Ambedkar village development scheme, Indira Awas Yojna, BPL ration, Antodaya, Clean toilet scheme, free tube-well boring scheme, loan for self employment, *Savitri Bai Phule Balika Shiksha Madad Yojna* and *Mahamaya Garib Balika Ashirvad Yojna*²³.



Fig 2: Various Welfare Schemes in *Awagarh*, BDO Notice Board on August 2009

Source: Author's own photography for this paper

²² **Widow and Old Age Pension:** Under National Old Age Pension Scheme, Central Assistance is available on fulfilment of the following criteria: 1. The age of the applicant (male or female) should be 65 years or more 2. The applicant must be a destitute in the sense that he/she has no regular means of subsistence from his/her own source of income or through financial support from family members or other sources. The amount of old age pension in U.P. is Rs 300 per month however amount and age criteria differ state to state. This scheme is implemented in the State and Union Territories through Panchayats and Municipalities. (1Euro=Rs.70 as on 27 September 2009) http://www.karmayog.org/Seniorcitizens/Seniorcitizens_12580.htm

²³ Under the **Mahamaya Garib Balika Ashirvad Yojna**, the government makes a fixed deposit (FD) of Rs 22,000 in the form of National Savings Certificate (NSC) in the name of each girl born on or after January 15 in a family living below poverty line. The only rider is that the birth of the girl should be registered and her parents should ensure that she receives an education and does not get married till the age of 18, when she will be eligible for Rs 1 lakh from that FD. <http://www.indianexpress.com/news/announced-on-mayas-birthday-schemes-execut/419435/>

Apart from welfare schemes there are legislations e.g. Untouchability Offences Act 1955, the Protection of Civil Rights Act (PCRA) 1976, and The SC & ST (Prevention of Atrocities) Act, 1989 to protect *Dalit* (discussed in chapter 1).

3.4 Personal Protection: The *Dalits* were, on the whole, aware of the laws protecting them, in particular the SC/ST Atrocities Prevention Act 1989. However, they were not always successful in using them adequately. In reality, the caste-based power structures and forms of social exclusion continued to dominate the village, with serious consequences for the livelihoods and personal security of the *Dalits*. In many cases, the different parts of the state, including the judiciary and the police supported the upper castes, leaving the *Dalits* more vulnerable than ever. This can be seen in the following cases.

- 1. Suresh caste Jatav (SC) Vs. Dharampal and others caste Thakur²⁴:** Suresh was working on his agricultural field, he requested 5 people from *Thakur* community not to pass through his crop as it was being damaged. The *Thakurs* took it as an insult and they abused and insulted Suresh with derogatory remarks. Words were exchanged between Suresh and *Thakurs*. *Thakur* came with weapons and attacked Suresh and his family to teach them a lesson. As a result Suresh filed a case under SC/ST Atrocities Act and it went to the court but all witnesses abandoned him due to pressure from the upper caste group. Since the opposition advocate, who practices in Etah session court, is a close relative of the *Thakur* community no other advocate dared to go against him due to pressure or possibly due to bribery. Suresh has used 6 advocates but still is not satisfied as he faces the same problem again and again from his advocate. The *Thakurs* are forcing him to compromise and discouraging to fight his case. Suresh has been fighting his case for the past 8 years. He is mentally tired and his income is also drying up but he says, “I am fighting this case to protect my family because as long as case is in the court, *Thakurs* can not attack us...if I compromise.... and the case goes in their favour, then they will attack me again.”

²⁴ Case was still going on at the time of writing this paper

2. Ramnaresh (SC, *Kori- the Weaver*) Vs. *Thakur Mahesh Pal Singh.* Ramnaresh bought a piece of 100 feet area from *Panchayat* and started building his house. He laid the foundation but neighbour *Thakur Mahesh Pal*, an influential person in the area, made an objection. Though sufficient space was available, *Thakur* asked Ramnaresh to leave more space for his tractor. *Ramnaresh* explained that he bought the whole plot from *Panchayat*, he showed the legal documents as well, and reiterated that there was enough space for *Thakur's* tractor to pass through. But *Thakur Mahesh Pal*, along with Mangal Singh, Sushant *Thakur* went to the village president and in one night they built a *Kharanja* (Brick road) and removed the foundation of *Ramnaresh's* house. Village community objected to the *Thakur* and asked him to remove *Kharanja* from *Ramnaresh's* land. The villagers called *Patwari* and *Kanoongo*²⁵ who measured the land and the result went in favour of *Ramnaresh* but *Thakur* did not accept the decision. Then, the village community asked the *Ramnaresh* family to file a case in the police station but the SHO did not file the FIR then the *Ramnaresh* family went to the SSP Etah. While *Ramnaresh* family was in Etah, the *Thakur* family set the *Ramnaresh's* house on fire. When the *Ramnaresh* family returned from Etah on same day they found that their whole house had been burnt down, his live-stock too injured badly, his whole grain and clothes were all burnt. This broke the *Ramnaresh* Family. Thereafter, foreseeing the situation, police visited the *Ramnaresh* family and produced a report in favour of *Ramnaresh* while the *Thakur* family denied that they have set his house on fire. *Panchayat* was called and a compromise was agreed allowing *Ramnaresh* to use the controversial land while he can allow *Thakur's* vehicle to pass through. *Thakur* was penalized Rs. 2000 for the loss of *Ramnaresh's* household goods because of the fire. The actual status now is that *Ramnaresh* can neither park his vehicle nor can he tether his cattle on the controversial land as *Thakur* frequently moves his tractor on this land.

*'..commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine...'*3(2) iii of SC/SC Act 1989

²⁵ Revenue Land Officer

The case demonstrates that the non-responsiveness of the Police and Panchayat, due to the *Thakur* caste connection, made the above mentioned law meaningless to the *Dalit* family. In addition these institutions discouraged the *Dalit* to assert their rights whilst at the same time encouraging Thakur's attitude and violation of the law.

3.5 Land, Livelihood and Welfare:

The analysis of the land and livelihoods in the village reflect similar problems of disadvantage for the *Dalit* community, with little support from the government or judiciary. As in the case of personal protection, attempts to challenge the status quo and claim their rights were often finally ruled in favour of the upper castes, reflecting the continued power the latter have over the different processes.

Table 4 demonstrates comparative land ownership among various caste groups in *Nagla Bakhti* (NB). It indicates that the land SC and OBC own is 30-50% non-fertile. In a few cases it is extreme

Table 4: Land holdings among SC, OBC and Upper Castes in NB

Scheduled castes				
Caste	No. Of Farms	Total land in Bigha	Fertile	Non Fertile
Jatav	11	140	81	59
Balmiki	3	40	30	10
Kori	20	144	88	56
Nut	1	5	---	5
Total	35	329	199	130
Other Backward castes				
Caste	No. Of Farms	Total land in Bigha	Fertile	Non Fertile
Teli	2	15	5	10
Kumhar	12	185	145	40
Dhimar	3	36	6	30
Muslims	3	28	15	13
Badai	3	36	13	23
Nagar	5	63	23	40
Total	28	363	207	156
Upper castes				
Caste	No. Of Farms	Total land in Bigha	Fertile	Non Fertile
<i>Thakur</i>	36	1286	1000	286

Source: Author's own work for this study

i.e. Nagar 65%, Teli 70%, Badai 70%, Dhimar 80%, and Nut 100%. However, 36 *Thakur* households (about half of the total 63 SC/OBC households) possess double the amount of land that the SC and

OBC own together, and 2.5 times more fertile land than other caste groups. Land and livelihood security for the *Dalit* communities continue to depend on the dominant castes in the village.

Furthermore, it was found that whatever small land 9 families of SC/OBC received under state land distribution scheme was declared illegal by the Etah session court. The court in its judgement said that the papers, which are presented in the court by the *Dalits* who own this land, are forged documents. It was shocking that even this case was between the *Dalits* and *Thakurs*. All these families who developed this land through a tedious process with their small savings are now on the verge of losing it. While interviewing *Bhikam S/o Ram Lal Jatav* and other families in a group discussion; it was found that actually it was a mistake of the *Patwari* who was suspended too for declaring 48 acres of land to 148 in *Tehsil* document and distributing it to many people from nearby villages. One of the participants' Kamal S/o Bali from Teli caste (OBC) during a personal interview expressed,

*"My whole family and livelihood depends on this land; it is matter of life and death,
I will commit suicide along with my family as there is no alternative for me to live after this"*

-Kamal, a small *Dalit* farmer in *Nagla Bakhti* who is at the verge of loosing his land as he is one of the persons who have lost their battle in Etah session court.

There were 6 individual cases²⁶ in which women also possess land. Out of these only in one case did women of the *Dalit* community have land registration in her name. It was shared that most of the time their husbands or children decide about its utilization.

Continuation of Bonded Labour Practices: As mentioned previously, there have been progressive jurisdictions and laws enacted at national and regional levels. At the same time, the relevant information and implications that these hold for the *Dalit* communities who work at the lowest levels of the village structure are not always available. This is illustrated by the ruling in the case brought about by the People's Union for Democratic Rights (PUDR) vs. Union of India [(1982) 3 SCC 235], where the Supreme Court of India ruled in (U.N.O.D.C. 2008: p.10):

"...Any factor, which deprives a person of choice of alternatives and compels him to adapt one particular course of action may properly be regarded as 'force' and any labour or service which is compelled as a result of such 'force', it would be 'forced labour'...". "...Where a person provides labour or service to another for remuneration which is less than minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the word 'forced labour'... as described in Article 23 of the Indian Constitution".

(SOP²⁷ on Investigation of Crimes of Trafficking for Forced Labour, 2008)

²⁶ Shakuntala, Sharda, Manorama, Suman, Satto and Urmila

²⁷ Standard Operating Procedures: http://www.unodc.org/pdf/india/SOP_Investigation_Forced_Labour.pdf

Similarly in another case, *Bandhua Mukti Morcha vs. Union of India* [1982 (2) SCC 253] the Supreme Court explains:

“...Whenever it is shown that a labour is made to provide forced labour, the court would raise a presumption that he is required to do so in consideration of an advance or other economic considerations received by him and is, therefore, a bonded labour...”

However, at the village level, most of the *Dalit* communities do not realize that they are working under such forbidden practices, nor approached any organization or police in this regard. Such continual exploitation is illustrated in the cases below. :

- 1. Nooruddin s/o Mohammad**, age 35, is the 5th generation landless daily labourer who works on the field of landlord Sushant Thakur. There is no fix job and time. He has to do each and every work @ Rs. 70/- per day whereas the minimum wage in U.P. is 100. His job includes taking care of livestock, working in the agriculture field, going to market, taking care of the landlord's household work etc. Most of the work remains unpaid like going to the market and household work. It is because Sushant lends money to Nooruddin and as a result he is obliged to do it. However, Nooruddin pays a lot of interest on the loan as well. Nooruddin got some relief through the government land distribution scheme. He received 1 acre of land *Patta*²⁸, which has empowered him to speak out about his concerns in public. However, his dependency on paying back the loan still keeps him under the subordination of the landlord.
- 2. Gaffar S/o Mathe** is a second generation worker who works on the land of Manna Lal Thakur. Gaffar has 5 sons and 1 daughter. He works as domestic household worker as well as work in the agricultural fields. He does not receive any remuneration for house hold work however, he does get a 50% share of the crop for agricultural work. It requires him to invest 50% of seed, fertilizers and pesticides. His son works in Agra as a auto driver. Since his sons have left the village, the household income of the family improved. He got 4 *Bigha* of land through land distribution schemes. His dependency on the landlord is slowly diminishing however he can't afford to say no to his order.

(Note: there were many such cases like Kamal S/o Bali, Badru S/o Nattu, Veerpal S/o Kanbaya, and Nabid S/o Nattu but due to word limit they are made available as annexure 2)

²⁸ Land registration certificate under state land distribution scheme.

When enquiring about the participation of women in economic activity and repaying the loan; both women and men reported, that women either work as a family member in their own agricultural field, which is taken from the landlords for shared cropping or as a housewife. There are very few cases where women go out to work. It was accepted by both women and men that the effect of debt and poverty remains in an integrated form, meaning the whole family suffer due to this but the woman bears more of the burden as she manages the small amount of money allocated for food and contribute more labour in the field.

Corruption and Control through the Caste Order: The case of the NREGA: In order to understand whether NREGA is helping to overcome debt and ‘forced labour’ in the village, a public hearing was organized. It was observed that most of the people who enrolled under NREGA were from SC/OBC castes. However since *Sarpanch* belongs to the *Thakur* caste, the supervisor among the workers was also from the same caste who used to report each and every activity of the day to the *Sarpanch*. It was shared by the people that they received 5-20 days work in two years (2007-2009). While asking about the



Fig.3 Public Hearing on NREGA in *Nagla Bakhti*,
Source: Author's own photography for this paper

payment there was a great anger amongst the workers that they did not receive proper remuneration for their work. Therefore, *Sarpanch*²⁹ was also summoned to the meeting and then it was found that *Sarpanch* gave a contract to a trolley man who paid the workers what he thought best even though the work was registered under NREGA. As a result, workers got angry and they submitted all their job cards to the *Sarpanch* and made that news public in the news paper as well as submitting a memorandum to the District Magistrate. This led to further confrontation between *Sarpanch* and the workers. When workers went to the *Sarpanch* for a job, he said, “Go and ask for work from the media and DM, I don’t have work for you”. However, while questioning the *Sarpanch* in the public hearing he realized that it was illegal and he was not following the act, which can put him in a

²⁹ Though Mrs. Prabha Kumari is the legal *Sarpanch* of Misa Kala Panchayat, her husband and father-in-law take all decision, execute projects and represent her in all meeting. In this meeting too both of them came as *Sarpanch*.

difficult situation. Then, looking at the reaction of the workers and the logic of the argument, Sarpanch promised everyone that he will give back all job cards and requested the workers to apply for the job in writing so that he could understand how much work is required; and in the event that no work was available then, he could apply for unemployment allowance. When he was asked why not even a single job card had been issued to women under NREGA, he said that that women do not like to work in construction as it is against the tradition of the village and it is not considered appropriate in the area. Women's groups also accepted it, however, they emphasised that any work like working in plant nursery or tree planting, or some other home working can be created then they would like to involve themselves in NREGA. It was clear that NREGA did not help the *Dalit* to overcome 'forced labour' nor did it provide woman friendly job to overcome their economic dependency. It has been hijacked by dominant groups through institutional processes.

IAY and other Welfare Schemes: According to all the members of the *Dalit* community, everybody paid Rs. 6000 to the Sarpanch in order to receive benefit. Those who were not able to pay it did not get the benefit in spite of being the poorest of poor. This was accepted by Sarpanch as well by justifying that he has to give it to BDO and other higher officers in order to sanction the grant. Those who paid this bribe are basically from extremely poor background, as IAY is only for people in the BPL category; all of them took loans at a very high rate (36-72% per annum) from the Thakurs (local moneylenders) in order to join the scheme. It was also observed that the fund, these families got, was not sufficient to build a Pucca³⁰ house. Therefore, they invested their savings and took other loans too. Now it is a challenge for them to repay the loans.

Further, enquiring about the *Mahamaya Garib Balika Ashirvad Yojna*³¹ and *Savitribai Balika Shiksha Yojna*³², most of the people were unaware of it and there was not even a single registration under the scheme even after it had been implemented for more than six months. Further, when asked about Social Security for Act 2007 for unorganized workers, it was told that they are hearing about it for the first time whereas the law had been passed in December 2008. This has happened in the case of NREGA as well, when even one year after NREGA was implemented, no job card was available at the Block Office and people had to struggle to obtain it.

³⁰ Made of concrete and cement.

³¹ Under the Mahamaya Garib Balika Madad Yojna, the government makes a fixed deposit (FD) of Rs 22,000 in the form of National Savings Certificate (NSC) in the name of each girl born on or after January 15 in a family living below poverty line. The only rider is that the birth of the girl should be registered and her parents should ensure that she receives an education and does not get married till the age of 18, when she will be eligible for Rs 1 lakh from that FD.
<http://www.indianexpress.com/news/announced-on-mayas-birthday-schemes-execut/419435/>

³² Under this scheme assistance of Rs 25,000 is given to girls coming from poor families to pursue secondary education.

3.6 Democratic Participation and *Gram Sabha*

Table 5 illustrates that the *Thakurs* are the single largest group with 33% of the total vote share in the village but SC and OBC communities constitute the majority 66% (Table 6) votes in the village. However, SC/OBC representation does not get any recognition at any platform. Though three members³³ of *Misakala Panchayat* belong to this village and all of them come from SC/OBC communities, it was shared that Sarpanch never invite them to most of the meetings. The same applies to women in that although women constitute more voters than men, their representation

Table 5: Vote share in Village *Nagla Bakhti* on the basis of Caste and Gender

Caste	Women	Men	Total	Vote share in %
<i>Thakur</i>	84	90	174	33
Kori	85	74	159	31
Sakka	23	25	48	09
Kumhar	21	22	43	08
Jatav	15	16	31	06
Nut	17	08	25	05
Dhimar	11	08	19	04
Balmiki	5	4	9	02
Teli	2	4	06	01
Kathere	2	2	04	01
Baniye	1	1	02	00
	266	254	520	

Source: Author's own work for this paper, based on voters' list 2007 of 334 Jalesar Vidhan Sabha Constituency (Eci 2007)

Table 6: Total Votes Share on the basis of Upper and Lower Castes

Caste	Women	Men	Total	%
<i>Thakur</i> + Baniye	85	91	176	34
SC/OBC	181	163	344	66
	266	254	520	

Source: Author's own work based on voters' list

remains invisible. Even the women Sarpanch does not have any say in decision making due to domination of her husband and father-in-law. She has expressed her willingness to go out in public she never does because of social pressure from the family. She is hardly seen in the village meetings.

Gram Sabha: While asking about the Gram Sabha, it was informed that it happens twice in a year. It is called '*Kbuli Baithak*' meaning open meeting. '*Whenever some big officer comes, the Sarpanch calls his own people and make it a 'open meeting', which he declares later on as 'Gram Sabha*'. However, when questioned about GS proceedings, very few people responded to it. One of the participants for the FGD said that every time there are 30-40 people in the meeting, which is not sufficient for the required quorum³⁴.

³³ Munna S/o Todi- (SC), Toofaan Singh S/o Khacheru-OBC and Sukhdevi W/o Satvir-OBC

³⁴ The quorum for a meeting of the Gram Sabha shall be one-tenth of the total number of members out of which presence or members belonging to the Scheduled Castes, Scheduled Tribes, and Backward Classes and Women members shall be in proportion to their Population. <http://www.rajpanchayat.gov.in/common/toplinks/act/chap2a.pdf>

When asked about the audit of income-expenditure of Panchayat and its ratification, there was no response from the participants as they said that they don't know about it. When asked, 'why attendance is so low?' people responded that most of the time either they don't have information about the meeting or they do not have time due to their work. It was expressed that they too are quite casual about Gram Sabha and do not take much interest in the meeting. However, whenever it is about distribution of benefit and opportunities it is expected that Sarpanch will come and give this but it never happens. Further people expressed that

'...among us are few who serve the interest of the Sarpanch for their own individual benefit even if Sarpanch is wrong. That divides and makes us weak in our strength....'

When asked whether the law can ever change the situation in the village, people responded,

'It is difficult question, big officer too like to go to Sarpanch's place while we invite them with folded hands to come and see our conditions.'

"...yes, it can change only when we are together like what we saw when we participated in Janadesh 2007³⁵ where thousands of people were walking on the streets for 30 days and night and they successfully made the central government aware about the condition of Adivasis and Dalit on land issue...it is possible if we realize our collective strength and replicate it at village level..." -Premdas, a young Dalit daily wager from Nagla Bakhti and president of 'Utthan Gramin Mazdoor Adhikar Sangathan'

Thus, this chapter has highlighted various institutional processes pertaining to land and livelihood dependency that keeps the *Dalits* in constant subordination. It has also highlighted the link between the state institutions and the power structure at village level that creates constant fear among the *Dalit* for their personal security in a situation if they want to raise their voice, and lack of realization of their own democratic power among *Dalit* communities in power structure. There were clear signs of failure from the implementing institutions, and the role of policy makers was completely missing in regulation process. This makes the *Dalit* communities very doubtful about laws and their benefit. However, it was observed during certain moments that their collective efforts have made their voice heard at higher level and their positive attitude to change the situation through their "*Utthan Grameen Mazdoor Adhikar Sangathan*" provide some space to hope against hope.

35 Some of the *Dalit* villagers from Nagla Bakhti participated in Janadesh 2007, a national land movement based on non-violent principle to demand central government to form land commission to solve land related cases of Adivasis and *Dalit*. 30000 Adivasis and *Dalit* marched on foot from Gwalior to Delhi in 30 day.

Chapter 4

Livelihoods and Personal Security: Evidences of the Law Enforcement Process In village *Barai Kalyanpur (Ambedkar Village)*

This chapter focuses on multidimensional processes of exclusion in a relative term and explains the role of various institutions involved in the process. The chapter is structured in a way that each case includes issues related to self protection, livelihood promotion and welfare programs. Though these are individual cases, their implication has been assessed during the studies at wider level while discussing them in a FGD and public hearings. It explains the implementing status of few important laws and welfare programs and discusses existing democracy in the village

4.1 Village Barai-Kalyanpur was identified as *Ambedkar Village* in 2008. It is one of the 5 villages (i.e. village *Khushrai, Nagla Gariba, Nagla Wale, Nagla Daru and Barai Kalyanpur*) that constitute *Panchayat Barai Kalyanpur* in the *Awagarh* development block. This *Panchayat* area is also reserved area for women *Sarpanch*. Therefore, it is *Verma (Upper Caste)* woman who head *Panchayat*, however her husband, a former *Sarpanch* is known as *Sarpanch* in the area. The *Sarpanch* resides at *Awagarh*. The nearest police station is at *Awagarh*, which is about 3 km from the village. The village is fully dependent on agriculture and related occupations. Its climatic conditions are hardly different from *Nagla Bakhti* as distance is just 2 Km between these villages. People are residing in the village for more than 100 years. The village has a primary school, primary health centre, public toilets and water hand pumps. However there is mass illiteracy among *Dalit* communities (annexure 1) in the village. The village is linked with a 1/2 km muddy road while all streets are electrified, and a drainage system is made with concrete and cement.

4.2 Societal Composition on the basis of Castes and Gender

The village of *Barai Kalyanpur* comprises of Dhobi (The washermen), Balmiki (The sweepers), Brahmin (The priest), Jatav (The cobblers), Jogi³⁶(The Mendicants), Goswami, Ahir (The Herdsman), Kumhar (The potters) and Muslim *Dalit* like Nai (The Barber), Sakka (Waterman), Manihaar (The Bangles hawker), and Faqueer (The beggar) communities. There are 184 households in the village with a total population of 1541, belonging to different caste categories as given in Table 7.

³⁶ The Jogis are followers of yoga and worshipers of the Hindu god Shiva. The community no longer simply made up of mendicants, but also there descendents, and now form a caste. Those who follow their traditional occupation of the mendicant are now outnumbered by those who have taken to cultivation. Many are also involved in begging. People of India Uttar Pradesh Volume XLIII Part Two edited by A Hasan & J C Das pages 642 to 646,

Table 7: Caste Demography of Village Barai Kalyanpur

Scheduled castes					Other Backward Castes					Upper Castes					ST
Caste	Total Families	W	M	C	Castes	Total Families	W	M	C	Caste	Total Families	W	M	C	None
Jatav	7	11	15	26	Nai	4	7	8	17	Brahmin	14	27	42	46	
Balmiki	5	10	10	27	Kumhar	11	17	25	44	Goswami	11	19	22	42	
Dhobi	35	53	61	120	Yadav	10	16	20	28						
Jogi	1	5	5	13	Muslims	76	150	182	360						
					Baghel	10	19	24	47						
Total	48	79	91	186		111	212	264	501		25	56	64	88	
Total Population of SC				356	Total Population of OBC				977	Total Population of HC				208	

W=Women, M=Men, C=Children Source: DBSS Primary Data August 2008 (Dbss 2008) reorganized by the author

4.3 Land and Livelihood Dependency: Though there are 184 households, 50 families are landless (Table.8) and the majority of these families belong to SC and OBC. Table 8 suggests that

Table 8 Land holdings among SC communities in Barai

Scheduled castes				
Caste	No. Of Farms	Total land in Bigha	Fertile	Non Fertile
Jatav	7/7	132	60	32
Balmiki	4/5	18	10	7.5
Dhobi	19/35	236	131	105
Jogi	1/1	10	10	----
Total	31/48	396	211	185
Other Backward castes				
Caste	No. Of Farms	Total land in Bigha	Fertile	Non Fertile
Nai	¼	17	10	7
Baghel	6/10	115	90	25
Kumhar	11/11	90	70	20
Ahir (Yadav)	6/10	319	269	50
Muslims	61/76	1226	910	316
Total	87/111	1767	1349	418
Upper castes				
Caste	No. Of Farms	Total land in Bigha	Fertile	Non Fertile
Brahmins	13/14	531	481	50
Goswami	3/11	59	50	9
Total	16/25	590	531	59

Source: Author's own work based on DBSS recent primary data

there are 18 landless families in the SC category. Though the Dhobi and Jatav communities seem to have more land, a number of landless families are also more in Dhobi than any other SC caste and a ratio of unfertile land is also quite high. However, the Balmiki community has the lowest quantity of land, in which 50% is barren. However, there are 14 households of Brahmins and all of them have fertile agricultural land.

There were 19 individual cases (Annexure 3) where women own land. It is a mixed group of women belonging to all castes. When asked about land utilization and livelihood security, the response was that they feel secure for food as long as they have land in their name. However, there were cases like Hooran, Zubaida, and Maya for whom land is part and parcel of family dispute and violence against them. Women expressed that only in life and death situations can they approach police or NGO's for their protection otherwise most of the time they can't do it fearing that it will induce more tension and harm them further. Women don't see any alternative to protection in domestic violence as they are dependent for many things on their husbands. It was expressed, "*if we register case in police... it is not considered nice in the village as domestic violence is considered a part of the family life....further we fear separation.... in that case we can't go to our parents too... they are also poor...if we do it, will government look after our livelihood thereafter?*" This explains about violence that is socially institutionalized as family affairs, given that there is no livelihood security for these women. The law in spite of its provision remains unutilized for women's emancipation.

The *Dalits* in Barai Kalyanpur not only have small farmland and land salinity problems but also lack means of irrigation. Most of the agriculture is either rain fed or farmers have to buy water from the landlords. The rate to buy water is Rs. 60-70 per hour by tube well. The canal water never reaches their agriculture field as big landlords have bought latest technology, which suck up all water and it does not move further to the tail of the canal.

4.4 Existing Laws, Schemes and State Institutional Processes:

Apart from being privileged with a package of 11 schemes for *Ambedkar* village, it gets all those schemes and laws as well that are mentioned in previous chapter. There were incidents in this village too where *Dalits* used SC/SC to act for their personal protection effectively against aggression and atrocities from dominant castes and class.

A complex combination of Livelihood, Personal Protection, and Welfare: This section, through a few case studies, presents a complex picture of *Dalit* exclusion. It illustrates how law and government welfare programs are interconnected for protection and livelihood promotion of an individual and communities, whereas a nexus of social and state institutional processes cause violence and livelihood insecurity among the *Dalits*. Following cases illustrate a combination of various laws and schemes and their implementation processes in the village.

1. Somvati Devi, Dalit widow from 'Dhobi' (Washer man) SC community

age 60. Somvati belongs to extremely poor family with *Antodaya*³⁷ BPL card. She lives with her second son who is a TB patient. Her first son (age 30 years) also died of TB few years back.

'assaults or use of force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty' and for that punishment not less than six month but may extend to five years and fine..' **SC/ST atrocities Act, 1989, section 3(1) xi**

The U.P. state government announced a land distribution scheme for landless *Dalits*. *Somvati* is illiterate therefore she contacted a person to access the benefit. But she was misled by the middleman. The middleman took his fee from *Somvati* and promised her to get a chunk of land from the scheme but he registered land in someone else's name. He asked *Somvati* to do farming on free hold land by seeing the government land document. *Somvati* was unaware that this land was not registered in her name. She thought that the land belonged to her family. A few years later, *Mazhar Khan*, one of the powerful men in village *Barai Kalyanpur*, approached the authorities and registered 20 Bigha land in his wife and son's name under the same scheme. The land on which *Somvati* was farming for 5-6 years, now as per documents, fell under *Mazhar Khan's* land. The Khan family asked *Somvati* to leave the land. *Somvati* and her family resisted him. The next day relatives, especially women of Khan Family, thrashed *Somvati* on the field. The landlord registered a case against *Somvati* under section 98A. The very night police arrested her first son *Rameshwar* and kept him in the police station for 3 days without charge. The police pressurised *Rameshwar* to sign a paper that his family occupies the disputed land so that they can book him under section 98A which is about illegal encroachment on someone else land. *Rameshwar* refused to do so meanwhile his relatives and villagers along with *Patwari* contacted SSP of Etah and other higher authorities and narrated the story and demanded either police should issue '*challan*'³⁸ or release *Rameshwar*. As a result *Rameshwar* was released as there was no evidence against him. Later, *Somvati* family filed a case against the landlord for physical assault and forceful removal from their land. The

'wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water; Not less than six month but may extend to five years and fine..' **3(1) v SC/ST atrocities Act 1989**

³⁷ Lowest in economic status, the poorest of poor

³⁸ Penalty order or charge sheet

Somvati family spent quite a bit money on the court case, and due to this they sold their only asset i.e. 1 Bigha (1/5 acre) land. Though the *Somvati* family won the case in Etah session court, the Khan family appealed against it in Allahabad High court. Now, since the *Somvati* family did not have any single penny to spend further on court case they withdrew themselves and left the land despite law being in their favour. A few months later *Rameshwar* also died of TB.

Somvati has also applied for old age pension but she has been denied the same. It was reported that *Panchayat* head did not take any initiative. Few people in the village reported that it happened due to few influential people who did not want her to have pension. *Somvati* applied for a house under IAY long ago but was denied by the *Sarpanch*, saying that there is no quota available at present. However, it was interesting to hear from the villagers that well to do people like Ram Sahay (Brahmin), Ram Charan (Brahmin) have been given a house under IAY at the same time.

She and her family do not have any means of production except her own labour at the age of 60. She washes clothes of upper caste families. She gets 10Kg wheat in six months from each family. The remuneration is fixed per family for whatever number of clothes she washes. If the family has two sons and they are not married then family will give only 10kg rice. In case these two sons get married, it will be 20 kg extra wheat per family. The condition is that the boys should be married otherwise there is no increase. Second, if the family has daughters then too there will be no increase.

In this case, although *Somvati* belongs to the poorest of poor 'Antodaya' *Dalit* category and laws were on her side, benefit for her livelihood promotion and personal protection both ultimately went in favour of upper caste and class belonging to different religions while the Minimum Wage Act 1948 failed to understand the wage system at village level in order to formulate living wage policies and its implementation for workers like *Somvati* in villages.

It was interesting to note from the *Panchayat* documents Fig.4 (*Panchayat Barai Kalyanpur* 2003-04, 2009) that in the selection process of beneficiaries for IAY, a list is prepared by the *Sarpanch* (the *Panchayat* president) and an affidavit is attached that declares, 'The undersigned (both *Sarpanch* and

Fig.4 List of the IAY Beneficiaries and Affidavit from *Sarpanch*

The image shows a handwritten record sheet with a table of beneficiaries. The table has several columns, including names, ages, and genders. Below the table, there is a signature and a yellow arrow pointing upwards.

Source: Barai Kalyanpur Panchayat Record 2003-04

*Panchayat Secretary*³⁹⁾ have visited above listed families and investigated personally about their socio-economic status, that there is no one in the village poorer than the listed names. Therefore, the families are found genuinely eligible for the mentioned scheme?. Whereas, in reality it is *Ram Sahay* (Brahmin/*Thakur*) and Ram Charan (Brahmin) who get the benefit, who already have a house as well as fertile agricultural land.

NREGA: *Somvati* doesn't have a NREGA job card but her son does, however he is physically not fit to work. *Somvati's* son is presently extremely ill and suffering with TB for the past few months. She doesn't have money even for conveyance to go to a nearby hospital. There is no work for women like *Somvati* in the *Panchayat*. Thus out of 200 job cards in *Panchayat area*, not even a single NREGA job card is issued to women. On the other hand those who have cards got an average of 13 days work (Table 9) in two years whereas NREGA program guarantees for minimum 100 days work in a year, which recently has been increased to 150 days. Table 9 suggests that all workers are either SC or OBC from an economically poor background. Out of 34 beneficiaries of NREGA in Barai Kalyanpur, 26 belong to BPL category. In this, 17 beneficiaries are from the extremely poor SC category that got an average of 12 days work in two years. People like Jalal age 65 years (table 9, S.No.34) are forced to work under NREGA due to extreme poverty and with out any other alternative. However, such a needy person received 12 days work in two years. While replying to the

³⁹⁾ A *Sarpanch* is a democratically elected head of a village level statutory institution of local self-Government called the Gram (village) Panchayat in India while Panchayat Secretary is the representative of the government, operating in Panchayats under supervision of Block Development Officer.

question, “Why did you not get 100 days work?” the labourers answered that they approached *Sarpanch* for work but he (actual *Sarpanch* is She⁴⁰) said, ‘*Koi Kaam nahi hai....jab kaam nahi hai to kya apne ghar se doo...ooper se kaam ke liye paisa nahi aayaa...*’ meaning there is no work...and he (*Sarpanch*) can not give them work from his house...



Fig.5: Public hearing in village Barai Kalyanpur, workers with their job cards
Source: Author's own photography

Table 9: List of the NREGA Job Card Holders in Barai Kalyanpur as per Caste and BPL status during 2007-2009

S.No.	Name	Father's Name	BPL Status	NREGA Card No.	Caste	work obtained in Days
1.	Kishan Swaroop	Rajpal Singh	Yes	101133	OBC Goswami	15
2.	Sevak Singh	Ganeshi Lal	Yes	101108	SC Dhobi	4
3.	Muspak Ali	Ashok Ali	Yes	101119	SC Faquir	9
4.	Vinod Kumar	Rampal Jogi	Yes	5361	OBC Jogi	19
5.	Bantu	Rafeeq	Yes	101105	OBC Sakka	29
6.	Ram Prakash	Data Ram	No	101176	OBC Nai	11
7.	Raju	Ram Babu	Yes	101106	SC Dhobi	20
8.	Dharamveer	Raja Ram	No	101152	SC Dhobi	20
9.	Douji Ram	Sevak Singh	Yes	101126	SC Dhobi	7
10.	Bhawar Singh	Manohar	Yes	101185	SC Dhobi	25
11.	Dhablu	Govind	Yes	101103	SC Dhobi	0
12.	Dharam Pal	Dhablu	No	101113	SC Dhobi	5
13.	Shyam Babu	Govind	Yes	101102	SC Dhobi	26
14.	Sayeed Mohammad	Kallu	Yes	101179	OBC Sakka	10
15.	Sharafat Ali	Islam Ali	Yes	101109	SC Faquir	11
16.	Said Muhammad	Kallu	Yes	101177	OBC Sakka	4
17.	Ashok Kumar	Raghuveer Singh	Yes	101129	SC Dhobi	3
18.	Lateef khan	Sannu khan	Yes	101122	OBC Sakka	11
19.	Ali Sher Khan	Sannu Khan	Yes	101154	OBC Sakka	2
20.	Kishan lal	Sardar singh	Yes	5388	SC Dhobi	34
21.	Muhammad Yunus	Ali Sher	Yes	101156	OBC Sakka	0
22.	Roop kishore	Jalim Singh	No	101111	SC Dhobi	24
23.	Munna Lal	Ram Swaroop	Yes	101114	SC Dhobi	12
24.	Bhisham Pal	Ram Swaroop	Yes	101128	SC Dhobi	2
25.	Satish Kumar	Ram Swaroop	Yes	101104	SC Dhobi	14
26.	Satya Pal	Raghuveer Singh	Yes	101118	SC Dhobi	10
27.	Sanju	Prabhu Charan	No	101130	SC Balmiki	28
28.	Dulare	Doomar Singh	Yes	101112	SC Balmiki	10
29.	Rahisuddin	Dildar Khan	Yes	101151	OBC Sakka	7
30.	Kamlesh	Lajja Ram	No	101127	SC Dhobi	16
31.	Veerpal	Lajja Ram	No	101101	SC Dhobi	0
32.	Naresh Pal	Sevak	Yes	101120	SC Dhobi	0
33.	Prempal	Sardar	Yes	5389	SC Dhobi	20
34.	Jalal Kha	Gulab Kha	No	101131	OBC Teli	12
			26/34 BPL and 17 SC		Total SC 23, and 11 BC	430/34=12.64

Source: Author's own work based on data from NREGA Job Cards of the beneficiaries in Barai Kalyanpur

⁴⁰ Though Mrs. Kitab Shri is the *Sarpanch* of Barai Kalyanpur, her husband Dori Lal Verma, former *Sarpanch* of the same Panchayat; acts as *Sarpanch* on her behalf and takes all decisions.

there is no sanction of fund from higher level. Further, asking about the unemployment allowances...people replied that they don't know about it and how to get it.

Similar to Somvati, another case was Prempal; a SC agriculture worker in the village. His case is available as Annexure-4

- 2. Dulare, age 45, caste Balmiki, Village Barai Kalyanpur:** It is believed that due to the modernization process untouchability has become history in modern India and *Dalits* are progressing fast in the process with well protected legal support. However, this case illustrates as how across the time the 'untouchables' remain deprived in the economic sphere, untouchability has been institutionalized socially and any resistance to it can cause physical violence in 21st century Indian villages.

Dulare aged about 50 lives in the village for the past 3 generations. His livelihood is based on daily work in the fields of big farmers who are basically from upper caste. *Dulare* neither has any piece of land nor had any other source of income except seasonal agriculture work or cleaning the cow shed of the upper caste families. He and his forefathers have been living in extreme poverty for 3 generations in this village. He has four children, three daughters and one son.

It was surprising that when *Dulare* was invited by the community organizer, who is from Muslim background, *Dulare* comes and sat on the bare ground. Though *Dulare* was offered chair, he refused to sit on it as per village tradition for his community. Even the community organizer of local NGO also supported to let him sit on the ground due village custom. Balmiki community is still not allowed to sit on the chair or cot of upper caste people in the village. When it was insisted that he sat on the chair, a fear and sense of uneasiness was clearly observed in his eyes. Even when he was interacting, he was looking out so that no one saw him sitting on the chair. Prior to this interaction, he was not seen in any of the focus group discussions with other communities. While enquiring to the NGO worker, it was found that he was not invited by him rather the NGO worker wanted to make a separate group for the Balmiki community for the same. In a similar case, the *Sarpanch* of nearby *Punbera Panchayat*, Ashok Balmiki, is not allowed to sit on the same cot where *Panchayat* members of high castes from same village sit. Another case is from Isa-Nagri (Esoli

Panchayat) where Balmiki families are not allowed to touch the government water hand pump, which is used by whole village. These families are expected to wait for someone to come and pour water from the hand pump into their bucket.

Dulare narrated his pain and humiliation that he felt when a Muslim family had beaten him up just for standing on a gully with a big sack of straw on his head and could not see an old Muslim woman who was coming from the back. The lady abused *Dulare* for his act of insensitivity and words were exchanged from both sides. As a result men of Muslim family came and thrashed him severely. Further, they approached *Dulare's* neighbor who used to take loan for his needs from this Muslim family. *Dulare's* neighbor was also from Balmiki community and he got a government water hand pump on his land. Under the influence of the Muslim family *Dulare* was not allowed to take water from that hand pump. After lots of harassment, *Dulare* filed a complaint against both families in the police station under SC/ST Atrocities Act 1989 under section 3(1)10 that is, '*intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view*' that punishes a person not less than 6 months but may extend to five years and a fine. It was told that the villagers supported *Dulare* family and consequently administration took action and both families apologized to *Dulare*.

Dulare genuinely falls in a BPL category. He has obtained 'Antodaya'. He applied for a house under IAY schemes long back but so far he was not allocated the same, whereas socio-economically much better people like *Desbraj 'Fauz'* and *Ram Sabay 'Thakur'* have been given a house under IAY due to their influence and money power.

Another scheme for the rural poor is the NREGA that aims to provide 100 days employment to a household. *Dulare* obtained a NREGA job card in 2007, almost two years back but he got only 10 days work in this period. *Dulare* took a loan of Rs. 20000 (Twenty Thousands) from the local money lender for his first daughter's marriage at the rate of 6% per month (72% per annum). Since, he had two buffalos he repaid the loan by selling them. However, it is a big question for him to arrange resources for his next three children as he neither has land nor any other means except seasonal work.

Welfare Programs and the Dalits: “We paid Rs. 5000 each to get house under IAY”, say women in Barai Kalyanpur. Every family took out a loan either from their relatives or from money lender to pay a bribe and now they are repaying it back on high interest rate up to 3% per month (36% per year). Many families like *Mehru Nisha*, an extremely poor and widow (for 12 years) took a loan to pay the bribe. She and her children work as daily wagers. Every family was granted Rs. 35 thousand each, however some of the families have got Rs. 25 thousand only and the remaining amount is still outstanding. In this amount families are able to raise only walls of a single room and they are living under a polythene sheet.

There were people in the village who were given loan for self-employment however none of them have got a loan with out paying bribe to ‘*Swidha Data*’ meaning service providers. Loan Officer, Rakesh Gupta from *Khadi Gram Udhog*⁴¹ Etah claims, ‘it is prepaid channel...pay money and get benefit’. However, ‘even if the loan application is passed by Rakesh Gupta, there is no guarantee that the concerned bank will do the needful’ says Rev. Luther, the local priest in Jalesar Church who works with rural *Dalit* in the area. It was physically observed during research that people visit Rev. Luther in spite of paying a bribe to Rakesh Gupta because the bank had not processed their file.

In spite of strong warning from the chief minister herself, in the past 6 months there was not even a single registration under *Mahamaya Garib Balika Ashirvad Yojna* in this ‘*Ambedkar Village*’. The same is the case with *Savitri Bai Phule Baliaka Siksha Madad Yojna*, though government officers of the Secondary Education Department informed that about Rs. 94.46 crore had been deposited in the accounts of 62,975 eligible girl students for their encouragement and as many as 52,082 cycles had also been distributed (Cm Office 2009, August 05). However, when asked in the village meetings in Barai Kalyanpur, none of the people knew about it except the NGO worker. Nevertheless, the worker said that he is in the process of completing new forms.

4.5 People’s Participation and Impact: Grand democracy to Deep Democracy?

While Table 10 demonstrates vote share in the village, Table 11 illustrates that SC and OBC in spite of being 87% in the village, upper castes remain quite influential in politics. 6 members (1SC, 3 OBC and 2 HC) of the *Panchayat* belong to this village. However when SC and OBC members were interviewed, it was shared that though Sarpanch invited them to the meetings, most of the decisions are influenced by him and people of upper castes.

41 A Gandhian movement to promote Khadi (cotton) and home made handicrafts for self reliance.

Further, though women constitute almost equal votes to men, only 1 woman represents *Panchayat* from this village. Even, here too, women Sarpanch does not have any say in decision making as she is totally dependent on her husband. She is hardly seen in the village meetings as well.

Table 10: Vote Share in *Barai Kalyanpur*

Caste	Women	Men	Total	Vote share in %
Total SC	104	130	234	
Jatav	19	27	46	5%
Balmiki	13	16	29	3%
Dhobi	66	78	144	15%
Jogi	6	9	15	2%
Total OBC	268	343	611	
Nai	10	14	24	2%
Kumhar	28	48	76	8%
Yadav	21	31	52	5%
Muslims	193	230	423	43%
Baghel	13	18	31	3%
Dhimar	3	2	5	0%
Total HC	50	80	130	
Brahmin	40	63	103	11%
Goswami	10	17	27	3%
Grand Total	422	553	975	100%

Source: Author's own work for this paper based on (Eci 2007)

Table 11: Total Votes Share on the basis of Upper and Lower Castes and Sex

Caste	Women	Men	Total	%
<i>Thakur+</i> Baniye	50 (40%)	80 (60%)	130	13%
SC/OBC	372 (44%)	473 (56%)	845	87%
	422 (47%)	553 (53%)	975	

Source: Author's own work for this paper based on (Eci 2007)

When enquired about the Gram Sabha, there were responses that they attend meetings. While few said that the *Sarpanch* does send out the notice of Gram Sabha, the majority expressed their ignorance about it. 'Attendance was always 40-50 people', say people who attended. It is quite low for the required quorum for the meeting. People also expressed ignorance about audit and verification of the income and expenses of the *Panchayat*.

It is vital to note that the *Sarpanch* belongs to Upper 'Verma' caste and in this village only 25 families belong to the high castes, which is basically a vote bank of BJP. Most of the *Dalit* families in the village either vote to BSP or SP. However due to dependency on farm owners, some of them go according to their master's will. Therefore, the *Sarpanch* doesn't bother much about such people who are neither his client nor have any influence in the area.

However, there were cases where people through their organizational strength were able to get benefit of law. Most of these people are associated to ‘*Utthan Grameen Mazdoor Adhikar Sangathan*⁴². The following cases demonstrate as how collective people’s power can force the system (i.e. Police, Panchayat and Judiciary) to work in their favour and law became effective:

1. **Sevak** belongs to the SC “*Dhobi*” community and had conflict with influential Brahmin landlord, Suresh Chand Sharma who denied passage to Sevak in spite of legal document. *Sevak* filed an FIR in the police station but nothing happened. Even the police got along with the landlord. Though *Sevak* was lawfully right, state institutions i.e. police and *Panchayat* could not do anything due to heavy influence of the landlord. *Sevak* discussed it with the *Dalit* Self help groups and mobilized people support. He along with SHGs members filed a case against the landlord under SC/ST atrocities act. Now, since public support and law combined together, the whole system was working in favour of *Sevak* family. The Landlord was legally and publicly compelled to give passage to *Sevak* family along with monetary compensation of Rs. 5000.
2. **Lajja Ram**, Dhobi (SC), is an active member of *Utthan Grameen Mazdoor Adhikar Sangathan*. Lajja Ram took part in the Janadesh Rally 2007 where 30000 people walked on foot for 300 km from Gwalior to New Delhi to demand justice for land. *Lajja Ram* was upset by the attitude of advocates for delaying his case for the past few years. He asked the opposition lawyer to expedite the matter but the advocate, who was from Brahmin background, rebuked him and said keep quiet, if you speak more then you will be behind the bar. *Lajja Ram* felt quite insulted, he immediately took out his purse and showed a yellow ribbon on which ‘*Utthan Gramin Mazdoor Adhikar Sangathan*’ was printed and warned the lawyer that he is not an ordinary person there are 3000 people behind him and if he does not take him seriously then within two hours thousands of people will be in the court and he will not be responsible for any negative consequences. The lawyer took his word seriously and did not threaten him further and case was dismissed within a few hearings.

42 (A labour organization formed by unorganized agriculture daily wagers in parts of Etah, Agra and Hathras project area of DBSS) The total membership of the organization is about 3000

Barai Kalyanpur presents a better picture than *Nagla Bakhti* in terms of infrastructure and implementation of SC/ST Act; however, there were gaps as well in terms of gender sensitivity in implementation process especially in the NREGA, political representation i.e. women representation only in reserved seats, and casting away the caste untouchability. Though due to the “*Ambedkar Village*” status implementation of SC/ST Act 1989 is a little better and it creates some accountability among state institutions, laws and programs related to livelihood protection remain quite casual as in the case of the NREGA. In this case the ‘bottom end’ of the *Dalit* communities remains quite vulnerable. Democratic power of *Dalit* remains weak in this village as well due to caste and interest divide. However; in a few individual cases, those are associated with people’s organization motivate each other for collective affirmative actions.

Chapter 5

Law, Social Exclusion and Rural *Dalits*: Findings and Conclusion

5.1 Major Findings:

Personal and Livelihood Protection: The study of the two villages i.e. *Nagla Bakhti* (NB) 'General' and *Barai Kalyanpur* (BK) 'Ambedkar' shows that while the laws have progressive characteristics, their influence in promoting the livelihood and personal security of the *Dalits* in both villages is limited. On the whole, the study concludes that the different arms of the state at the local level, including the government, the judiciary and the police tend to support the vested interests in the two villages and therefore, do not protect the *Dalits* against the dominant groups and castes. In reality, therefore, the law does not remove social exclusion of the *Dalit* community in the villages; its effectiveness and implementation are countered and defied by the dominant castes groups who are supported by those controlling the institutions of the state at the local level.

The situation of social exclusion of the *Dalits* was compounded by mass illiteracy among *Dalits* in both villages, whereby the majority of them do not have means of information i.e. TV and radios which could have been another source of information. While few individual attempts have been made to use laws for personal protection these have had limited success, and the majority of people do not know how to use laws to attain their rights. Public reaction and support for personal protection is sharper in NB than BK as people have resorted to help themselves in absence of any support from state institutions'.

In both villages, economic dependency on the dominant groups and castes circumscribe the livelihoods of the *Dalits*. Land is a big factor that enhances or limits the livelihood options for *Dalits* in both villages. In both villages while being a majority in number, the *Dalits* own minimum land. And whatever quantity of land they own; most of the land is extremely poor in quality. The land related problems that *Dalits* faces in the villages are still not been recognized by the government seriously.

The study reveals, especially in cases of *Barai Kalyanpur*, a multifarious combination of laws and welfare programs attached to the security of an individual and community. Whereas in *Nagla Bakhti* it seems there was no state regulation for governance. It illustrates that failing to protect and promote *Dalit* in both villages is not just individual failing of laws and program but a system failure.

Participation: Though the *Dalits* are illiterate, they are aware of some of their rights, and have begun organising themselves in groups and organizations. However they still lack strength in terms of knowledge and skills to deal with the social structures and institutional processes that exclude them. However, their strategic presence in a different political forum has not been fully realized in spite of being in majority. People don't feel that the current Gram Sabha proceedings can make any difference to their lives. There are a few NGOs working to motivate *Dalit* participation in Gram Sabha and Panchayat but they do not find themselves successful. It has been expressed that the *Dalit* voice is not heard in major decision making. There is a perception among *Dalits* that contesting an election is an affair of the rich and since they don't have money they can't. Study shows that if there is no reservation, then women and *Dalits* can not be in any forum. However, their empowerment is a big challenge for the state and civil society organizations.

Status of Women: The study shows that *Dalit* women in particular have been suffering with double social exclusion. First they fight with vertical caste hierarchy and then within their own society and household. In spite of being almost equal in number in both villages their presence remains invisible at work and politics. The question of equity and empowerment is missing in the program implementation process. It was found that not even a single woman was issued a job card in both Panchayats. Most of the women neither have land in their name nor any attempt to create women friendly jobs under NREGA in both Panchayats in spite of women being the Head of the Panchayats. The women Sarpanch are powerless as their husbands and in-laws extract all power from their hands by giving justification to social norms in the village. Though women *Sarpanch* in Misa Kala seemed to be under tremendous pressure from their husband and father in-law not to attend any public meeting, the Sarpanch of *Barai Kalyanpur* did not seem to be bothered about it. It was visible that exclusion of women goes beyond castes and their 'inclusion' has not been thought seriously in implementation. It was interesting that even block is headed by women BDO who struggled hard to overcome social norms set for rural women in that society.

5.2 Response for Political Persuasion:

In the light of above findings, to understand whether law can ever effectively overcome social exclusion, the answer can be both yes and no. No, if trends like these continue as it appears that the gains of development go to the rural rich and percolate to the lower strata as per the class interest, caste solidarity and power relation (Indira Hirway 1990: p.3). Those who are poor are also the

powerless in society. The reproduction of poverty, in contemporary society, is the routine exercise of power in ways that suits the interests of the power holders themselves (Tovey, Curtin and Hasse 1996, p.321 In Commins 2004 p.71). Yes, if the social welfare programs attack the dependency of the *Dalits* on the dominant castes and class groups, plug the points of their exploitation, help the *Dalits* in the event of crisis, and strengthen their strategic positions in power structures. These socio-economic and political measures can enable the *Dalits* to stand on their own and to organize themselves for their rights. But, the biggest question is how can it be done and who will do it? B.D. Sharma provides some insights into it:

'The central problem of our time is whether the State is to own the people or the people are to own the state....this resolution [73rd amendment] points the direction to a constitution where the people will be in power...(Sharma 1998: p.22)... [But] So long as you expect the government servants to take charge of the masses, the masses will remain irresponsible. They will simply remain cajoling the people in power at the centre for this and that advantage' (Sharma 1998: p.40)

Therefore, *power to people* needs to be the key for political persuasion to address the system failure. In this regard, people oriented periodic social auditing of the laws and programs implementation process is an important prerequisite to check corruption and assess progress. Like election at an interval of 5 years and census at 10 years; social auditing can be conducted at village level at an interval of 2.5 years. It should include not only the performance of *Panchayat* but also of civil servants and politicians associated to the area. This will give an opportunity for a bottom up approach to contextualize law and welfare programs, not only for their formulation and amendment process but also for building up required systems from *Dalit* and women's perspective to check corruption and balance power at village level.

Gram Sabha participation needs to be enhanced at two levels. First, by enhancing accountability on civil servants and politicians for lawful functioning of GS and therefore, ensuring women and *Dalits'* participation in its process; second, by enhancing sense of duties on *Dalits* as well. *Dalits* (both women and men) should not be complacent that on their behalf someone else would bring development to them. Like what Gandhi said,

'Now villagers think that it is a Swaraj Government, Khadi and food will flow from the heaven like Manna...(but) Gandhi's idea in this self-sufficiency is clear....do not expect anything from the Government. Who is government? After all you constitute the government. You must work you must produce...' (Sharma 1998: p.36)

If any negligence is observed in the behaviour and work of any civil servant and politician then it should be dealt with by law to punish them appropriately, and those who perform well should be rewarded publicly. On the other side in order to get the benefit of the schemes, a percentage of attendance in *Gram Sabha* can be made mandatory for all. If attendance of the *Dalits* is not appropriate in *Gram Sabha*, then causes can be investigated during a social audit.

Political independence without economic independence has no meaning. Therefore, decentralization both in the political and the economic sphere is absolutely essential. Land and livelihood related cases need to be reviewed from women and the *Dalits'* perspective. Equity and empowerment is required in both representation and distribution of resources from these perspectives. The need for measures supporting post-primary school, higher education and skill development for the SCs is crucial in non-farm sector for *Dalits*. In this regard, while responsibility to contextualize a plan of action can lie on local administration and implementing agencies, strict monitoring needs to be established both at public and higher administrative level. Formulation and implementation of laws and policies is required to go with this direction in order to reach out the last person in the village. However, in no way is it claim that this is the only way; but to emphasise that it can not be ignored in overcoming social exclusion process of the rural *Dalit* communities.

The role of civil society organizations (CSOs) in this process remains very crucial. In fact, they have dual role to play in the process, first as a watch dog to hold the state accountable legally and through civic advocacy within realistic standards; and on the other side as facilitators of policies and programs with the state that can ensure protection and livelihood promotion to the rural *Dalits*. This creates potential for CSOs to protect the rights of the *Dalits* and women both through co-operation and confrontation (Handmaker 2009: p.6).

5.3 Conclusion:

Law is an important means of social and moral development of the society. But, working of a law does not depend wholly upon the nature of the constitution. The constitution can provide only the organs of State such as the legislature, the executive and the judiciary. The factors on which the working of these organs of the State depends are the societal nature and the democratic polity which channels this instrument to make society better.

The law; however as good it may be, is sure to turn out bad because those who are called to work for it, happen to be a bad lot. However bad a law may be, it may turn out to be a good if those who are called to work it, happen to be a good lot. The working of a law is based on the moral commitment of those in power to bring radical reforms in the society(Charles Dilly 1847: p.260).

The performance of the law is dependent upon the level of awareness and the degree of motivation that the actors in the legal system possess at any given point of time. Legal effectiveness is also conditioned in a democracy by the force of public opinion and the initiative of the victims themselves in seeking protection of the law. Access to justice under our system is available only to those who are willing to assert their rights under law. Those who do the contrary and suffer injustice silently are not only discrediting themselves but also inflicting serious injury to rule of law and human rights which are proud possessions of the Indian republic (EIDHR 2008, pg10). Thus overcoming social exclusion does not depend merely on laws itself rather on those who make it along with those for whom it is made to participate in each process at equal level. For the *Dalits* and women it is a prerequisite to overcome their fear psychosis with their individual and collective strength so that law could be an effective instrument in overcoming their exclusion.

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Annexure 1

A. Education status Nagla Bakhti

	Illiterate	Class 1-5	Class 6-10	Class 11-12	Graduate
Jatav	7	14	9	12	4
Kori	63	49	39	14	23
Nut	3	7	3	1	0
Balmiki	3	4	6	7	4
Total SC	76	74	57	34	31
Teli	8	3	2	1	0
Kumhar	5	3	2	2	1
Dhimar	8	10	7	6	2
Muslims	13	7	9	6	0
Badai	11	7	6	10	0
Total OBC	45	30	26	25	3
Thakurs	37	32	81	19	21
Total HC	37	32	81	19	21

B. Education status in Barai Kalyanpur

	Illiterate	Class 1-5	Class 6-12	Graduate
Jatav	11	23	11	15
Balmiki	23	10	7	0
Dhobi	86	68	67	5
Jogi	11	4	08	0
Total SC	131	105	93	20
Nai	5	7	6	2
Kumhar	29	27	36	0
Yadav	11	9	28	4+2
Muslims	243	236	268	9
Baghel	21	15	28	2
Total BC	309	294	366	19
Brahmins	13	11	44	22
Goswami	23	27	34	0
Total HC	56	38	78	22

Annexure 2

- 1. Kamal S/o Bali** works with Mangal Singh Thakur, father of 6 children. He is highly indebted person due to land court case. He was given Patta on 2 acre of land under state land distribution scheme. However the allotted land was already in custody of a powerful person. Kamal had to pay heavy amount for Patta allotment. He borrowed this amount from the landlord. Thereafter, he spent lots of money in court case in order to make it freehold land from other man. Last year he was successfully able to make it free hold through legal means however another scam shattered all his dream as document of his land was declared forged by the session court of Etah. Now Kamal badly affected as on the one hand he has lots of debt to pay on the other hand he has fear to loose land, which is the only means of his livelihood. He and his family therefore, work for Thakur Mangal Singh without much negotiation on wage and time duration.
- 2. Badru S/o Nattu** works with Manpal Thakur. He takes care of livestock and agricultural field. Badru has 4 children. He has got his two daughters married. Badru is dependent for each and every need on Thakur. He neither has land nor any other means of livelihood. He is a contract labourer who get 50% share of crop for which he has to invest at least 50% for seed, fertilizers and pesticide and diesel for irrigation pump along with his full time labour. Badru has been ill for some time he has no option than to work. His sons are very small they can't do agricultural work.
- 3. Veerpal** works with Thakur Manpal, dependency on landlord for money. There is no fix rate of wages due to pressure for high interest rate of loan. He has got some land but it is still in a development stage for being barren land.
- 4. Nahid s/o Nattu**, age 45, father of 6 children from Muslim Sakka caste. He got some 1/10 acre land from Panchayat but he doesn't have money to pay to Patwari in order to measure and allot that land to him. His whole family 3 sons and 3 daughters along with him work on the land of Thakur Shyampal. His family doesn't get any remuneration however they get 50% share of the crop. Nahid family's dependency remains on the landlord as his family consumes all grains of his share in between the crop. He borrows grains from the landlord along with some money for his health and other requirements. He returns that amount and grain from his share of crop. He has to get married his children. Therefore, has to borrow money from the landlord and it will be paid by Nahid and his generations.

Annexure 3**Land Ownership among Women in Barai Kalyanpur**

S. No.	Name	Caste	Land in Bigha
1.	Hooran Begum W/o Ali Sher	Muslim <i>Dalit</i> (BC)	11.5
2.	Sakeena Begum W/o Natthu	" (BC)	4
3.	Johra Begum W/o Rafique	" (BC)	4
4.	Sharbati Devi W/o Shiv Shankar	Goswami (HC)	2
5.	Sunita Devi W/o Ramveer	" (HC)	5
6.	Bhagwan Devi W/o Faquir Singh	Brahmin	4.5
7.	Chandrawati W/o Bhimsen	Jatav (SC)	6.5
8.	Kailasi Devi W/o Ravi Singh	" (SC)	6.5
9.	Fulwati w/o Chakkhan Lal	Kumhar (BC)	10
10.	Animan Begum W/o Yaqub Khan	Sakka (BC)	21
11.	Sonkali W/o Rambabu	Dhobi (SC)	5*
12.	Kusum Dev W/o Ramesh Sharma	Brahmin (HC)	12
13.	Sharda Devi W/o Puran	Baghel (BC)	4
14.	Surja Begum W/o Chhote Khan	Sakka (BC)	4
15.	Rasheeda Begum w/o Shohrab Kha	Manihar (BC)	2
16.	Jaitun Begum w/o Marte Kha	"	9
17..	Asha Devi w/o Oswal	Kumhar (BC)	10
18.	Zubaida Begum w/o Puttan	Sakka (BC)	25
19.	Maya Devi w/o Mahipal	Kumhar (BC)	4

Annexure-4
Prempal, age 35, village Barai Kalyanpur

'wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water; Not less than six month but may extend to five years and fine...' **3(1) v SC/ST atrocities Act 1989**

Prempal is an agricultural worker who belongs to SC 'Dhobi' community. He faced life- threat from a powerful landlord name Safder Khan with regard to reside on a Gram Panchayat land. The case was of occupying Gram Panchayat land by local people in the village to build their house. Whatever small land each individual could get they occupied it. Prempal too occupied a small piece of land. The powerful landlord who already owned 150 Bigha land in the area and a sewing machine factory in Delhi, wanted to register the whole Panchayat land in his name. Therefore, he uprooted the hook on which Prempal use to tie his animals and threatened him to face the consequence if he does not vacate the land. Prempal did not pay any heed to his words and responded him in his language. Prempal put back the hooks. Then, landlords came with his licensed gun and put it on the head of Prempal's wife and threatened her for life if she does not leave the place. The conflict got worse and the men of the landlord were after Prempal's life. Prempal had to go underground for many days. Finally, his family decided to file a case against the landlord under SC/ST act and whole village too supported Prempal. They realized that today it is Prempal; tomorrow it might be their number as well. The local administration was pressurised and law too supported Prempal. Police asked Safder either compromise or be ready to go to jail. As a result, Landlord apologized publicly and never again harassed Prempal family.

Prempal informed that he got 20 days work under NREGA in two year. When he approached the Sarpanch for work under NREGA, the Sarpanch rebuked him and said that there is no work in the area...and she can not give work from his house if there is no order from above. Many people like Prempal got 8-20 days work in a year without any unemployment allowances. There is no recommendation from Panchayat for such allowances.

Prempal lives in a small hut without any door. It is covered half with tin and half with thatched roof. He has applied for a house under Indira Awas Yojna long back but still after long waiting his number has not come. However; Deshraj, an ex-army person in the same village who owns about 40 Bigha of land with proper irrigation facility and decent house has been given house under IAY.

Annexure 5
Interviews, FGD and Public Meeting in Barai Kalyanpur

Semi-Structured Interviews for Case studies

19.07.2009, Barai Kalyanpur

- | | |
|-----------------|---|
| 1. Mr. Sevak | <i>Dispute on passage</i> |
| 2. Mrs. Somvati | <i>Atrocity by Landlord due to Land patta</i> |
| 3. Mr. Prempal | <i>Dispute on Panchayat Land</i> |
| 4. Mr. Dulare | <i>victim of violence</i> |

Focus Group Discussion on BPL Cards and Benefits in Village Barai Kalyanpur

Group 1: On 20.07.2009

- | | | |
|---------------------|-----|--------------|
| 1. Mrs. Maya Devi | W/o | Ramkhiladi |
| 2. Mrs. Longshree | W/o | Soudan Singh |
| 3. Mr. Prempal | S/o | Asha Ram |
| 4. Mr. Bharat Singh | S/o | Baburam |
| 5. Mr. Bhudev Sigh | S/o | Govind Ram |
| 6. Mr. Satsingh | S/o | Baburam |
| 7. Mrs. Sonkali | W/o | Rambabu |
| 8. Mr. Shyambabu | S/o | Govindram |

Group 2: On 21.07.09

- | | | |
|---------------------|-----|-----------------|
| 1. Mr. Bhawar Singh | S/o | Manohar Singh |
| 2. Dharamveer Singh | S/o | Rajaram |
| 3. Deshraj | S/o | Rajaram |
| 4. Raj Kishore | S/o | Ram Khilawan |
| 5. Lazza Ram | S/o | Gaja Dhar Singh |
| 6. Sonewati | W/o | Sardar Singh |
| 7. Raju | S/o | Rambabu |
| 8. Mr. Hakimuddin | S/o | Alimuddin |

FGD on Widow and Old Age Pension

22.07.2009, Barai Kalyanpur

- | | | | | | | |
|----|--------------|-----|-------------|-----------------|------|-----------|
| 1. | Soudan Singh | S/o | Ganeshi Lal | Pension Since | 2005 | 3600/year |
| 2. | Hardayal | | S/o | Tota Ram | 2008 | 3600 |
| 3. | Mayadevi | | W/o | Ram Khiladi | 2005 | 3600 |
| 4. | Longshree | | W/o | Soudan Singh | 2005 | 3600 |
| 5. | Lazza Ram | | S/o | Gaja Dhar Singh | 2005 | 3600 |

**Public Hearing on NREGA (Participants who got job cards for NREGA)
23.07.2007, Barai Kalyanpur**

1. Prempal	Dhobi
2. Kamlesh	Dhobi
3. Veerpal	"
4. Lateef Khan	Sakka/Bhishti (Muslim)
5. Aameen Khan	"
6. Lokendra	Goswami/Brahmin
7. Ramji Lal	"
8. Mustaq	Hakeem(Muslim)
9. Diglesh	Balmiki
10. Ramveer	"
11. Sanju	"
12. Bantu	Sakka(Muslim)
13. Munne lal	Dhobi
14. Bisham Pal	Dhobi
15. Satish	"
16. Roopkishore	"
17. Jalal Khan	Manihar (Muslim)
18. Mohammad Yunus	Sakka (Muslim)
19. Ali Sher Khan	"
20. Tilak Singh	Dhobi
21. Naresh Pal	"
22. Dhablu	"
23. Dharam Pal	"
24. Ashok Kumar	"
25. Sat Singh	"
26. Sat Pal	"
27. Raju	"
28. Shayam Ba bu	"
29. Bhawar Singh	"
30. Vinod	"
31. Kishan Swaroop	"
32. Raesooddin	Sakka (Muslim)
33. Ram Prakash	Dhobi
34. Sahad Muhammad	Sakka (Muslim)
35. Saheed Muhammad	"
36. Kishan Lal	Dhobi

Participants who did not get cards

1. Lal Muhammad	Faqeer (Beggar)
2. Raj Muhammad	Manihaar
3. Santosh Kumar	Dhobi
4. Satveer	"
5. Banne Khan	Sakka
6. Kamaluddin	Faqeer
7. Kamaluddin	Manihaar
8. Neetu	Dhobi
9. Rakesh	"
10. Ashok	"
11. Hasinuddin	Manihaar
12. Sharbati Devi	Goswami
13. Jabeer Ali	Faqeer
14. Gulam Muhammad	"
15. Hawaldar Khan	"
16. Sher Muhammad	"

Focus Group Discussion on IAY on 24.07.2009 Barai Kalyanpur

1.	Mithlesh	W/o	Istiaq Ali
2.	Anisha Begum	W/o	Shahabuddin
3.	Munni Begam	W/o	Lal Khan
4.	Tajuddin	W/o	Dildar Khan
5.	Shahmuj Khan	S/o	Khushi Khan
6.	Raisuddin	S/o	Dildar Khan
7.	Chhiddu Khan	S/o	Mehbub Khan
8.	Usman Khan	S/o	Mehbub Khan

Annexure 6

Interviews, FGD and Public meetings at village Nagla Bakhti, Panchayat Misakalan

Indira Awas Yojna: FGD on 27.07.08, Nagla Bakhti

1.	Amarnath	Ramswaroop	Kumhar SC	2005
2.	Iswari Devi	Shamlal	Kumhar SC	2005-06
3.	Bholebaaj	Sevtibaaj	Nut SC	2005-06
4.	Gaffoor Khan	Mittu Khan	Sakka OBC	2008
5.	Virendar	Murlidhar	Kori SC	2008
6.	Jagan Singh	Tota Ram	Kori	2008
Deprived				
1.	Salamuddin	Munshi Khan	Sakka	
2.	Shiv Charan	Beniram	Dhimar	
3.	Goverdhan	Mathura Prasad	Kori	
4.	Paramjeet	Jaisingh pal	Dhimar	
5.	Ramkumar	Jaisingh Pal	Dhimar	
6.	Narsingh Pal	Revtiram	Kadere (dhune)	
7.	Sarojdevi	Vedprakash	Badai (carpenter)	

BPL Group Discussion: Nagla Bakhti 29.07.2009, Nagla Bakhti

S.No.	Name of the BPL card holder	Caste	Category	Year of issue
1.	Narayan Singh S/o Pati Ram	Jatav	SC	2005
2.	Karori Mal S/o Mai Dayal	Balmiki	SC	2005
3.	Natthu Singh S/o Sheralpal Singh	Kori	SC	2005
4.	Ishwari Devi W/o Shyam Lal	Kumhar	SC	2005
5.	Shiv Charan S/o Beni Ram	Dhimar	OBC	2005
6.	Govardhan S/o Mathura Prasad	Kori	SC	2005

List of the people who did not get BPL in spite of being potential candidates

1.	Narsigh Pal S/o Revti Ram	Kadere (Dhune)	OBC	2005
2.	Sanjay S/o Laturi Singh	Kori	SC	2005
3.	Kuwar Pal S/o Balwant Singh	Teli	OBC	2005
4.	Amarnath S/o Ramswaroop	Kumhar	SC	2005
5.	Satyaprakash S/o Baldev Singh	Kumhar	SC	2005
6.	Veeralpal Singh S/o Dhanpal Singh	Thakur	Other	2005
7.	Naseer Khan S/o Natthu Khan	Sakka	OBC	2005
8.	Bashir Khan S/o Natthu Khan	Sakka	OBC	2005
9.	Prakash S/o Loki Ram	Kori	SC	2005
10.	Bansibaaj S/o Sevtibaaj	Nut	SC	2005
11.	Bholebaaj S/o Setibaaj	Nut	SC	2005
12.	Jalalkhan S/o Allauddin	Sakka	OBC	2005

NREGA Public Hearing: 01.08.2009 in village Nagla Bakhti

S. No.	Name of the labour	Father's Name
1.	Narpal Singh Pal	Rev veer
2.	Bashir Khan	Natthe Khan
3.	Naseer Khan	Natthe Khan
4.	Gaffoor Khan	Mitthu Khan
5.	Saifuddin	Gaffoor Khan
6.	Virendra Singh	Murlidhar
7.	Goverdhan	Mathura Prasad
8.	Ram Khiladi	Padam Singh
9.	Lal Khan	Munshi Khan
10.	Salamuddin	Munshi Khan
11.	Kuwarpal	Balwant
12.	Ram Ratan	Balwant
13.	Shiv Charan	Beniram
14.	Ram Kumar	Jai singh Pal
15.	Karamjeet	Jai singh pal
16.	Natthu Singh	Sherpal
17.	Sanj Singh	Laturi Singh
18.	Bhikam Pal	Mahendra
19.	Ram Singh	Lauki
20.	Mahavir	Ram Prakash
21.	Pushe	-do-
22.	Dori lal	-do-
23.	Raju	Tori Ram
24.	Mahesh	Rakshpal
25.	Prem Singh	Jawahar Singh
26.	Ashok	Ram Swaroop
27.	Nasiruddin	Munshi Khan
28.	Pramod Kumar	Veerpal Singh
29.	Jitendra Pal	Nathu Ram
30.	Avdhesh Kumar	Ram Khiladi
31.	Ganesh Chandra	Chandra Pal
32.	Dinesh	-do-
33.	Chandra Shekhar	Veerpal
34.	Alauddin	Jalaluddin Khan
35.	Raju	Jawahar Singh
36.	Mahesh	Sherpal
37.	Virendra Singh	Jawahar Singh
38.	Suresh Chandra	Rakshpal
39.	Geetam Singh	Jairam Singh
40.	Bhupendra Singh	Jairam Singh
41.	Pushpendra Singh	Jairam Singh
42.	Monu	Pupendra Singh
43.	Ashok Kumar	Ram Swaroop

Annexure 7

List of People Interviewed from State and Civil Society Organizations

1. Mrs. Prabha Devi, Sarpanch, Misa Kala Panchayat,
2. Mr. Bobby H/o Mrs. Prabha Devi
3. Mr. Rachpal Singh, Former Sarpanch, Misa Kala Panchayat
4. Mrs. Kitab Shree, Sarpanch, Barai Kalyanpur Panchayat
5. Dr. Dori Lal Verma H/o Mrs. Kitab Shree and Former Sarpanch of Barai Kalyanpur Panchayat
6. Dr. (Mrs.) Uma Rani Kulshreshtha, Block Development Officer, Awagarh
7. Mr. Munna Kha, General Secretary Jyoti Seva Sansthan, Aligarh
8. Mr. Mushir Khan, DBSS Community Organizer, Awagarh
9. Mr. Udal Singh, DBSS Community Organizer, Awagarh
10. Mr. Mukesh Kumar, DBSS Community Organizer, Awagarh
11. Rev. A.S. Luther, Local Priest, Church of North India, Jalesar
12. Mr. Austin Luther, DBSS Coordinator, Agra
13. Mr. Paul Diwakar, National General Secretary, NCDHR, New Delhi
14. Ms. Annie Namala, National *Dalit* Women Federation, New Delhi
15. Dr. Prasad, NCDHR, New Delhi
16. Dr. Shailendra Awale, CNI-SBSS, New Delhi