



Graduate School of Development Studies

DISCRIMINATION AND VIOLENCE AGAINST DALIT
WOMEN ENGAGED IN MANUAL SCAVENGING: LEGAL
REMEDIES AND BEYOND

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List of Acronyms

BJP	Bhartiya Janta Party
CERD	Committee on the Elimination of Racial Discrimination
CrPC	Criminal Procedure Code 1973
CMO	Chief Municipality Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women 1979
DEVW	Declaration on the Elimination of Violence against Women 1993
DEMS	Dalit Engaged in Manual Scavenging
DMEMS	Dalit Men Engaged in Manual Scavenging
DWEMS	Dalit Women Engaged in Manual Scavenging
DSP	Deputy Superintendent of Police
DM/DC	District Magistrate/District Collector
EMSCDLPA	The Employment of Manual Scavengers and Construction of Dry Latrines Prohibition Act 1993
FIR	First Information Report
FR	Fundamental Rights
IPC	Indian Penal Code 1860
ICCPR	International Convention on Civil and Political Rights 1966
ICESCR	International Convention on Economic, Social & Cultural Rights 1966
ICERD	International Convention on Elimination of All forms of Racial Discrimination 1965
IC	Indian Constitution 1949
MLA	Member of State Legislative Assembly (Lower House of Parliament)
MP	Madhya Pradesh
MS	Manual Scavengers
MPHRC	Madhya Pradesh Human Rights Commission
MPCSC	Madhya Pradesh Commission for Scheduled Caste
NGO	Non-governmental Organisation
OBC	Other Backward Caste
ORGI	Office of the Registrar General, India
PCRA	Protection of Civil Rights Act, 1955
SC	Schedule Caste, Official term used for Dalit communities
ST	Schedule Tribe, Official term used for tribal [Adivasi] Communities
SC/ ST PS	Scheduled Caste and Scheduled Tribe Police Station
SC&ST (POA) Act	Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989
SC&ST (POA) Rule	Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989
SHG	Self Help Group

SP	Superintendent of Police
SI	Sub-Inspector of Police
UDHR	Universal Declaration of Human Rights 1948

Glossary

- Atrocity - A Non-legal term, used by the Ministry of Home Affairs, Government of India which indicate offences under the Indian Penal Code 1860 committed against Scheduled Castes and Scheduled Tribes by those not belonging to either community, where caste consideration is in fact the root cause of the crime even though caste consciousness may not be the immediate motive.
- Backward caste- Castes position below forward castes in the ritualised social hierarchy
- Caste System- Hindu religious script '*Manusmriti*' defined the '*varna*' (now refer it *caste*) as the division of labor basis of *Karman* (work division), and this division is the foundation of Hindu social hierarchy in the caste system.
- Caste-based structure- Under Hindu caste system, Brahmans (Priestly class) have the top position in the social hierarchy, Kshatriya group (Warrior/ruling class) come in second position, Vaisya group (Farmers and Merchants) is in third position, and Shudra group (Servant and labour class) is in the lowest position.
- Dalit- Meaning 'broken people', a term employed by the Anti-caste movement in India to denote 'untouchable' or Scheduled Castes, the lowest group in the ritualised social hierarchy of the caste system. They are facing widespread discrimination on the basis of work and descent.
- Dominant Caste- Common used words in Hindu society for the 'dominant' castes are 'upper' caste or 'higher caste'. The caste those gain power and control other castes. They use power as a form of domination and oppression and by this they maintain the subordination of some castes often called 'lower caste', 'untouchable' or 'impure or polluted' dominated by them.
- District Collector- Administrative head of a district with quasi-judicial power
- Forward Caste- All 'high' castes, that are not classified by the government of India as backward caste, scheduled caste or scheduled tribe
- Gram Sabha- Formal assemble of all citizens in a village panchayat jurisdiction
- Harijan- A term implies 'children of god' used by Gandhi for Dalit and now use of this term is restricted by government as Anit-caste movement find its meaning anti-caste because all people are the 'children of god' thus objected to this term particularly for Dalits.
- Manual Scavenger- A person engaged in or employed for manually carrying human excreta
(Defined in the act, The Employment of Manual Scavengers and Construction of Dry Latrines Prohibition Act 1993).
- Water-seal latrine- A pour-flush latrine with a minimum water-seal of 20 millimetres diameter in which human excreta is pushed in or flushes by water.
- Sarpanch--- Chief of local village council and head of local Panchayat
- Scheduled Caste- A term for dalit is officially in use
- Safai Karmchari- under the National Commission for Safai Karmchari Act (NCSK), 1993, Safaki Karmchari (SK) is a person engaged in , or employed for, manually carrying human excreta or any sanitation work.
- Jati Panchayat- Council of a particular caste's

Panchayat Raj- Through 73rd amendment government decentralised their power where this is a three tier institutions- Jila Panchayat (a district unit), Janpad Panchayat (a block level unit)and Gram Sabha (village unit)

Reservations- The Constitution of India,1949 has provision of reservation for the development of weaker sections of the country

Patta- land on lease by government to the weaker section of the country

Untouchability- This is a practice of imposing of social disability on Dalit by reason of their birth in certain caste which is rooted in caste system and intersect with caste ideology and caste prejudice.

Abstract

The Indian Constitution guarantees the fundamental rights of Dalits. The Supreme Court is the main safeguard of the human rights of all Indian citizens, interpreting the special provisions of the Constitution which aim to uplift the position of Dalits and other weaker social sections. The government has also passed notable laws and policies which promote several schemes for the development of Dalits; these provisions also include Dalit women engaged in manual scavenging (DWEMS) who are still engaged in the undignified caste based occupation of carrying 'night soil'¹. The justice system from the Supreme Court to the lower courts is considered by many to be strong enough to provide legal remedies against the rights violations to all human beings in the country (Agrawal, 2006). Yet the majority of DWEMS are still unable to access the law and policies formulated for their benefit. The United Nations Sub-Commission's working paper on 'Work and Descent-based Discrimination' also points out that the Indian government has passed prominent legislation but the lack of commitment on the part of the government officials makes enforcement a major problem. Prejudice and caste favouritism prevails and protects dominant caste perpetrators from prosecution under the law (Keane: 2007, 242). This study analyses the forms of social exclusion and injustice faced by DWEMS and discerns the structural causes of multiple forms of discrimination and violations of their rights in the state of Madhya Pradesh (MP) in central India. It looks at how the implementation of laws and government-run schemes fail to address the ways in which violations of the rights of DWEMS are connected not only to the caste they are born into, but also their gender identity, their class and their 'unclean occupation'. The study looks at the procedural aspects of the law and the dominant norms of castes in the social and legal institutions to show how state and non-state actors all fail to recognize the intersectional aspects of violence which DWEMS face.

Relevance to Development Studies

An influential approach in recent years in the study of discrimination and violence has been the intersectionality approach. This study uses that approach in relation to a case of some of the most structurally excluded and discriminated people in the world – low caste Dalit women in India involved in manual scavenging. By researching this group, and the policies that fail to protect their rights, this study can contribute to a growing awareness in Development Studies of the complexity of social justice and rights issues of the most vulnerable populations.

Keywords- Caste-based Society, Human Rights Violations, Structural Violence, Intersectional Discrimination, Social Exclusion, Impunity.

¹ 'Night soil' means the manual collection of human excreta.

Chapter 1

INTRODUCTION

This chapter provides a brief outline of the research paper. It provides a statement of the research problem, justification for the topic, the research questions, objectives of the study and the research methodology used. Moreover, it deals with some limitations of the paper and a brief chapter outline.

1.1 Statement of the research problem

In India, the caste system and its ideology are very strongly rooted in a Hindu caste structure that allows upper caste people to violate the rights of Dalit people and that sanctions certain forms of exploitation against Dalits in a vicious cycle of exclusion (HRW, 2006: 1). The caste system is historically maintained by the caste structure² in India—a structure in which Dalits are at the bottom of the social hierarchy (Irudayam, 2006: 20-2). Within this hierarchy, a further distinction is made between Dalits and those who engage in ‘manual scavenging’³; the latter reside in the very last rung of the rigid and hereditary caste system. They are referred to as untouchable, impure, polluted, fifth caste or as an outcaste (ibid). Among the Dalits who engage in scavenging, menial work like cleaning ‘night soil’ is usually allotted to the women and girls of these sub-Dalit castes. The work division of the caste system has continued to force these women to perform this traditional job by using nothing more than a broom, a tin plate and their bare hands to collect ‘night soil.’ Such forms of discrimination limit these women’s choice of work considerably. As a consequence of caste ideology and deeply embedded social stigmas related to ‘unclean work,’ DWEMS are more vulnerable and disadvantaged than other sections of the population (NCDHR in website⁴). As Bezwada Wilson, national convener of the SKA⁵, (cited in Rawat, 2007) says, “Governments have been placing more emphasis on the rehabilitation of manual scavengers than on their liberation from this despicable occupation”.

² Caste-based structure- sees more in glossary.

³ Under the caste system there are mainly four castes while castes are divided in sub-castes. Dalit caste also has many sub-castes such as Sweeper, Basor, ‘Bhangi’, Balmiki and traditionally they engaged in manual scavenging in India. They are the person in the government offices called sweeper or Safai Karmchari (SK).

⁴ National Campaign of Dalit Human Rights (NCDHR): a National Anti-castes Dalit Movement in India. See page of manual scavenging in website- www.ncdhr.org, Retrieved on 12.04.08

⁵ Safai Karmchari Andolan (SKA)-It is a National Social movement in India; struggling to eradicate the practice of manual scavenging and fighting for equality, dignity of the SK.

As a consequence, the distribution of caste based work is still linked with intersectional identities of caste, class, dirt work and gender in the age of technology; women of these sub-Dalit castes are mostly engaged in cleaning dry latrines while their male counterparts are employed in government offices like Municipality Councils or hospitals to perform menial jobs such as cleaning toilets, collecting hospital wastes and collecting human extract from manholes. Although both men and women are employed to perform manual dirt work, the distinction here is that women are forced by the caste system to do these tasks, whereas men have greater flexibility in choosing their employment opportunities. Women are therefore still struggling for equal opportunity, freedom, protection of life, dignity and personal liberty correspondingly in the Hindu caste society.

Although the Indian government has passed proactive laws and policies to protect the rights and dignity of Dalits the majority of DWEMS have not benefited from these measures (Commission of Safai Karmchari report, 2000). According to a HRW report (2007) only 58,000 police cases were registered under the SC/ST (POA) Act⁶ between 2001 and 2002. However, an Indian government report (2005) states that “a crime is committed against a Dalit every 20 minutes” (HRW, 2006). The Prime Minister (PM) of India, Dr. Manmohan Singh, is a first PM of the country who explicitly denounced the practice of ‘untouchability’ as a continued process of social discrimination against Dalits and equated it to a crime of the same magnitude as apartheid in South Africa (HRW: 2006). This demonstrates that the intersection of multiple social structures of caste, class and patriarchy have remained by and large invisible to statutory law and society. Consequently, DWEMS suffer various forms of discrimination and face social and economic exclusion, same referred by the National Dalit leader Divakar, (2002) in online document.⁷

At the community level DWEMS are generally denied basic rights, such as fetching water from the public well, they are not allowed to enter local temples, and they are deprived from dignified employment, denied access to land and so on. With ‘untouchability’ being a common practice, segregated living is the outcome: DWEMS live in isolation in the segregated communities on the outskirts of the villages in rural areas. They are ill-treated in school, in local health and educational institutions, and in social and religious gatherings (HRW: 2006). The work conditions of their jobs in both private and public sectors such as cleaning dry latrines, collecting animal and human extract or going into sewage manholes are hazardous to health and threatening to life. Due to the lack of hygienic environments they face the risk of respiratory diseases, skin diseases and anaemia, and they compromise their life to earn a living. Thus their right to health, right to life and dignity are violated by the government itself (High Court, Delhi, India writ petition no 5232/2007). In

⁶ SC/ST (POA) Act- The Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (herein referred to as the SC/ST Act, 1989).

⁷ Bhopal Declaration, 2002 in <http://www.indiatogether.org/dalit/events/bhopal.htm>, Retrieved on 10.04.08

addition, those who become educated or leave this inherited occupation still face discrimination as a consequence of their caste identity (Kumar: 2006).

The social process of discrimination against DWEMS results in the violation of other basic human rights, such as the right to education, health, housing, property, freedom of religion, right to work and choice of work (Throat, 2002:575-78). Caste discrimination is linked directly to the denial of social, political, economic and cultural rights and leads to exclusion and deprivation, thereby disadvantaging DWEMS considerably more than others. Thus, the rights of DWEMS are not only violated by dominant castes in the private sphere but also they are disadvantaged and marginalised in the public sphere of state employment. The Union Ministry of Social Justice report (2005) on manual scavengers suggests that there are a total of 676,000 estimated manual scavengers in the country.⁸ (Cited in Rawat, 2007). While the report of SKA estimated that numbers 12 lakh (12,000,000) among them 95 percent of them are Dalits (Ibid). In contrast, the National Campaign on Dalit Human Rights (NCDHR⁹) refers to an estimated number of 1.3 million Dalits, mostly women, who are engaged in this inhumane work, earning less than US\$ 1 per day. Behar (2002) suggests there are approximately 260,000 Dalits that are engaged in manual scavenging. This shows the contradiction between government and NGO reports. According to Behar (2002), although the government implemented a scheme entitled “Rehabilitation and Liberation of Manual scavengers” in 1993, the people of these Dalit communities are still waiting for rehabilitation. This reflects the failure of such schemes to achieve their goals of rehabilitation and liberation of these people. Sadly, a government office like the municipality, rather than encouraging the liberation and empowerment of these people, itself recruits exclusively Dalits for this menial occupation (Kumar, 2006).

The intersection of different social structures, such as caste, class and gender, remains invisible to the eyes of government officers, the judiciary, the police and civil society organisations (CSOs). Thus, their ill-treatment by the dominant-castes who enjoy the state’s protection enables the repeated violence with impunity (Garima Abhiyan, 2007, 2006). In other words, the vulnerability of DWEMS to violence has close links with their multiple identities—interacting with issues of caste, class and gender—and the failure of the legal system. The gap between substantive law and its procedural aspects deprives DWEMS of the opportunity to achieve justice from this justice system. The lack of government accountability and the absence of effective representation of DWEMS in the public sphere is closely linked with the structural causes of violence against them.

⁸ The Union Ministry of Social Justice and Empowerment, 2005, Report on Rehabilitation of Manual Scavengers.

⁹ NCDHR, online www.ncdhr.org.in Retrieved on 16.04.08

1.2 Relevance and Justification

The Constitution,¹⁰ domestic legislative¹¹ provisions and historical anti-caste movements have generated some positive impacts in the lives of many Dalits, but these have largely benefited certain elites within Dalit communities. In the state of MP, there is no effective mechanism of state intervention to eliminate the practice of manual scavenging. Further, there is no effective civil rights movement or anti-caste movement in the state to eliminate the practice of ‘untouchability’ in order to protect human rights and the dignity of DWEMS (NCDHR, nd). There are organisations working on either Dalit issues or on women’s issue, but there is a lack of information and data available on the intersectional aspects of human rights violations against DWEMS (Kumar : 2005). Therefore, this study seeks ways to operationalise the concepts of social exclusion and intersectionality, which can be used by CSOs, the judiciary and state institutions at both local and state levels in order to help make justice accessible for DWEMS.

There are 45 districts in the state of Madhya Pradesh (MP). For this study, I have selected a district called Chhatarpur, which belongs to the ‘Bundelkhand’¹² area. The ‘Takur-Bundela’ is the dominant caste in the region and age-old feudal practices can still be seen in many villages. The dominant caste is protected by state institutions, whereas DWEMS continue to suffer multiple forms of discrimination and human rights violations. In Chhatarpur the Human Rights Law Network is working actively and I was working with them on leading cases of Dalits in courts. The Bhopal Unit of Action Aid India in the state of MP is running a project called Garima Abhiyan, 2007 (Campaign for Dignity) on the issue of manual scavenging and this provided indirect support for this study. My familiarity with the area helped me to communicate with local people which facilitated the completion of the field work within a short duration of time.

1.3 Research objectives

- To explore the situation of discrimination and violence against Dalits who are engaged in manual scavenging in India, with a

¹⁰ The Indian Constitution, 1949, chapter-3 article, 14, 15, 17 of fundamental rights also chapter-5, under the directive principle there are provisions for protection of human rights of Dalits (See The Constitution of India,1949).

¹¹ See more details about laws related to Dalits: Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities) Act, 1989, The Protection of Civil Rights Act, 1955 and The employment of manual scavengers and construction of dry latrines prohibition act, 1993 (Cited in Agrawal and Gonsalves, 2006)

¹² Bundelkhand region- the state is unofficially divided in five parts Bundelkhand, Baghelkhand, Chambal and Malva region; While Bundelkhand is a region where the dominant caste ‘Takur-Bundela’ used to rule and even now, feudal are seen in many villages of the district Chhatarpur of MP,.

focus on the state of Madhya Pradesh (MP), through the lens of the intersection of caste, patriarchy, class and occupation.

- To analyse the procedural aspects of the legal-justice system and show how caste-based social attitudes and norms can affect legal practices.
- To explore how extra-legal strategies can redress structural causes of discrimination and violence against DWEMS and offer them protection.

1.4 Research Questions

What are the main features of the history of discrimination and violence against DWEMS in India? In what ways can the concept of intersectionality (structural and political) help to explain the forms of discrimination and the violence with impunity that they suffer?

Sub-questions

- How does the state respond to discrimination and violence against DWEMS in India generally and in Madhya Pradesh particularly?
- What are the main barriers to justice for DWEMS in rural areas of Chhatarpur?
- In what ways do structures of caste, class (occupation) and gender identity intersect to maintain discrimination and violence with impunity experienced by DWEMS?
- To what extent can extra-legal strategies be made effective to ensure some protection for DWEMS?

1.5 Research Methodology

My work experience led me to hold the view that discriminatory practices against DWEMS are rooted in various social structures. Therefore, despite legal remedies, these women are unable to access justice by legal proceedings. This hypothesis led me to use qualitative primary as well as secondary data to gather proper information on the subject from different sources. The assumption is that the real life experiences of discrimination of DWEMS can help to explore and analyse its intersectional aspects and to achieve the objectives of the study by answering research questions regarding the subject. The study focuses on the legal, social and procedural aspects of violation against DWEMS and analyses the gap between law and social reality. In addition, ethical issues of research have been followed during the data collection and the researcher stayed in the research field for almost a month with the aim of reaching 'saturation point' and being able to come up with a few new findings. The mainly qualitative field research method was comprised of:

(a) A Case Study. According to Parlett and Hamilton (1978:33) case study-based research is mainly descriptive, inductive and ultimately heuristic and seeks to 'illuminate' the readers' understanding on the issue (cited in Stark

and Torrance, 2005; 33). As such, the case study method has some weaknesses as it is not possible to generalize from such data. Therefore, I have also used other research methods.

(b) Group interviews, individual interviews, observation and photography. The reason was that, these additional sources of information were used to obtain the viewpoints of Dalit women and men themselves, especially the DWEMS directly involved in manual scavenging. In addition for the purposes of verifying these accounts, the sometimes contrasting views of officials, including police officers, judges, chief municipality officers and others were sought on the manual scavenging issue. The researcher was able to observe and photograph cases of discrimination, including around the Independence celebrations, to show how these women were excluded from a national ritual.

1.6 Scope and Limitations

The study pays particular attention to the intersectional marginalisation and rights violations that take place – especially in remote regions of MP state. In this sense, the study may help provide platforms so that the experiences of those who are never heard in public can be heard for a change.

I was unable despite numerous visits to government offices, to obtain this document which was not made available to me. I also faced many barriers during data collection as heavy rains and state legislative elections made many government officials unavailable. However, I managed my research work with the support of the HRLN office and of members of a partner organization of HRLN, Garima Abhiyan, 2007, which is a local Action Aid-supported programme in Chhatarpur.

Chapter 2

DISCRIMINATION & VIOLENCE: CONCEPTUAL FRAMEWORK

2.1 Introduction

This chapter examines three structures that have produced intersecting forms of discrimination and violation of human rights against Dalit women engaged in manual scavenging (DWEMS), which are often ignored by the legal system and civil society organisations: caste, class (occupation), and gender. This chapter will consider some of the key concepts informing the rest of the study: the main ones being class, caste and occupation, gender and patriarchy, structural violence, intersectionality, social exclusion, and impunity. Each is treated in turn.

2.2 Caste, Class and Occupation

Violence against DWEMS is intrinsically linked to the structures of caste, class and gender. However, the root of discrimination is linked with the Hindu caste system of India. Although the origin of the caste system in India is still debated, the most considered opinion is that it is linked to Hinduism and is related with the 'Varn system' (Keane, 2007:23-70). Within the caste system each caste has a duty to do predetermined caste-based tasks. Brahmanical Patriarchy is a root of the caste system and it signifies the persistent social stratification into graded groups distinguished by descent and work.¹³ Therefore, in the context of caste-based violence, Brahmanical patriarchy¹⁴ is a main principle involving all three- caste, class gender and occupation- inter-linked structures. These close-linked structures influence violence against Dalit women in the state of MP and in other states of India. They ensure that DWEMS, in the name of religion and occupation, are placed in the most inferior social position and are exploited socially, economically and politically

¹³ see about 'descent' in Keane, 2007 and more about caste-based violence in India, in online document (HRW, 2007)

¹⁴ Brahmanical Patriarchy: The Hindu caste system is "a set of rules and institutions in which caste and gender are linked, each shaping the other and where women are crucial in maintaining the boundaries between castes. Patriarchal codes in this structure ensure that the caste system can be reproduced without violating the hierarchal order of closed endogamous circles, each distinct from and higher and lower than others" (Idudayam, 2006, 19) (See detail about the concept in Berreman, 1971: 16-23, Uma Chakarwari, 2003)

in these structures. Moreover, Violence is legitimated by cultural-religious norms and political manipulation so that dominant castes gain power over subordinate castes in the caste system (Burghart, cited in Richard 1978: 519). This represents the exploitative nature of power relations in the caste system as ‘natural’ and ‘inevitable’, whereas caste-based ‘inequality’ is justified by beliefs and values of religion in [the caste system] (Ibid).

Originally the caste structure had religious sanction from the Hindu religious texts such as Reg veda and it first mentioned the code of its patriarchal ideology in the “Hindu legal code -Laws of Manu”.¹⁵ In addition, by this hierarchy, the dominant castes of ‘Brahman, Kshatriya and Vaiya’ are referred to as ‘twice born¹⁶’ castes—one as human; the other as divine.

Hierarchical relations continue to exist among societies and the ritual boundaries have been maintained by them as well (Shah, 2001, 18-19). This indicates that dominant castes through this hierarchy are intended to maintain their domination over the Dalit caste and through the religious section of ‘pure and impure’ they have rationale to maintain control over material resources. The inferior status of Dalits as ‘untouchable’ and ‘impure-polluted’ has been legitimised through social and religious beliefs and customs (Irudayam, 2006:19-51), which have allowed dominant castes to enjoy power over resources by hereditarily subordinating Dalits and placing DWEMS in the bottom rung of the hierarchy. This rigid historical structure prevents DWEMS from becoming a part of mainstream society and enjoying power and rights (ibid). Thus, the concept of caste and its ideology related to ‘untouchability and impurity’ are at the core of exploitation and marginalisation of DWEMS in the state of MP, as well as in other part of the country (Irudayam, 2006, 19).

However, during the British colonial period,¹⁷ class stratification was altered as a result of traditional legal systems being supplanted by the British legal justice system (Richard, 1978:534). Many decades later the democratic republic of India adopted a new Constitution and power relations shifted from the rule of kings to that of a democratic republic. The question is whether the code of castes has been surpassed together with caste-based social values and beliefs in the class structure (Panini, 1996). Bourdieu’s concept of *habitus*, adopted by Panini (1996) may be relevant here in the context of caste also. This concept may help understand how caste ideologies operate in intersectional structures of caste, class and gender to produce subordination. In general, a person who represents a particular (dominant) caste also represents the dominant classes and will carry the ‘influence’ of that caste-based

¹⁵ Manu is a mythical character in Hindu religious stories and is referred to as a first man. He defined the caste system as a social hierarchy of Hindus, clubbing all Hindus into four social groups known as the varna system (Ibid).

¹⁶ Twice born Verna: under the Hindu philosophy three dominant castes *Brahman*, *Kshatriya* and *Vaiya* are the social groups define as twice-fold birth as biological and as ritual purification. While Shudra (Dalit) verna by reason of entitlement to biological birth only is called only once-born. However, those outside of these four groups divisions had no varna status therefore they defined as *avarna* or *achut* (outcastes or untouchable). [Therefore Dalit women whose work defined cleaning ‘night soil’ treated as outcaste and *Achut*] in the society (Ibid, 50-1)

¹⁷ The British had a colony in India between the mid nineteenth century and mid twentieth century.

environment into his/her behaviour or into his/her attitude as a social actor.

2.3 Gender and Patriarchy

'Gender' refers to the socially constructed identities of women and men and the gender roles between men and women have been assigned on the basis of these identities in all social spheres (Scott, 1989:93-4). As Kannabiram (2003: 249-60) states "the subordination of Dalit women is structured in such a way that the 'manhood' of a caste is defined both by the degree of control men exercise over women and the degree of passivity of the women of the caste". Thus, DWEMS are continually oppressed in all power structures.

Feminists like Mary O'Brien (in Scott, 1988: 33) suggest that gender is a structural form of inequality in relations between socially defined gender groups (male and female) and in which patriarchy operates through power relations and politics to maintain women's subordination in all social structures. According to her, patriarchy restores the primacy of paternity and obscures the real labour and the social reality of women's work in childbirth and beyond in their reproductive roles (ibid). As an analytical tool, 'gender' is a process that develops and changes as a function of relations of power and production (Scott¹⁸, 1988: 28-30). Thus gender is both about the social and political; it not only defines social differences between men and women, but is also about the construction of women's subordination (Scott, 1989: 93-94). However, in relation to Dalit women the concept of 'gender' is more complex because caste and patriarchy together play a significant role to construct different categories between women and men.

2.4 Structural Violence

Violence and the continued threat of violence – both direct and indirect – affect the entire sphere of women's lives and interfere with the achievement of their capabilities (Nussbaum, 2000, 2005). This argument is advanced by (Nussbaum, 2000, 2005) and is important in relation to DWEMS who suffer multiple forms of discrimination and violations of their basic rights. As has been suggested, this is due to the intersection of caste, class and gender identities. Direct forms of violence, such as murder, rape or abduction, are usually more visible than indirect forms of violence. Crimes can, in theory, be reacted to through legal procedures. However, structural or institutional violence are indirect, deep rooted and almost invisible to the prevailing society; they are part of the social structure and therefore taken for granted. These long established and accepted social inequalities are much harder to detect and

¹⁸ "Gender" in Scott, J. (1988) 'Gender: A useful category in historical analyses. In: Gender and the politics of history, Columbia University Press, New York, 28-50

to challenge than direct, overt physical attacks.

Based on the pioneering work of Johan Galtung (1969) Winter (2001:) elaborates the concept of structural violence in relation to young children, a useful approach for understanding how structural violence deprives Dalit women of their basic human rights. As Winter (2001:3) argues, patriarchal values are interwoven into all social structures; in the context of caste structure, these values are at the centre of the Indian caste system. The ideological hegemony and supremacy of the dominant castes is rooted in the caste structure and this hegemony intersects with other social structures, such as class and gender, while it is invisible in the eyes of agencies charged with implementing laws. For instance, a Dalit woman who left her traditional menial job was denied the opportunity to buy 'Ration' (food item) from the local shop which is run by dominant castes. It was intended to punish her because she refused to do her caste-defined menial job in the homes of dominant castes. This punishment often takes the form of violence. Although the 1995 PCRA law prohibits such discrimination, these practices remain as acceptable social norms. In this context, the Dalit woman who was not permitted to purchase ration did not perceive herself to be the victim of violence or discrimination. Therefore, Winter's view is that "(p)atriarchy-based structural violence will not be redressed until women are able to play more active roles in making decisions about how resources are distributed" (2001: 3-4). Perhaps this approach can help to understand the structural causes of intersectional forms of discrimination and violations of human rights that DWEMS experience in the state of MP.

2.5 Intersectional Discrimination and Human Rights

DWEMS are traditionally disadvantaged and bear the triple burden of caste-class and gender discrimination because caste, class and gender intersect. (HRW, 2007). Discrimination takes multiple forms not only due to the intersection of these three social structures but also because women have interlinked identities within these structures. Multiple forms of violence are experienced by Dalit women at the same time or over different periods and in the various levels of the social structure (Makkonen: 2002). The framework of intersectionality can open a new window to understand the interconnecting dynamics of violation of rights which are associated with other forms of oppression of different social structures - caste, class and gender. This presents the opportunity to explore alternatives and the creation of effectual measures to achieve social justice (Ibid).

One problem is that policy makers and legal institutions are focused solely on individual incidents of discrimination and violence and often fail to acknowledge structural causes and dimensions of violence in formulating policies and delivering justice (ibid). In addition, the justice system tends to deal with one ground of discrimination at a time-- either gender or caste—but rarely with both. Or it deals with all grounds at the same time without recognising how these grounds of discrimination influence once another during the legal procedure of justice. The justice system thus tends to view

DWEMS as a homogenous category and sees victims as vulnerable solely on their gender identity. However, the grounds of discrimination are more varied for DWEMS than for other women, making justice harder for them to achieve (Makkonen, 2002, 17). Intersectionality is a useful concept since it brings to our attention different aspects of violence and the complexity of deeply rooted sociological, historical and inter-personal grounds of discrimination during the delivery of justice, for example Makkonen, (2002). Intersectionality is also useful because it makes it possible to analyse structural causes and political consequences of different forms of discrimination ((Marsha, 2002). It can help to make visible the relationship between different forms of discrimination that people face in various moments of life. In the case of DWEMS the lens of intersectionality is an imperative and constructive theoretical framework to identify the root causes and patterns of systematic forms of rights violations (Marsha, 2002).

2.6 Social Exclusion

DWEMS suffer multiple forms of discrimination and rights violations which are interlinked. Social exclusion describes a process wherein individuals or groups are wholly or partially excluded from full participation within society (Haan 1997, 1999, 2003; Thorat 2003; Thorat and Louis 2003). Thus, examining patterns of exclusion would be helpful to understand how exclusion influences and places DWEMS in more marginalised positions than others (Kurian, 2008). A predominant set of values, beliefs and institutional procedures operate systematically and consistently to the benefit of dominant caste people at the expense of the other castes and leads to the exclusion of DWEMS from the social and economic spheres. According to Fraser (1997 in Kabeer, 2000:) an economic conceptualisation of injustice and discrimination deals with exploitation, exclusion, marginalisation and deprivation, whereas cultural forms of injustice are influenced by social patterns of representation, interpretation and communication by integrating different forms of disadvantage in the society. Social exclusion promotes a broad understanding of exclusion, in relation to DWEMS, and helps understand how discrimination and exclusion processes interact in the context of unequal caste relations. Along with intersectional forms of discrimination in caste-based societies, exclusion may occur in multiple spheres and cause diverse consequences for DWEMS. This helps understand exclusion as a long term process that includes social, economic and cultural factors undermining DWEMS' enjoyment of basic human rights (Kabeer, 2000: 84). In MP the poverty incidence for scheduled castes is higher than for 'other' category of social groups (Behar, 2002). This study has drawn on the idea of social exclusion, but this concept is less central than either structural violence or intersectionality in the overall analysis of the position of DWEMS in MP and the continued discrimination that they face.

2.7 Impunity

In the caste system, social, economic and political boundaries between dominant castes and Dalits are maintained by dominant castes who protect what are perceived as their own interests. Cross-cutting caste, class and patriarchal structures contribute to maintenance of this unjust social structure. Considered ‘untouchable and impure’, DWEMS suffer multiple forms of discrimination. Violence against these women is seen as a means of control, as well as a way to punish their male relatives. Violence is thus used by dominant castes to impose ‘political lessons’ on their ‘inferiors’, to bully those who protest, and to maintain the complete subordination of Dalit communities (HRW, 1999). Here state impunity and caste impunity together have had major repercussions for Dalit women who have tried to protect their own basic human rights in Indian society in the past.

The Commission on Human Rights Impunity, 1999 defines the term ‘impunity’ as the impossibility, *de jure* or *de facto*, of bringing perpetrators of violence to account—whether in criminal, civil, administrative or disciplinary proceedings. Impunity thus implies that crimes of violence are not subject to criminal or other forms of enquiry that might lead to prosecutions, arrests, trials or sentencing to appropriate penalties, or to reparations being provided for the victims (Irudayam 2006: 557). Irudayam concludes that “one of the many reasons for state impunity is the lack of legal sanction” (2006: 557-8). If this is unchecked, a pattern of unacknowledged violations can develop which can ultimately undermine the rule of law and the legitimacy of the state and the capacity of its institutions to protect human beings and their human rights.

In these kinds of circumstances, Odinkalu explains that “there is a concurrence of impunity in law and in fact” (cited in Irudayam 2006: 555). In other word, impunity *in fact* can become impunity *in law* thus making the law dysfunctional. Hence, if impunity *in law* has to be ended, then impunity *in fact* has to be dealt with through full and proper utilisation of the authority of the law to do so (ibid). DWEMS today are deprived of access to justice from the current legal system due to the impunity of perpetrators of violence before the institutions of the state. This impunity is facilitated by the lack of accountability of state actors such as the police, district administrator and dominant castes.

In conclusion, this chapter has shown how useful the various concepts selected can be in understanding the position of a doubly, or triply excluded group like Dalit women involved in manual scavenging activities. Not only do we need an intersectional approach to appreciate the full range of their forms of disadvantage, but by focusing on questions of how impunity can be overcome, and how the state can be made responsible for addressing the multiple forms of structural and physical violence to which DWEMS are subjected, this study hopes to contribute to changing their position at least somewhat in future, including by improving their chances of gaining justice through legal channels.

Chapter 3

DALITS' RIGHTS IN LAW AND IN PRACTICE: SOME DISCREPANCIES

3.1 Introduction

This chapter first describes the main international human rights instruments available for the protection of Dalit rights. It then briefly describes the emergence of the Indian anti-caste movements. It also exposes the contradictions between the Indian government's declared policy of support for Dalits and its unwillingness to support the 'violence against Dalits' clause as a gross violation of international human rights under the CERD (Committee on the Elimination of Racial Discrimination). National legal instruments that guarantee the human rights of Dalits are then reviewed. Finally, the chapter explores some of the main inconsistencies that arise between law and practice in relation to the caste-based discrimination that cuts across Indian society. The aim is to highlight the social ambiguities of India's legal-justice system in relation to Dalits' rights.

3.2 Dalits Human Rights in the International Arena

The most important document on international human rights is the United Nations Charter¹⁹ which explicitly protects the human rights of all human beings, and thus logically also of Dalits. The United Nation General Assembly has adopted the UDHR²⁰ which also aims to protect the rights of all human beings. Its basic premise is that all human beings are born free and equal in dignity and have equal rights to enjoy all the rights specified in the Charter without distinction or discrimination. These are some of the common basic principles of social justice, which involves "Equality, Life with Dignity and Non-Discrimination" as declared in other international human rights instruments to which State parties are legally obliged upon ratification (Banning et al, 2004: 1-2).

Conversely, the International Convention on the Elimination of all form of Racial Discrimination, (ICERD) 1966 was the first major piece of universal legislation to combat racial discrimination. Article 1 of the ICERD covers four kinds of discrimination, distinction, exclusion, restriction or preference based

¹⁹ See Preamble and article 1,2,8 and article 55 of the Charter of the United Nations (cited in Banning, 2004: 218-19)

² The Universal Declaration of Human Right (UDHR), 1948 has declared that "the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world", (see details in Banning, 2004:2-3)

on: race, colour, descent or national or ethnic origin. Until now none of these international treaties or declarations has contained the word 'Dalit' in the definition of racial discrimination (Keane, 2007).

3.3 Dalit rights, the government and international law

In the past, under the leadership of Dr. Ambedkar²¹, the Dalit anti-caste movement was very strong, particularly during India's independence period. However, DWEMS are still far removed from political platforms at all levels, ranging from the local to the national (Ruth's opinion in document HRW²²). In the context of MP, there is no such movement in the state where these women can have the opportunity to raise their voices. The issue of caste-based discrimination has been discussed and documented broadly in the context of Dalits as a community, as well as in the context of violence against Dalit women in some states because of the active anti-caste people's movement for instance Panther, NCDHR, NFDW²³.

On one side, the rights of DWEMS are neglected by the wider Dalit anti-caste movements and on the other side, women's liberation movements have struggled in the Brahminical framework with the question of Dalit identity. General ignorance of Dalit women's position provides very little space for joint actions with other Indian women to promote Dalit women's struggle for their rights (Datar, 1999:29-65). A simplistic approach to Dalit rights will fail to consider their specific class, caste and gender locations in the power structures that they live in on a daily basis and in relation to the state and elites (Guru, cited in Rao, 2003:80-81).

Although international institutions have affirmed the obligation to protect the rights of individuals and India has ratified all these conventions, there has been little action undertaken to address the caste system. Despite shortcomings at the national level, after the World Conference against Racial Discrimination (2001) in Durban, the United Nations has taken some positive steps forward in this respect.²⁴ For example, the International Dalit Movements and CERD also agreed to include the words "caste and caste-based discrimination" under the definition of racial discrimination under

²¹ Dr. Ambedkar, father of anti-caste movement and was the Chairman of the Drafting Committee of the Constituent Assembly of India his major contribution for Dalit was their constitutional rights.

²² Ruth Manorama, 'the Nobel Peace prize' winner (in 2005) and a Dalit leader (see more in HRW,1999)

²³ NFDW- National Federation of Dalit Women is a national Dalit women organisation in India.

²⁴ See the definition of racial discrimination in article 1, ICERD (India has ratified ICERD in 3rd December, 1968) and about the demand of inclusion of 'caste' in ICERD in concluding remark of the general recommendation (XXIX) on descent-based discrimination of the CERD (Keane, 2007: 216-7).

ICERD²⁵. However, the Indian government consistently opposed inclusion of the term ‘caste’ in the Convention from 1996 through 2006(Keane, 2007:216-7).²⁶Their position was that this represented a functional division of Indian society, rather than one based on race. The Indian government maintains that ‘caste’ cannot be equated with ‘race,’ nor can it be included under ‘descent’(Keane, 2007:216-7).²⁷ In February 2007, the European Parliament passed a resolution calling on the Indian government to engage with CERD in its efforts to end caste-based discrimination. Again, Indian officials refused to adopt this resolution on the grounds that the Parliament’s resolution lacked “balance and perspective” (HRW, 2007).²⁸

Due to this reluctance on the part of the Government of India, it is difficult for the international community to incorporate the rights of Dalits in international human rights instruments, particularly the International Convention to Eliminate Racial Discrimination, 1969 (Keane, 2007, 242). In spite of all these efforts to avoid international attention for the issue of caste, Dalit anti-caste movements in India have drawn the attention of the world community. They have highlighted the various human rights violations against Dalits in India and this has helped build a global concern around Dalits’ rights, and their protection from discrimination and violence.²⁹ The transformation of an unjust caste structure through international human rights instruments is thus still a possibility in the future, but so far has proven very difficult.

3.4 Constitutional Guarantees: a list of provisions

The Indian Constitution includes all the basic principles of UDHR as fundamental rights of citizens (Agrawal, 2005:57). These fundamental rights are equally granted to all by the constitution (ibid). With regard to Dalits there is a Constitutional Proactive Instrument for Dalits in India which includes the following:

- Equality before law of all citizens (Article 14, The Indian Constitution)
- Non-discrimination on the basis of caste and gender (Article 15 (1) Ibid)
- Abolition of “untouchability” (Article 17 IC)

²⁵ See definition of the discrimination against women, Article 1 (CEDAWA report on the status of women in India in online documents).

²⁶see details CERD/C/SR/1531in Para 18 and CERD/C/IND/19, 29 March, 2006), in Keane, 2007: 215-42

²⁷ The term ‘descent’ first proposed by the National Human Rights Commission of India in 1965 and 3rd Committee of General Assembly include term ‘descent’ in ICERD that it implies “one generation inheriting from another specific characteristics’ that [...] evaluated by the society [...] where discrimination on the basis of descent was intended to cover discrimination on the basis of caste”.

⁵Human Right Watch (2007)

²⁹ See website of Global Human Rights Defence (n.d.)

- The right to life and security of life (Article 21 *ibid*)
- Rights against Exploitation (Article 23&24 *ibid*)
- Rights to Freedom of Religion (Article 25 *ibid*)
- Protection of Dalits from social injustice and all forms of exploitation (Article 46, *ibid*)
- Reservation of Seats in the House of the People and in the Legislative Assembly for Scheduled Castes and Scheduled Tribes (in The Lok Sabha and RajaSabha) (Article 330 & 332 respectively *ibid*)
- The Bonded Labor Abolition Act, 1976
- Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) (SC/ST (POA) Act, 1989)
- The Protection of Civil Rights (PCR) Act, 1955 and rule 1977 (to give effect to article 17 of IC, 1949 this act is enacted by the Parliament in 1955)
- The Employment of Manual Scavengers and Construction of Dry Latrines Prohibition (EMSCDLP) Act, 1993³⁰
- Other government initiatives for the upliftment of DWEMS
- The National Scheme of Liberation and Rehabilitation of Scavengers and Their Dependents, 2002
- National Commission on Safai Karamachari
- National and State Commission on Scheduled Castes

All of the above mentioned provisions are intended to safeguard the rights of Dalits. As we will show in the course of this study, very few of these rights have been enforced in the context of Dalit women in MP, let alone in the case of lower-status Dalit women like DWEMS.

3.5 Contradictions between law and practice

Specific legal provisions also exist that are particularly relevant to this study of DWEMS and the forms of violence and social exclusion that they face. For example, The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 was adopted by sixteen States as of April 2002.

The problem with all these provisions, in the context of MP is that they have not been enforced. This is generally true in other states of India also. For example, the definition of manual scavenging covers only the task of cleaning dry pit latrines by hand. Zaide (2006:4) also defines the practice of manual

³⁰ see HRW (1999).

scavenging as “people lifting human excreta with their hands and carrying the load on their heads, hips or shoulders”.³¹ However, there is a contradiction between legal definitions of manual scavenging which mean that the 1993 Act only covers cleaning human excreta by hand and not other forms of scavenging.

A focus group interview with the employees of the Municipality Council (MC) revealed that Dalits who are employed by the MC in Chhatarpur are assigned other forms of scavenging such as cleaning water flash latrines, cleaning public toilets, cleaning septic tanks, and switch cleaning. None of these come strictly under the terms of the Act of 1993. This indicates that the 1993 Act and the Schemes related to rehabilitation and liberation of DWEMS have in practice failed to achieve their stated goal of “liberation and rehabilitation of DWEMS”. In support of this view, the Safai Karmachri Commission (SKC) Report of 2002 also suggested that although the Indian central government had spent more than Rs. 600 crore (6,000,000,000) on the implementation of the scheme for the rehabilitation and liberation of scavengers, the “scheme [was] inadequate in enhancing or re-orienting the skill-levels of the beneficiaries necessary for change of occupation” (SKC, 2002). Thus, despite of other legislation like the “Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act”, 1989 and Civil Rights Protection Act, 1955 being in place to protect the rights of Dalits, the reality is that even when the law is breached those in powerful positions seem reluctant to act. The rate of registering First Information Reports (FIR) by police under SC/ST(POA) Act on caste-based atrocities or violence is generally very low due to dominant caste structures and deep caste-based prejudices (IPT, 2008). Furthermore, according to a report by NHRC (2000:22-4) the reality is that despite legislation, the conviction rate under the PCRA 1955 was estimated at barely 3 percent.

In conclusion, this chapter has shown that on paper there are adequate protections for Dalits and specifically also for DWEMS as a particularly disadvantaged group among the Dalit population. However, whether international, national or at state level, these legal provisions are barely respected, if at all. Indeed because of low conviction rates, it has even been proposed by government in the past year that Special Courts at state-level where cases of caste-based discrimination are heard by judges, may be abolished in future in MP.

³¹ Zaidi explain the situation of Dalit who are engaged in manual scavenging. See more about manual scavenging

Chapter 4

MANUAL SCAVENGING IN CHHATARPUR (MP): PERSISTENT INEQUALITIES AND DISCRIMINATION

4.1 Introduction

The central Indian state of Madhya Pradesh (MP) has a population of approximately 9,155,177 Dalits (Census of India 2001). According to Behar (2002), the total number of manual scavengers in MP is 800,072. This chapter explores the situation of discrimination and violence against Dalits who are engaged in manual scavenging in MP. This study uses a variety of methods, including personal observations, case studies, focus-group interviews and individual interviews. It is guided by the lens of intersectionality in order to analyse the structural causes of discrimination and violence, and to demonstrate how gender is interwoven with caste, patriarchy, class and occupation.

4.2 Practice of Manual Scavenging as Discrimination in the Chhatarpur District of Madhya Pradesh (MP)

Chhatarpur is a district of Madhya Pradesh (MP) and is located in the Bundelkhand region of the state. There are many cases of women who have engaged in manual scavenging work and who suffer caste-based discrimination in the district, although official statistics are not available. During my field visit to the village of Jaitpur I learned that many women have been forced into manual scavenging. A case study of Shyama (pseudonym) from the field work illustrates how the work itself is discriminating this group from their human right to live with dignity and pride (See Annexure (hereinafter refer A.)5, Box 1).

Shyama (pseudonym) is a woman engaged in manual scavenging in the village of Jaitpur. After her marriage at the age of 12, she was forced by her husband and in-laws to begin manual scavenging work. When she refused to do this inhuman job she was beaten until she agreed. Now she goes everyday to the houses of dominant castes to clean dry latrines despite not having any equipment to collect human excreta except for a tin plate and her bare hands. She then carries the excreta for more than two kilometres to deposit it on the outskirts of the village. She works from 6:00am to 2:00 pm every day. The remuneration she receives is in kind rather than a defined wage; she receives leftover food from the households and a measure total of Rs. 20 (around \$ 0.50) a month per house.

4.3 Sanitation system and Practice of Manual Scavenging in MP

The Public Health Engineering (PHE) and Municipality Council (MC) are the main departments for the management of sanitation at the district level in the Madhya Pradesh state. However, I observed that sanitation management is neglected by the government officer in the district as the government constructs community toilets in some wards without proper water supplies and management. During the formal discussion with the officers of MC I found that although PHE and MC departments have enough funds under the low cost sanitation scheme to convert dry latrines into water flush latrines in the district, there is insufficient budget allocation for its implementation. Consequently, these departments have failed to manage the proper disposal of human excreta, liquid waste and household solid waste in the state.³² The “Garima Abhiyan, 2007³³” reports of Action-aid India (2006) states that there were 1340 dry latrines in the district. This is supported by government data (2005), which shows that around 94 % of toilets in rural areas in Madhya Pradesh are dry latrines (Venkatesan 2006:18).³⁴ I personally found that there are still 30 dry latrines and 6 Dalit women that are engaged in cleaning ‘night soil’ in the village of Jaitpur alone.

4.4 Manual Scavenging and practice of ‘Untouchability’

In context of MP, those who are engaged in manual scavenging are defined as impure due to low status and low graded jobs. Women say that “we are ‘achut’ (untouchable) because we are involved in dirty work.” (See A. 2, Group - 3). This can be seen in the village of Jaitpur where in front of the Sarpanch (head of local government) house there are three houses of Dalit Basor families. Sarpanch has never allowed them to enter into his house nor has he visited their houses because they are engaged in manual scavenging. A woman of Jaitpur said, “As we are untouchable we are not even allowed to stand in front of the main entrance in dominant caste houses in the village, we are only allowed to enter from the back door and only to clean their dry latrines.” (see A. 2, Group - 4). Even in public government offices they are treated as an untouchable.

Similarly, during the celebration of the “Independence Day” of the nation, Dalits were employed to clean the roads and were not allowed to join in the celebration. This study also observed that women who are engaged in manual scavenging are not allowed to speak to representatives of dominant higher class authority (see A. 2, Group - 3). These are just some examples of

³² Water-aid, Water and Sanitation in the Urban Areas of Madhya Pradesh, see more about sanitation system in MP.

³³ “Garima Abhiyan” (GA) is a project run by Action-aid India for liberalisation of DEMS in MP state.

³⁴ Central Government report of the Ministry of Social Justice and Empowerment, India (2005) on manual scavenger, see more in Venkatesan 2006.

discrimination women face due to the caste ideology of 'impurity' and the practice of 'untouchability.' According to Human Rights Watch (2007), "untouchability is the subjugation, crime against humanity and denial of the basic human rights of people labelled as "impure", a practice sanctified by religious tradition."

4.5 Women and manual scavenging

This study observed that in both urban and rural areas, manual scavenging is usually only carried out by Dalit women. Patriarchal power relations are interlinked with caste-based and hereditary occupation. The experiences of an old woman from the focus group of Dalit women in Chhatarpur are important as they provide insight into the practice of 'Kisani'.(Appendix 2, Group - 3). Apparently it is the duty of the mother-in-law to give her manual scavenging occupation to her daughter-in-law rather than to her son or daughter. Thus, as a custom, this occupation passes from one generation to another and from one woman to another through patriarchal kinship lines. (See illustration in Appendix 2, Group - 1).

The report of the Ministry of Social Justice of India (2005) reveals the reality of this hereditary caste-based occupation in the state. It shows that of the 80,000 people engaged in manual scavenging in the state of MP, approximately 95 % are women and girls (Venkatesan 2006:18). The unpublished 'Garima Abhiyan, 2007' report (2006) claims that out of 90 people, 86 are women working as manual scavenging. These women receive remuneration between 100 to 200 rupees (US\$ 3 to 5) per month.

4.6 Economic Discrimination

Economic discrimination is one way of controlling material and human resources. Traditionally, Dalits have no right to hold property. Legally, however, they have the same rights to property as every other citizen. This contradiction can be observed in many areas. For example, various government programs have attempted to redistribute land to Dalits. Yet despite these redistribution schemes, Dalits are still unable to gain possession of their allotted land from the dominant castes.

This part of the study focuses mainly on employment related issues of those who are engaged in manual scavenging in both private and in public spheres; it also examines emerging challenges regarding employment. It was found that these rights are violated in the caste system in both private and state employment in the district of Chhatarpur. This study found that manual scavenging is the only economic opportunity available to Dalit women in the Chhatarpur district (A. no12).

'Balmiki', 'Mehtar' and 'Basor' are Dalit castes in the district traditionally engaged in manual work in the region. In rural areas, the men of these Dalit castes provide their manpower to dominant castes as agricultural wage labourers, while in urban areas, these men are employed mostly in government offices like MC and health departments as sweepers (Sweeper or Safai Karmchari is person who employed for menial work particularly by the MC

office). However, women of these castes are largely employed to clean ‘night soil’ from the houses of dominant castes in both rural and urban areas. A woman I encountered said that “as I was born in the ‘Bhangi’ family and my mother was cleaning dry pit latrines I am doing the same work as my mother. I am not allowed to choose other types of work because I belong to the untouchable castes.” (See A. 2, Group 3).

Dalit women work in extremely unhygienic conditions without wearing any safety equipment, which can result in skin diseases. A woman showed me her hands covered with skin diseases and said that this is common for Dalit women (A. 2, Group .3). In terms of wages, these women do not receive anything. They receive remuneration as kind rather than money (Ibid). However, if a woman of these castes wants to leave this job she will be threatened by dominant castes and forced to resume the work. In a focus group interview a woman said that “after leaving manual work, her husband was beaten by dominant castes people of the village and they had taken our buffalo and they even socially boycott us.” (A. 2, Group 4). A Dalit man from the same village shared that when his wife left manual work the dominant castes killed his pigs. These examples demonstrate how social boundaries of work have been maintained in favour of dominant castes by the caste system in the region. It suggests that the dominating nature of caste is embedded in social structures which block Dalits’ employment opportunities at a local level.

As dry latrines are abolished in the district, rather than liberating Dalits, such measures often penalise them as they cannot find alternative employment. The following case study of Ram illustrates how his identity of work is linked to his caste identity in the class structure and how these prevailing structures violate his rights of dignity and equal status in employment.

Londi is a small town in the district of Chhatarpur where a man called Ram (fake name), who belongs to the Balmiki Dalit caste, found employment as a peon in the office of the Judicial Magistrate First Class (JMFC). The post of sweeper was vacant in the office and no one was available in the office to clean the toilet. Under the caste rule, no dominant caste person can clean the toilet. The Judicial Magistrate, as a representative of the dominant caste, found that rather than allowing Ram to do the task of peon—for which he was originally hired—he could be assigned the task of cleaning the toilet. Although this task was not part of his employment duties, Ram was unable to fight against the discrimination in the work place because he feared that he might lose his job. This case illustrates that in both rural and urban areas there are limited employment opportunities for those belonging to Dalit castes.

4.6.1 Employment – Discrimination, work environment and new challenges

We can see discrimination in the work of manual scavenging in Chhatarpur. There are different types of work carried out by different people in the same field. Mostly work like supervising and planning and implementing remain in the hand of dominant castes. For example, Dalit women work as manual scavengers but their supervisors are always appointed from ‘higher’ castes. A Record of the MC Chhatarpur (2008) confirms that all the dignified (meaning

non-manual, non-cleaning) posts in the office of MC are occupied by the dominant castes. Positions such as chairperson of the MC, CMO of health, and cleaning and health inspectors all belong to the dominant castes. Caste based discrimination in the workplace in terms of job allocation is an integral element of the caste hierarchy. According to legislation, Dalits are permitted to hold higher posts, such as those of Chairperson of Health and Cleaning, Ward *Jamadar* (the ward in-charge) or health inspectors. However, there is very little evidence of Dalits attaining work in these higher positions. To reiterate, people belonging to 'higher' castes hold higher positions in each work area.

The other kind of discrimination we can see at the work environment, especially in terms of providing healthy and positive environment in terms of providing payment, promotion, insurance of health, provident fund, gratuity and bonus. For instance, a person who was working in MC office since 20 years shared his pain related to employment and he said "though I am working here since a long time I am a daily waged worker, my payment is only Rupees 3000 (US\$75) per month. If I am sick and unable to come for work a day, office cut my payment".(See detail in A. no 3, group 1). We believe that this kind of other facilities gives positive thinking and provide good environment to work satisfactory. Moreover, providing safety and security for their life is most important. This people are working with unhygienic environment need more precaution to prevent them from the disease. However lack of safety and appropriate and modern instrument this people suffer from disease. Moreover government did not pay any compensation, health assistance for them. According to latest interim order of Delhi High Court, "if any person died or have any injury during the manual work, government is responsible for that and has duty to pay compensation, provide medical assistance and do not be terminated from the work even the contract worker" (Civil Write no. 5232, 2007: 12-7).

Due to privatisation and contract systems these people are losing their jobs. Contractors searching for cheap labour often hire people (of the same lower castes) from other areas of the country to work as manual scavengers. People hired on contract by the MC receive lower wages than what is announced. Therefore, these people live with fear of losing their wages. Although these workers show up for their shifts and work complete hours, they are sometimes marked by their employers as absent. Similarly many work additional hours but do not receive overtime or corresponding compensation.

According to my own observation, discrimination and injustice in this community has remained very strong. Although there are legal provisions and various development plans have been made, these measures have not yet brought positive impacts for disadvantaged groups. It has not helped to bring justice or to dismantle the manual scavenging system. Law creates fear, forcing Dalits to leave their traditional jobs as 'manual scavengers' without presenting viable employment alternatives. This often leads to unemployment and further violence or discrimination. At the local level, caste norms are stronger than formal legal measures.

4.7 Social, Cultural and Political Spheres of Discrimination and Violence

DWEMS also suffer discrimination in social spheres such as in the family, in local public places, schools and health institutions. In the family sphere I observed that Dalit women suffer discrimination. For example, a woman from the village of Jaitpur said that whatever she earns her husband takes for drinking. Whenever she refuses to give money he beats her; however she does not think it is a form of rights violation because this is a common practice in her community (A. 2, Group 5). Although women have to do chores as well as clean 'night soil,' their work does not have value and they do not have decision making power in the household. One woman who participated in a group interview said that her husband told her to stop talking about her work so immediately she stopped talking about the topic. (A. 2, Group 4).

In public places, being a woman and being 'untouchable' means that these individuals experience various forms of discrimination, which prevent them from using public services in their villages. They have been denied access to water from ponds and public wells and prevented from buying food from public distribution shops. In some villages there are separate water wells for dominant castes and Dalits, but in many villages they have common water wells. (A.2). In many of these villages, dominant castes do not allow Dalits to use water before them. Breaking this rule can result in violence as demonstrated in the village of Sarani where a Dalit woman was beaten by men belonging to dominant castes because she had broken the caste rule by fetching water from the well before fetching the water of a dominant caste woman (A. 5).

Further, Dalits face discrimination as they have restricted access to public eating-places and they have to bring their own utensils to get food and use separate glasses for drinking tea at village restaurants. Additionally, they have been denied use of common services, such as barbers, and priests will not visit the houses of Dalits to perform marriage rituals; there is even a separate cemetery for Dalits in the district.

The report of Shah et al (2002) in IPT (2008:95) on the discriminatory restriction on public behaviour from the 11 states of the country outlines how Dalits suffer discrimination in all social arenas. This caste-based discrimination is interrelated with violence: whenever the caste rule had been broken the result was physical assaults and verbal caste abuse. The cases of atrocities against Dalits are very common news in the local newspapers (also see A. no. 8 and 9 which illustrate the reality of crimes committed against Dalits).

In the context of religion and culture, discrimination against Dalits is very common. According to the Ambedkar, the doctrine of inequality is a core of Hindu social order (Combat Law, 2002:5). Moreover, the unequal and hierarchal division of work is interlinked with the predetermination of social, religious and economic rights of each caste based on birth among the castes in the social order (Ibid). It was observed that Dalits face discrimination in social religious practices as well as in the religious places. A woman of Jaitpur stated, "Sarpanch invited girls for lunch during *Durga pooja* (prayer of the goddess) but no girls from our Dalit community." (A. 2, Group 4). *Pandits* (priests) belong to

Brahman caste and perform prayers and rituals for other dominant castes only. Dalit women are also restricted to enter into the temple and perform prayer. According to the focus group of Jaitpur they have never entered the local temple of the village (A. 2, Group 4).

Moreover, there was a published case in the local Hindi news paper, Dainik Bhaskar (2008), and on Sahara Samaya, a national Hindi news channel (electronic media), concerning a Dalit man that had been punished for breaching the caste rule. According to the newspaper (Dainik Bhaskar (2008), 2008), “dominant caste people blamed a Dalit person that he is a Dalit, and is an impure person, though he was not allowed entry in the temple, he entered and touched the statue of Hanuman (a Hindu God) hence the statue’s colour changed from orange to black. Therefore the village *panchayat* (caste council) announced a punishment of a fine. The Dalit man paid the fine and went to the Allahabad³⁵ to complete certain rituals.

In the context of the political sphere, Dalit women have little representation. Under the 73rd constitutional amendment the government has ensured the participation of schedule castes, scheduled tribes and women in the local governance as 33% of seats are reserved for SCs/ STs and women in Panchayat institutions(The Constitution of India, 1949:). However, it was found that these Dalit women experience discrimination in government. As dominant castes have superiority in the political parties no Dalit woman has an opportunity to represent her caste politically.

³⁵ Allahabad- it is the city famous for the holy river Ganga

Chapter 5

EXPERIENCES OF VIOLENCE WITH IMPUNITY: VOICES OF DALIT WOMEN FROM MADHYA PRADESH STATE

5.1 Introduction

This chapter first explains the importance of the case study method in analysing intersectional aspects of caste-class-gender based discrimination before drawing on three case studies of Dalit women from the districts of Chhatarpur, Mandasour and Betual in Madhya Pradesh. The case studies outline the experiences of various forms of discrimination and illustrate the procedural barriers of the legal justice system.

5.2 Case Studies

DWEMS suffer multiple forms of discrimination and violence with impunity in the intersecting caste, class and gender structures. The following case studies are utilized to expand understanding about the process in which this specific group is denied their basic human rights.³⁶ They illustrate the activities and interaction of social agents in different spheres and their impact on the lives of DWEMS. In particular, a study approach reveals the reality of the intersectional forms of violence with their structural causes linked to the intersectional identities of DWEMS (Yin 1989 cited in Myra 2003: 22). The case studies therefore enable an understanding of the processes of exploitation, discrimination and exclusion DWEMS experience when they attempt to seek justice following acts of discrimination and violence. To be noted is that in order to protect the identities of the Dalit women who shared their case narratives with the researcher, the women's real names have been removed and instead this report uses pseudonyms.

5.2.1 The Background of the chosen case studies

The first case study is from Bizawar village. This case reflects the intersectional discrimination which Dalit women experience in their lives and analyses how caste-based prejudices influence violence against DWEMS in government of-

³⁶ Case studies such as “The Globalisation of Domestic Care Services” (Kurian, 2006), “At your service Madam! The globalisation of domestic service” (Lutz, 2002) and “Thinking ‘Small’ and the Understanding of Poverty: Maymana and Mofizul’s Story” (Hulme, 2004) have inspired the researcher to use the case study method in order to explore the sociological aspects of discrimination and violence DWEMS experience in their daily life which do not reach the legal justice system.

faces. The second case study is based on the book 'Untouchability on Trial'³⁷, which analyses the structural features of violence under caste ideology and highlights the failure of the legal justice system to protect the rights of DWEMS in the state of MP. For the third case study data is collected from Betul district. As in this case the victim is no longer alive, the researcher communicated with her husband by telephone. This case provides an understanding of the collusion between state actors (police) and non-state actors (dominant castes) which indirectly sanctions violence with impunity against DWEMS.

5.2.2 Case Study 1: 'State Actor- Protector or Perpetrator' : Voice of Dalit Women Engaged in Manual Scavenging from Chhatarpur District

Roma received a threatening notice from the CMO of the Municipal Council (MC) office at Bizawar in 2007, which stated that manual scavenging was a crime and that if she did not stop this work she would be punished. This notice also mentioned that if she did not leave this job, her husband would also be punished and he would lose his employment as a sweeper for the MC. She was not alone in receiving such a notice; like her around 15 other Dalit women received threatening letters from the CMO. Although Roma's husband was not employed as a sweeper in the MC [Nagar Panchayat] office at Bizawar, the CMO had incorrectly stated his occupation in the notice. Nonetheless, Roma feared that she might be imprisoned or punished under the law by the CMO. Therefore, immediately after receiving the notice she left her traditional job of manual scavenging and as per as CMO's instructions submitted an official declaration as affidavit in the MC office stating that she would never practice that job again. Her exploitation by state officials, however, did not end with this notice; it was only the beginning. When she raised her voice against this exploitation being falsely blamed that her husband is working in CMO and she was refused to be provided the loan under the rehabilitation scheme. She shared her experience with the member of the Garima Abhiyan, 2007, she was supported to file a common complaint against the CMO to the district collector. This complaint was then forwarded to the Chief Executive Officer (CEO) at the district headquarters, and the CEO forwarded it to the SDM of Bizawar. This SDM, rather than conducting an inquiry, instead forwarded the complaint to the perpetrator CMO for further inquiry. Hence, the CMO was put in charge of conducting an inquiry against himself!

Now that the CMO knew of Roma's complaint, he retaliated by using his official powers against Roma and other DWEMS; for example, when Roma applied for loan he immediately rejected her loan application. At the time of

³⁷ 'Untouchability on Trial' is published by the organisation where the researcher was working in the past, and at that time the researcher had communication with the victim as well.

the interview, these women were hoping that the CMO would be punished and would be benefited under the rehabilitation scheme for manually scavenger

This case illustrates the intersectional discrimination which *Dalit* women experience at the hands of state actors, which remains unseen by the legal justice system due to caste-based prejudices in government offices. The case illustrates how a government authority figure like the CMO, Bizawar, having a duty to implement the law, instead misused his power to manipulate the DWEMS. This manipulation and negative behaviour has close connections with his underlying caste and patriarchal mindset; allow him to exploit his position of authority. This patriarchal caste ideology is interwoven into all the social structures of gender, caste and class. Therefore the CMO, as a male, has superior position in terms of gender power relations in society; as a CMO, he has a higher position as ‘the head of the MC’ and so sits higher in the class structure; and as he belongs to the dominant ‘Brahmin’ caste, he has a superior position in the caste structure. It is the intersection of all his positions of power stemming from these structures that encourages him to violate the rights of DWEMS. In addition, he has support from local political leaders for his actions. During the interview, the CMO shared that “my brother is a chairperson of the well known political party of the district”. This shows his relation with political power (see CMO interview, A. 4, interview 3). Thus, holding a privileged position in the caste, class and gender hierarchies means he has benefited from all social, economical and political structures. But DWEMS are in marginalised position in all above mentioned hierarchies and so are deprived from all benefits (see A. 1, table 8). Despite the fact that the 1993 Act³⁸ prohibits the employment of manual scavengers for removal of human excreta, but is not intended to penalise those engaged in manual scavenging. This case study therefore indicates how dominant castes use their caste-class-gender power and authority over DWEMS to maintain these women’s marginalisation and deprive them of their basic human rights – their right to life with dignity, employment and freedom of work. Further, the CMO also knew that the DWEMS were not aware of their legal rights and he knew that they would be unable to speak out against him because of the women’s ‘inferior’ position due to their intersecting identities as women, Dalits, poor and engaged in manual scavenging work accorded no status in society. Thus due to the stereotype lower image of DWEMS in all the social structures, the CMO was allowed to issue the threatening notice to Roma and other DWEMS.

Therefore, rather than providing these women with alternative dignified employment or suggesting any government rehabilitation scheme, he abused the law by giving threatening notices and providing false information to higher authorities. In doing so, he clearly violated these women’s rights.

In this context, Human Right Watch has asserted that “India’s failure to ensure that all public authorities and public institutions do not engage in caste-based

³⁸ *The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.*

discrimination is widespread” (2007, online document). However, this form of marginalisation is invisible in substantive law and limits the ability of DWEMS to get justice for rights violations from the courts or other legal institutions. In this case, although a group of DWEMS, with the help of Garima Abhiyan, 2007, filed a complaint to the District Collector against the CMO, the CMO was asked to investigate the issue himself which was hardly an independent assessment of the situation.

On one side in this case we can see how state actors like the District Collector, CEO and SDO failed to look at the intersectional aspects of discrimination when taking into account this case of discrimination against DWEMS and so did not make justice accessible to them. On the other side, in this case we can see how the CMO, vested with state authority, has used his caste power and formal state authority to misguide and manipulate the case in his favour. It seems caste based discrimination continued invisible in the legal procedures because of the dominant caste perpetrator holding the important position of authority.

5.2.3 Case Study 2- Legislation for Dalit and Structural Violence [A case documented in the book ‘Untouchability on Trial]

Lalibai is a *Dalit* woman who stated to engage in manual scavenging after her marriage, being forced to take up this work by her mother-in-law. She lives in Dharivakhedi village, Mandsour District, Madhya Pradesh. In 2003, ActionAid India activists visited her village and she was motivated to leave this occupation by the Action Aid project “Garima Abhyan”, whose sole objective was free people from manual scavenging. However, there were severe protests from the dominant castes of the village against her decision because they took it for granted that the Dalits are meant only for performing this work of scavenging. As a result, the dominant castes tried to pressurise Lalibai’s family members to reverse her decision and also circulated false accusations against her. Her husband was given alcohol and encouraged to oppose his wife’s decision.

What makes Lalibai’s life worse was that other Dalit women of the village saw her as an example and then also decided to leave this traditional work of scavenging. This decision, defying traditional caste norms, was taken as an insult to the dominant castes of the village. As revenge, during the marriage of Lalibai’s daughter, the dominant castes attacked her house and destroyed her household utensils, food and other items. In addition, they looted the dowry that was arranged for her daughter’s marriage. The misery did not stop here. The dominant castes also forced the villagers not to attend her daughter’s marriage ceremony. Consequently, Lalibai went to the police station to lodge a complaint. But rather than registering her complaint, three days later the police visited her village and warned her to maintain a harmonious relationship with the dominant castes and to refrain from agitating against them. In response Lalibai made clear to the police officials that she was not responsible for the violence; instead, it was directed by the dominant castes against her due her decision not to practise further the job of manual scavenging. Revenge against her did not stop there; in November 2004, a dominant caste villager set fire in

her house, burning it down along with her cattle inside the house. Regarding this incident, the police lodged a FIR only because the fire destroyed not only her house, but also spread to the neighbouring houses. However, the media played a negative role in this case and the local newspaper published false news against Lalibai that she was responsible for starting the fire.

In this case, Lalibai belongs to a *Dalit* caste defined as oppressed and ‘impure’ under the caste system. The key message of the case is that when a Dalit woman wants to leave her traditional manual scavenging occupation, caste ideology deems it permissible for the dominant castes to react to maintain the caste norms that force the women into this occupation; that is, structural factors were behind the attacks in order to punish her for attempting to leave the vicious cycle of caste-based inhuman occupation. Under the Hindu caste social hierarchy, Lalibai has to the lowest position while the dominant castes have in the highest position. This top-down power position is not only maintained by caste and patriarchal structures, but also by the class structure wherein most dominant castes have the higher positions and still dominate over *Dalits* in the society. Therefore, this case demonstrates how caste-based inequality and injustice is the integrated part of intersectional social hierarchies of caste, class and gender. As a result, rather than assisting the Dalit women with their liberation from this hereditary degrading occupation, the social system pushes them into more marginalised position in the society by pushing their attempts to leave this work. Due to caste prejudices, justice works in favour of the dominant caste perpetrators.

This human rights violation should not be viewed as an isolated incident: it is a result of systematic patterns of caste-based oppression rooted in all the social structures—the caste, class and gender. Therefore, when Lalibai left her job, on the one hand, she was exploited by her own family, by dominant caste individuals as well as the society as a whole. On the other hand, she faced experiences of discrimination in the legal process wherein police officers refused to register the FIR in her case. This demonstrates how caste ideology operates in all these social structures and how atrocities had been committed against her because she refused to do degrading manual work in the village.

Lalibai’s gender identity combined with her caste identity led to her being forced to do this manual scavenging work by her husband. This is a common form of violence in the family where gender power relations allow men to dictate women’s work, thereby controlling the decision-making power of the women and maintaining their subordination in the family. This reproduces in the family sphere the gender inequalities prevalent in the public sphere. Many examples from the field show that Dalit women do not have bargaining power in any social spheres, be it the family, society, the state or the market. Moreover, violence against Dalit women in the family has the cultural sanction of prevalent gender norms. As a result, very few cases of domestic violence reach the police station. Most women avoid going to the police station or courts to file a complaint of domestic violence because it is considered to lower the dignity of the family, and to go against the morality of the woman to approach the police. Only one case did I find in the Family Counselling Center in Chhatar-

pur where a DWEMS approached the police to file a complaint of domestic violence.

Further, caste relations push these women to the bottom of both the caste and gender hierarchies. Hence, if a Dalit woman tries to leave this occupation and cross the caste boundaries of work, the result is discrimination and violence (see A. 5, Box 2).

Though legal provisions are available to DWEMS as instruments against domestic violence as well as against caste-based atrocities, in this case Lalibai was unable to attain her right to freedom to “choice of work” and other related rights of equal treatment in the police station. This was because the key state actors responsible for facilitating access to justice for her themselves violated the law by refusing to register a FIR in her case. This shows how caste ideology is spread in all state and non-state institutions, as well as in the complex caste relations, thus affecting the behaviour of the police officer to refuse to render justice in favour of Dalit woman Lalibai by registering a FIR. There remains the question of who is violating her rights and why? The overall scenario points to the enforcers of the law -thus protectors of human rights - are violating the rights of Lalibai and this violation is rendered invisible to the eyes of the legal-justice system because this system has its own weaknesses (Agrawal, 2005). The legal system follows its own particular procedures which are based on evidence (Ibid). If one is unable to produce evidence of a violation, it is difficult for the person to achieve justice from this system; conversely, if one is able to produce or re-produce evidence against an innocent person or victim, then that person can be punished on the basis of proof against her/him. The former is the case for Lalibai; when she went to file a complaint against the dominant caste perpetrators, the police would not act in her favour as she was unable to produce evidence against the dominant caste perpetrators. By contrast, when the dominant castes went to the police station and filed false complaints against her and produced false evidence against her, a FIR was registered by the police against her, a Dalit woman.

In such a situation, DWEMS are often forced to remain in the same situation where they do not enjoy their rights, respect and dignity. One other case, from Jaitpur village, is the case of Dalit woman Tanu (A. no 5, Box 2), who left manual scavenging work in her village only to be forced by the dominant caste perpetrators to return to this work. In her case, the perpetrators controlled this decision by punishing her and by insulting her and her family. When Tanu filed a complaint in the police station against this dominant caste person, the result was a violent attack on her husband and her buffaloes were stolen. Further, they killed her pigs and the Sarpanch declared that if anyone found a pig on the street they had right to give it poison and killed it. This kind of punishment is common against Dalits in rural areas, the intended message being to not only the concerned Dalit victim but also to other Dalits in the village so that fear can be created among Dalits and no other Dalit will dare to cross the caste boundaries in future. There are many cases in MP as across India where Dalits live with duality??. Even after receiving quality education, Dalits still are forced to do manual scavenging because their identity of ‘untouchable’ caste goes together with their surname, and surnames, as symbols of domination linked to caste identity, create the

boundaries and distance between the different caste groups in Indian society. It was discovered that in the district headquarters, a person had a master's degree but still was employed as a sweeper in the municipality office of Chhatarpur (see A. 2, Group 1). In some instances, people shared with the researcher experiences where they were in government employment for posts like peon or other jobs, and were forced to do menial work in the offices or the home of the officers (see A. 5, Box 5).

All this shows that on one side it is difficult for Dalits to leave manual scavenging, while on the other side if they want to leave this inhuman job for a more dignified job, their caste identity is a great obstacle to overcome the caste-based injustice against them. As per the words of Dr B.R. Ambedkar, "the caste system is a system of injustice and inequality [...]".³⁹ This system confronts Dalits and places hurdles in their paths to overcome the cycle of discriminatory caste-based occupation and low social status.

5.2.4 Case Study 3- Power of Domination and Dalits [Systematic Structural Violence, Intersectional Violence and Impunity: Beyond Social Justice]

Prathna was a Dalit woman who served as a *Panch* (elected member of local village council) in Badgaun village of Betual district. According to Prathna's husband Mihir, his wife fought against injustice in the local council, where the Sarpanch was making labourers work for seven days, taking their signature for a week's wage and paying them only for two days work. However, all elected members of the panchayat had to sign on the payment sheet. Prathna had refused to sign and so the *Sarpanch* (elected chairperson of local village council) made her false sign the sheet. Mihir recounted, "When my wife saw this corruption and injustice against the labourers, she objected to it. As a *panch* she was raised her voice against corruption and other irregularities in the *Panchayat* (village council) by Suraj Yadav, who belongs to the dominant and powerful OBC community of our village and is the *Sarpanch*. This was the turning point in her life, as the Sarpanch's family then started targeting our family in revenge. As she raised her voice against the Sarpanch, she was harassed by the son of the *Sarpanch*. They not only targeted her, but also our whole family". Mihir was accused of being involved in black magic. To support the allegation, he stated a false rumour among the villagers that the tube wells were drying up because of Mihir's black magic. Due to this false allegation the villagers turned against Prathna and her family. The caste panchayat announced punishment and fine on her family. But this was not the end of the harassment; Kale, the son of the *Sarpanch*, raped Prathna on 21st June 2003 just because he wanted to teach her a lesson for her daring to take steps against his father. Prathna first went to the local police station, but after she went to SC/ST police station in the district. There, rather than registering her FIR, the police accused her of lying about the incident. When she approached too many people finally police had to register

³⁹ Dr. Ambedkar cited in Charsley, 1998: 44-76.

her complaint, but then did not take any action against the rapist. After this incident Prathna was threatened again and again by the Sarpanch and his son. Even her fellow villagers also were passing taunts, using caste abuse and barbed comments against her for daring to do so. Therefore it became very difficult for her to stay in the village. Despairing over the abuse hurled by state and non-state actors and the police inaction, she eventually was forced to quit her panchayat membership and leave to her parents' village. However, in 2006, her father-in-law died and so she returned back in her husband's village. As still the Sarpanch wanted revenge against her, Prathna was again raped by the son of Sarpanch on 24th September 2006. This time Prathana went directly to the SC/ST police in the district headquarters. However, again she faced the same negative experiences as in the past. When she went to the district collector and SP, they also alleged that she had family rivalry with the accused and hence she was only 'trying to settle scores' with her complaint. In the police station when Prathna and her husband asked why the police were not taking action on her case, the police replied that 90 villagers had filed the complaint against Prathna. But no person from the village was in favour of her. After a long struggle and subsequent visits in these offices for almost after a year, finally her FIR was lodged by the police on 9th October 2007. According to Mihir, "Close to the day my wife committed suicide, we went to the SC/ST police station in the district headquarter, where we found 25 people from her village were there and were arguing in favour of the Sarpanch. The police officer was compelling my wife to settle the case and stop thinking that any action would be taken against the Sarpanch and any of his family members. Once again, the police did not take any action against accused, and thus Prathan had threatened these officers that she would commit suicide in front of the collector's office if the collector and police officers did not take action against the accused. When she went last to the collector's office on 20th November 2007, she found that still no action had been taken against accused by the police. She felt helpless to attain justice from the police and that same day she committed suicide in front of the collector's office and died on 21st November 2007 in the district hospital. In the hospital before her death, she gave a dying declaration to the SDM, saying, "Why should I live, my life has become a joke. I have not got any justice that is why I ate poison before going to the collector's office". Mihir said, "Everyone in the village had been harassing my wife, she died only to get her voice heard?"

As Dr B.R. Ambedkar says (cited in Charsley,1998: 44-76), "caste' is an instrument for imposing dependents inferiority on [...] the most extreme sufferers, the untouchables". The case of Prathna gives an insight into the process of exploitation and discrimination in the social structure, which drove a Dalit woman to commit suicide. This case indicates how the ideology of caste perpetuates violence with impunity in both social and legal institutions against Dalit women.

Prathna's case shows how her action of filing a complaint against a dominant caste –a powerful authority figure, the Sarpanch – was met with punishment (the two rapes) by the Sarpanch's son just to teach her a lesson for crossing caste boundaries and just to reaffirm caste supremacy of the

perpetrators to all Dalits of the village. This case demonstrates that if a Dalit woman uses her constitutional power and raises her voice against corruption and caste-based exploitation, dominant castes will attempt to stifle her voice. It was observed in many villages that fear and threats of violence are the main instruments used by dominant castes to maintain the subordinate position of Dalits. Moreover, bodily attacks and especially rape are also symbolic instruments used by dominant castes as revenge to punish Dalits in the villages.

Moreover, the traditional caste councils of the village function in favour of dominant castes in a manner to maintain their domination in the village. An example is the false accusation of black magic on Prathna's father-in-law as instigated by the dominant castes in order to create antipathy towards him in the village and teach the whole family of Prathna a lesson for her daring to take action against them.

In addition, it is a common gender norm that 'entering into the police station is against the morality of women' in the state. Hence, in this case when Prathna, as a Dalit woman, went to the police station, rather than receiving assistance from the police, she was blamed for filing a false report against a respectable dominant caste person.

This case clearly shows that state actors themselves are often motivated by casteism. During interviews, it was also learned that a Judge belonging to the Brahmin dominant caste said, "Dalit women file false cases of rape just because of self-indulgence to get compensation⁴⁰ under the law" (see more in A. 4, interview 1). Further, this case illustrates how the intersectional identities as 'untouchable' Dalit caste, poor and rural woman support violence with impunity as they have 'lowest status' in all the social structures. This case suggests that state actors saw Dalit women just as sole victim of violence but they didn't see her as a victim at all?! They saw a Dalit woman as a woman and ignored other aspects of the violence linked with her intersecting identities of her caste, class and gender. The statement of a judge itself indicates state actors' understanding of Dalit women's experiences of intersectional violence: "women are women, so why compensation is only for Dalit women allowed under the law in rape cases?" (Ibid.). As HRW says, "Police also actively allow private actors to commit violence against Dalits with impunity, and at times, collude with private actors in committing such atrocities"(2007, in online document).

Prathna's case clearly indicates discrepancy between law and its implementation. Although substantive laws are available to Dalit women as means to protect them from violence and as tool against injustice, this case shows the discrepancy between law and reality of its practice where a Dalit women experiences discriminatory treatment in the legal justice system when trying to attain justice.

⁴⁰ SC/ ST (POA) act,1989 has provision to compensate Dalits against caste-based atrocities (see more in Agrawal, 2005:71-102)

Prathna's dying declaration itself illustrates how structural causes - power of authorities, system of exclusion, violence and impunity in the forms of structural biases embedded in the state and non-state institutions - rendered her unable to attain justice from the legal system and led to her committing suicide. The lack of accountability of state actors supports the culture of violence with impunity for dominant caste and strengthens the very structures that condone the violence.

From all the above mentioned cases, it can be seen that the fusion of multiple structures and intersecting identities influence violence against Dalit women in their caste-based society in MP. All the above-mentioned cases indicate that if Dalit women try to cross caste boundaries, they are punished by dominant castes. In addition, the cases explore the ground realities of DWEMS and indicate that although India attained Independence sixty years ago, DWEMS are still living under fear and treated as far from equals in Indian society, also failing to attain equal treatment from the legal justice system. These cases also show that caste-based violence has close links with the economic and social exploitation that results from inhuman treatment against DWEMS in all social structures and protects the perpetrators. This situation continues today, but is rendered invisible because of the lack of accountability of the state and non-state actors. They avoid looking at the structural causes of intersectional forms of violence against DWEMS during legal procedures and rather than providing just treatment, they manipulated the women and supported violence against them with impunity. Moreover, the lack of awareness among DWEMS about their legal rights also allows for this violence with impunity in the state.

Conclusion

In short, all these cases suggest that law enforcers are failing to take appropriate action against injustice and exploitation to eradicate the structural causes of caste-based injustice against DWEMS. Indeed, those who are responsible for protecting the rights of Dalit women are themselves misusing and manipulating Dalit women to deprive, discriminate against and pressurise them to live with fear and in the same unjust situation. As Geetha (2003) mentioned regarding Periyar's notion of the caste system and refer that 'caste' is a "system of inequality [...] in both caste and class based society and by which dominant group discriminate and manipulate to [...] [DWEMS]" (Cited in Rao, 2003: 183). The same applies in these cases of DWEMS, indicating that substantive law alone is not enough to break this system of injustice lying in intersection structures of caste, class and gender, and to protect the human rights of DWEMS. This is because the legal system itself is motivated by the caste-ism and therefore forms a major barrier for these women to attain social justice from the legal system.

Chapter 6

CONCLUSIONS & RECOMMENDATIONS

6.1 Conclusions

The main features of the previous chapters show that the caste, gender and class discrimination and the violence against DWEMS in Madhya Pradesh state which is still going rampant in the society. Indeed, this obnoxious practice is prevalent in all sub-caste at all levels. Legal provision and the development programmes have not changed the social status of the Manual Scavenging groups.

Study was carried in villages; Jaitpur, Bizawar and Chhatarpur which is the district headquarter in MP. It was found that though the caste based discrimination and practice of untouchability is abolished by law, still the dominant castes like Brahman, Takur, Patel, Lodhi are dominating the Dalits and violating their in social, political, economic rights. For instance, Brahman (Preist) still prevents Dalits not to perform the task of *pooja* in temple (i.e. prayer and ceremony); priests are the dominant castes people who never enter in the houses of Dalits in Chhatarpur, Madhya Pradesh until they do not have their own personal or political interest, like visiting dalit houses only for votes.

Caste boundaries are very strong and deep-rooted in each one's mind, also it is very natural things for them to believe and obey the customs and rules made in the caste system. Indeed it is very strongly mingled with the religious beliefs where no one questions the religion. Moreover there are punishments involved if a person, especially a Dalit disobeys the rules of the caste system. Fear of punishment among Dalits makes them unable to raise their voice against caste based violence and favour the perpetrator of the dominant caste.

Dalit women are marginalised in the all social structures- caste, class and gender as they are segregated within existing structure of the division of labour in the society. Dalit women who are working as Manual Scavenging are exploited within their caste, society and at work place and do not have bargaining power in any of these structures. Therefore they suffer more than the Dalit man. Moreover they are deprived of education, health facility, employment and property rights.

Law and Schemes are failed due to the behaviour pattern and attitudes of the dominant caste administrators towards this group. Caste prejudices in state institution could not allow Dalits to fight for their rights. It is found from the analysis that the private and public jobs excludes DWEMS from the better employment opportunities because of the intersect identities of caste, class and gender. All these social relation excluded them to get benefits from all the schemes introduced by the government for their development.

Further, the dominant castes as state actors are also motivated by the caste-ism are the barrier for DWEMS to seek justice from the legal justice system. Moreover, there is a lack of understanding about the intersectional aspects of discriminations and process of exclusion committed against the Dalit

women among police and lawyers. Thus substantive law are unable to protect DWEMS from the violence.

From the analysis it was found that State actors such as police, administrative officers, judiciary and *Sarpanch* are protecting dominant caste rather than supporting and protecting to victims of the caste violence. Activities like not registering case, blaming and filing false complaints against Dalits and misusing laws found against *Basor* and *Balmikis* in the Chhatarpur. These state actors like police, administrative played double role of exploiters of rights, one as representative of dominant caste, second as a higher class authority; both together have double pattern of domination and turn out to be as the main exploiters and barriers to implement law related to Dalits and attain the justice. Moreover, the lack of due diligence of the state actors in the legal institutions like Collectorate, Police station and the lack of due diligence of the non-state actors in the society like Sarpanch and other dominant castes in the villages, protect the dominant castes perpetrators and influence violence with impunity rather protect Dalit women from the violence.

Organisations who are working for the women issues in the district are not taking up the issues of Manual Scavenging women due to the lack of understanding regarding the intersectional aspect of caste-based discrimination. In addition, there is lack of awareness about law and schemes among DWEMS which also make them difficult to attain justice from the legal system.

This research suggests an urgent need to re-think strategies to secure the rights of DWEMS that go beyond the law. Laws alone will not change the structural causes of various forms of discrimination and violence and challenge the social system wherein caste-class-gender inequalities are interwoven. One has to evaluate the process of exclusion and intersectional aspects of multiple structures of discrimination and violence DWEMS suffer, which are rooted in caste-based social structure and invisible to the eyes of legal institutions. This is due to the dominant ideology of caste seeded in the minds of state actors like police, judges, administrative officers and politicians, as well as in the minds of non-state actors like dominant castes and CSO. Therefore, an intersectionality approach is useful to strengthen the dignity and human rights of DWEMS.

6.2 Recommendations

- DWEMS indicated the need to focus on the issues of manual scavenging at the state level. The involvement of Dalits is required at each level from policy planning to implementation. The perception of these people was that “power of domination cannot be abolished by law in this area.... there is need of a strong Dalit movement, but we alone cannot do anything. We need support from others who have the ability to assist and mobilise the Dalit movement at state level.”
- The judiciary and police officials, when delivering justice to DWEMS, need to inquire into the structural causes of multiple forms of discrimination and violence against the women rather seeing their cases as stray incidents. The intersectionality approach stresses that discrimination and violation of human rights of Dalit women should not be regarded just as a sole form of

discrimination by legal-justice system, but should be viewed as intersectional forms of violence which may be based on multiple identities or multi-dimensional structural causes of violence.

- Policy makers, administrative officers and politicians should undertake a comprehensive review of all laws and policies related to the eradication of manual scavenging. This review should incorporate an intersectional perspective in building concrete and time-bound steps to eradicate the practice of manual scavenging and implement the liberation and rehabilitation schemes for the upliftment of DWEMS. This includes providing DWEMS with support, counselling and training in alternative occupations to enable them to leave manual scavenging and have freedom to choose their work.
- Local NGOs must play an active role in liberating DWEMS from manual scavenging and assisting them in terms of rehabilitation into dignified occupations. However, NGOs also need to understand intersectional perspective of violence in their work, especially those working with Dalits and women as groups than they may play a better role to creating a positive environment against caste-based discrimination and violence.
- National organisations and Dalit movements should take steps to make sure there is inclusion of the issues of Dalit women, in particular DWEMS, in the NGO sector from the grassroots to the state level. The perception of these people was that “power of domination can not be abolished by law in this area. Therefore, there is need of a strong Dalit movement but we alone can not do anything, we need support of others who have the ability to assist and mobilise the Dalit movement at a local level.” Their inclusion into civil society movement can be facilitated the empowered participation of Dalit women in the social, political and economic spheres.

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V

APPENDICES

Appendix -1

Table -1
Census data 2001: Overview of Scheduled Castes Population in India

Scheduled Castes Population in India		
Scheduled Castes :Total	166,635,700	16.2%
SC- Rural population		81%
SC- total population in MP		9,155,177

Source: SC Census survey profile in details, Census of India, 2001, online document.

Table No.2-
Scheduled Castes: Total population of Basod, Basor, Bhangi and Mehtar in MP

	Total	rural	urban
Basod	82,633	53,736	28,897
Bhangi, Mehatat & Balmiki	309,921	131,408	178,513
Basor	262,257	189,398	72,859

Source: Census of India, 2001

Table No. 3-
Demographic Profile of District Chhatarpur

Population	Literacy and Education	Workers	Amenities and infrastructural facilities
Persons 1,474,723 Males 788,933 Female 685,790 Growth (1991 - 2001) 27.33 Rural 1,150,428 Urban 324,295 Scheduled Caste population	Literates Persons 631,370 Males 416,441 Females 214,929 Literacy rate Persons 53.26 Males 65.28 Females 39.26 Educational Level attained Total 631,370 Without level 2	Total workers 592,470 Main workers 441,443 Marginal workers 151,027 Non-workers 882,253	Total inhabited villages 1,080 Amenities available in villages No. of villages Drinking water facilities 1,075 Safe

342,990	3,930		Drinking water 1, 072
Percentage to total population	Below primary		Electricity (Power Supply)
23.26	2 10,897		1, 033
Scheduled	Primary 1		Electricity (domestic)
Tribe population	87,015		287
5 1,593	Middle 9 6,146		Electricity (Agriculture)
Percentage to total population	Matric/Higher		185
3 .50	Secondary/Diplom a 8 2,056		Primary school
	Graduate and above 3 1,240		970
Number of households			Middle schools
2 51,334			238
Household size (per household)			Secondary/S r Secondary schools
6			98
Sex Ratio			College
Sex ratio (females per 1000 males)			-
8 69			Medical facility
Sex ratio (0-6 years)			407
9 16			Primary Health Centre
Age groups			28
0 - 4 years 1			Primary Health Sub- Centre
97,553			152
5 - 14 years 4			Post, telegraph and telephone facility
12,491			252
15 - 59 years 7			Bus services
55,554			274
60 years and above (Incl. A.N.S.)			Paved approach road
1 09,125			345
Scheduled Castes (Largest three)			Mud approach road
1. Chamar and Others			644
211249			
2.Koliandother s			
37131			
3.Gond and others			
10,606			

Scheduled Tribes (Largest three)			House Type
1. Khairwar etc. 17,684			Type of house (% of households occupying)
2. Saur 17,140			Permanent 42.2
3. Kumhar 35,489			Semi-permanent 57.3
			Temporary 0.5

Source: Government of India *Census of India 2001*, New Delhi, Retrieved on 23.04.08 from Webpage <http://www.censusindia.net>

TABLE No- 4
Facts related to total number of Scavengers in India

Nationwide Total No of Manual Scavengers- 6, 76,000 (Report of the Union Ministry of Social Justice and Empowerment, 2005, cited in Rawat, 2007).			
Total No. of Dry Latrines in Urban Area in India- 54, 00,000			
Total No. of Dry Latrines in Rural Area in India- 24, 00,000			
State wise Number of Manual Scavengers Rehabilitated and the Gap till 2002			
	<i>Total number of identified scavengers</i>	<i>Number of scavengers rehabilitated</i>	<i>Gap remaining as of 2002</i>
Andhra Pradesh	30921	28167	2754
Assam	40413	1594	38819

Bihar	12226	285	11941
Gujarat	64195	11653	52542
Haryana	36362	15558	20804
Himachal Pradesh	4757	2023	2734
Jammu & Kashmir	4150	211	3939
Karnataka	14555	11847	2708
Kerala	1339	141	1198
Madhya Pradesh	80072	80755	-683
Maharashtra	64785	19086	45699
Orissa	35049	10681	24368
Punjab	531	2988	-2457
Rajasthan	57736	14169	43567
Tamil Nadu	35561	23687	11874
Uttar Pradesh	149202	180391	-31189
West Bengal	23852	2338	21514
Delhi	17420	2941	14479
Nagaland	1800	0	1800
Meghalaya	607	0	607
Pondicherry	476	1290	-814
TOTAL	676009	408644	267365
Note: The (-) figure clearly indicates faults in the identification			

process.

Source: Lok Sabha Unstarred Question 4940, answered on 20 December 2002 cited in Behar Documented in Website HDI on Dalits.

Cited in Amitabh Behar et al. 2002 *Human Development Index on Dalits* online in http://www.india-seminar.com/2007/574/574_amitabh_behar_at_al.htm, Retrieved on 14.09.08

Table no- 5
Facts related to Scavenging in Chhatarpur

Total dry latrine in the District Chhatarpur	1340
Total no. of people engaged in Scavenging and 4 men)	90 (86 women

Source: unpublished report 'Garima Abhiyan, 2007' 2006, District Chhatarpur

Table no-6
Social Indicators for Dalits in India (1998-1999)

	Dalits	Non-Dalits
Infant Mortality Rate 61.8	83	
Child Mortality Rate 22.2	39.05	
Under nourishment 41.1	54	
Life Expectancy (Years) 66	62	

Source: Thorat & Nidhi Sadana (2002:99)

Table no - 7
Economic indicators for Dalits in India (1999-2000)

Non	Rural	Rural	Non Urban	Urban
Dalits (%)	Dalits (%)	-Dalits (%)	Dalits (%) -	
Self-Employment in Agriculture	16	41.11	3.28	4.3
Self-Employment in Non-Agriculture	10.18	14	27.76	38.7
Wage Labour	61	29	64	15
Employment Rate	46	48.4	45.8	50
Unemployment Rate	5	3.5	5.2	3.5
Poverty Rate	35.4	20	39	21

Source: NSS Employment Survey, 1999-2000, CSO, Delhi

* The full report, *Affirmative Action in the Private Sector: Why and How*, by Prof. Thorat is available from the DSN office.

Table No. 8
Scenario of Dalits in India

A Glance: Social and Economic condition of Dalits

“A large number of cases which deserve to be registered under Protection of Civil Rights Act or the SCs & STs (Prevention of Atrocities) Act are not actually registered under these Acts, either due to ignorance of law or under pressure from the interested parties. Investigations in even those limited number of cases is often earned out in a slipshod manner and with considerable delay.” (Cited in NHRC online document)

Report of NHRC indicates the social economic status as well as pattern of discrimination dalit face in day today life. Following is the fact sheet of the status of Dalits:

Number of Dalit engaged in Scavenging – estimated one million Dalit in India (document HRW report on Dalits)

Poverty Status: Dalits Living Below Poverty Line (BPL)- 37 percent of Dalits living below poverty in India

Health Status: Nutrition Status of Dalit Children- 54% (Half of India's) Dalit children are undernourished in India and 21% are severely underweight & 12% DIE before their 5th birthday. Sadly, only 27 percent of Dalits women give institutional deliveries in India. In addition, Immoral Mortality Rate (IMR)- 83 per 1000 live birth children born in Dalit community are probability of dying before the first birthday

Discrimination in Health sector: Public health workers refused to visit Dalit homes in 33% of villages

Education status: 45 percent Dalits are uneducated in India however, literacy rates for Dalit women is 37.8% in Rural India

Discrimination in education institutions: Dalit children had to sit separately while eating in 37.8% of Govt. schools

Other Social sectors and discrimination against Dalits: Dalits were prevented from entering police station in 27.6% of villages,

Dalits didn't get mail delivered to their homes in 23.5% of villages

Dalits were denied access to water sources in 48.4% of villages

About one third of Dalit households do not have basic facilities.

Legal Justice and Dalit: A Fact Sheet Crime Committed against Dalits in India on the basis of the National Human Rights Commission Report on the Prevention and Atrocities against Scheduled Castes documented online.

Every Minute- A Crime committed against Dalit

Every Day –

Rape - 3

Murder – 2

Physical Assaults – 11

Every Week-

Burnt home or possession- 5

Murder – 13

Kidnapping/ Abduction - 6

Status of Prevention of Atrocities Act

The Conviction Rate under SC/ST Prevention of Atrocities Act - 15.71%

The Conviction Rate under IPC - 40%

Pending Cases - 85.37%

[Source: <http://www.nhrc.nic.in/Publications/reportKBSaxena.pdf>,
Retrieved on 04.06.08]

Table No. 9

Violence against Dalit (Scheduled Caste) Women in District Chhatarpur, M.P. India

“ Figure of crime committed against SC women in district Chhatarpur between year 2006 and 2008, from the police department, district Chhatarpur, MP”.

S.No	Category Of Crime	Year	Number Of Cases
1	Murder(IPC 302)	2006	01
		2007	01
		2008	---
2	Rape(IPC 376)	2006	10
		2007	11
		2008	09
3	Molestation(IPC 354)	2006	21
		2007	25
		2008	15
4	Suicide(IPC 306)	2006	01
		2007	03
		2008	01
5	Dowry Death(IPC 304 B)	2006	03
		2007	07

		2008	02
6	Dowry Torture(IPC 498 A)	2006	11
		2007	16
		2008	04
7	Miscellaneous	2006	15
		2007	31
		2008	09

Sources: Office of Scheduled Castes and Scheduled Tribes Police Station, Chhatarpur, MP, India

Table No. 10
Status of Atrocities Cases on Dalit (Scheduled Caste) in the , District Court Chhatarpur, MP
(between 2006 to June 2008).

Sl. No	Description	Number Of Cases(2006)	Number Of Cases(2007)	Number Of Cases(1 st January-30 th June 2008)
1	Pending Cases	304	317	350
2	Current Registered Cases	161	235	97
3	Total Selected Cases	148	552	---
4	Conviction	61	77	33
5	Acquittal	85	117	42
6	Discharge	---	---	---
7	File	02	04	01
8	Withdrawn	---	04	---
9	Other Types	---	---	02
10	Pending Cases at the year end	317	350	---
11	Percentage of Conviction	41.7%		

Sources: Special Court, Chhatarpur

Table No. 11
Forms/sites arranged in decreasing order of incidence; pooled data from 11 states of India.

Form/ Sites of Un-touch ability Practice	Percentage of Villages where Form is practised
Ban on marriage Procession on roads	47.4 (229)
Forced to stand in front of upper caste men	25.6(136)
Ban on festival processions on public roads	23.8(114)
Cannot wear new/'bright' clothes	19.0(101)
Cannot use umbrellas in public roads	16.7(82)
cannot wear dark glasses, smoke, etc.	13.7(66)
Cannot use chapals on public roads	10.6(47)
Cannot use bicycles on public roads	7.1(32)

Source: Throat cited in IPT, 2008 (Study Report on Untouchability in Rural India, 2007 cited in 'The Indian People's Tribunal on Untouchability, 2008 Page No. 75).

Appendix No- 2

List of Focus group interviews conducted as a part of research between month July 2008 and August 2008 in Chhatarpur district of MP.

Sr. no.	Group combination	Place	Date	Number of people
1	Group - Dalit men (Safai Karmchari) in Municipal Council Chhatarpur	Chhatarpur	15 july,2008	6 DMEMS
2	Group- Dalit women and men	Bizawar town	18 july,2008	8 DWEMS and 3 DMEMS
3	Group- Dalit women and men	Chhatarpur, district headquarter	4 August, 2008	4 DWEMS and 3 DMEMS
4	Group- Dalit Women	Jaitpur village		
	Group- Dominant castes men	Chhatarpur, district	6 August,	5 men from

5	employed in police and judiciary	headquarter	2008	dominant castes [3 judicial clerks, 2 police constables]
6	Group- in a regional workshop with group of 7 representatives of local women organisation, 2 dalit lawyers and Superintendent of Police [Mr. Shree Nivas Verma]	Chhatarpur	12 August, 2008	7 women from dominant castes and 3 men (2 men from dalit castes and 1 from dominant castes).

DWEMS- Dalit Women Engaged in Manual Scavenging

DMEMS- Dalit Men Engaged in Manual Scavenging

DEMS- Dalit Engaged in Manual Scavenging

Group -1

Focus group Interview in Chhatarpur

The main points coming from the group are: Safali Karmachari either men or women working in the municipality counsel Chhatarpur, are not getting safety equipment from the office, neither a labour contract and minimum wages, nor getting national holydays. Even though recently government passed a circular to give them weekly holydays as any other employees, they work on holiday and without overtime; if they do not come for work on holiday then higher authority put that person's absent in the attendance register. Even for national festival, religious festival, they have to do more work and are not allowed to enjoy those holidays. While all the others celebrate the festival, they work for the former in on festival's day. Othe issue they raised was discrimination (mostly due to the caste) both in wage and in the treatment within the office. They are never allowed to do the peon's task as they are untouchable; also, they are never allowed to sit on the chair. Furthermore, they never enjoy tea with other staff, even other staff come to office for the attendance but for them attendance register reached out from the office campus. All these sweepers stand on the road for attendance, no entry in the office room. Even, they have been discriminated in the matter of promotion. No one from the community get the benefit of promotion rule while working like for 30 years in the office. They are not getting any higher posts in the office, even some post are reserved for their castes but those posts also dominant caste people are employed. They have only employed as forth grade

employee and allotted to menial and dirt job. If one raises the voice against the discriminatory treatment they face in the office than they have been punished by the officer and than he changed the person's duty from general task to dehumanised task like allot the task to clean the septic tank, go into the drainage and others.

Group-2

Focus Group Interview in Bizawar

Bizawar is a Block and a Tahseel of Chhatarpur district and under three tier (Village Panchayat, Janpad (Block) Panchayat and Jila (District) Panchayat) local governance Bizawar is a second and middle point of the system. It has office of Janpad Panchayat and is a small town of Chhatarpur district.

The following issues arises in relation to scavenging work in the town. First I have find that women of the community those were engaged in cleaning dry latrine now due to the threatening by government officer CMO, Bizawar (a chief of the Janpad Panchayat (local municipality council) office) who has penalized these women to leave the scavenging job. Since last year, January 2007, after leaving this job most of them are unemployed. Till the time, they are struggling to fill the empty stomach of their own and the families as it was the main source of livelihood for them. Due to their caste identity as untouchable, their new life struggle begun at local level after leaving this job. They are not getting any other job at local level because no one in the town wanted to drink water if they touch it, no one wanted to touch them as they were doing dirt work and belong to '*Achut*' (untouchable caste).

Second, due to the notice from the CMO, other form of exploitation they experiences from this dominant 'Brahman' caste officer. Their struggle with government was not over with leaving the job, after leaving their traditional job question of dispute had arise between them and CMO when representative of "Garima Abhiyan" report 2006 found that the notice of CMO was showing the false information about the employment of these, it mentioned false that all these women are working in the MC office as sweeper while no one was working in the MC out of them.

In this notice, CMO one side mentioned that these women were employed in his office as a sweeper, other side said that they had to leave their traditional job cleaning 'night soil' from dry latrines, they restricted to do job 'manual scavenging'. In common if they are employed in municipality council they did not do work 'cleaning night soil from dry latrine', only if there is no space for them in MC as sweeper they had only choice work it was 'cleaning dry latrines'. Also the false statement that their male family members are employed as sweeper he mentioned in notice while no male member of these women group were employed as sweeper in MC. That Campaign representative has brought this issue at district level and all these women went to collector office, filed a complaint against CMO. After receiving a complaint, collector has forwarded that complaint to Chief Executive Officer (CEO) and he forwarded it to SDM, Bizawar. However, SDM rather did investigation against CMO by himself, he sent it to CMO who was the main culprit of the complaint and said him to do investigation against his self. So, finally, a

complaint reached in the hand of perpetrator and government was saying to perpetrator to do investigation against his self. As a result, he again mentioned false information that these women are employed as sweeper in the municipality office Bizawar. Though, these women spent money, time and energy with hope to get justice from government as law has guaranteed their rights but this was the challenge for these women to obtain justice through this justice procedure. However, when representative of Garima Abhyan took the copy of this investigation from the office of SDM she found that CMO has mentioned again false information in the latter. Their struggle with the government and with CMO is still ongoing part of their life and they had hope from NGO's like "*Garima Abhyan*" report 2006 and Human Rights Law Network, they may help them against this injustice.

Moreover, men of the community were experiences other forms of problems, like they were not getting minimum wage which is officially declared wage from the collector office, man and women those who are employed in Municipality council Bizawar as like as other part of the country are working without wearing any safety equipment. They work in the condition where they have risk for life and for health. They jumped into the *nala* (flicker) even during this heavy rain and flood time and they clean it without using any safety equipments. A Hira shared that a person had severed injury when he was cleaning the flicker, but rather getting medical leave and free treatment from CMO office he lost his job as was unable to work. Despite, government has provisions to give free medical assistance and provide other benefits to the people who work as sweeper. There are provision to provide them safety equipment like masks, glove, rain coat, gun boots, money for cleaning their clothes, winter clothes, as well as there is provision to use the machines for cleaning gutter and manholes. Though, MC has a machine to collect human excreta but it is not working and its repairing is not priority for government official; they have forced to employed sweepers do this menial task by hands. They had been directed by CMO for the way of work and place of work. Such as the location of work like where one has to for work and who has to enter into manhole and brought 'night soil' in bucket, the second has to pick it in the hands and give it to the third person who stand upon the tank so he pour it in the tank. At least four people require for this task to make empty one manhole, cleaning of septic tank takes 7-8 hours. If one refuse to do this task, will be loose the job, thus they do not have any choice in the work. Focus group of Bizawar revealed these points. Further, I have been MC office in Bizawar to take interview of CMO Bizawar, and I observed that 4-5 safai karmachari of the MC Bizwar were engaged in cleaning the sewage without wearing rain coat while there was heavy rain. No one had dared to go out that time. Even I was not able to go out but they were working in the heavy rain. Mean time, when the health inspectors who belong to dominant Brahman caste were watching us thus he begun to seek and he said that why they were working in this location and forcing them to go some other places.

3. Focus Group Interview -Chhatarpur town, ward no.12

There are total 4 wards in the district which have density of population of DEMS and ward 12 is out of them. This ward 12 is one out of 4 dalit wards which is still segregated from main city. In general, no one like to visit this basti; Local people rarest visit this part of city. Even, I was often visiting the colonies of dalits in the villages but sadly this the first time for me to visit the basti of dalit in the district headquarter. So called dominant caste people visit this basti and sit inside in their house. In the past, I visited but only organised meeting in the community meeting hall rather entre in their houses. A man said that politician only the person visit house to house but only the time of election to beg for vote. A woman said that 'we are 'achut' (untouchable), thus no one want to touch us, come our basti and enter in our house and no one is offering them to come in their houses as well. However women of this community are visiting some houses of 'dominant caste' every day to collect 'night soil' from their houses but from back door. Main door entry is still prohibited for them not only in village but also in the city. Even if I think about myself, in past I have been the houses of Dalit in rural area, however this is a first time for me to visit and enter into this basti as well in their houses although I grown up in this town. This pattern of segregation is just an illustration of that how caste based social arrangements automatically make them isolated and excluded from mainstream society. And no one thinks and realized about this silent form of exclusion and no one is raising voice against this form of discrimination either from forwarded group or from dalit community.

This ward is located at the end of the city and look like village more rather likes town. I have been their with my husband and with dalit activist name Surjeet as he born in the basti he knows more about pattern of discrimination which their community people face in their day today life. According to him no other organisation are visiting their basti's except people from GA. Mostly people are living here in mud made house and covered by plastic. They do not have toilet and latrine, no water supply they have in their home, some people have electricity connection in their houses however some are living in dark because earlier gov. has given them free of cost single line [ek batti] power connection and now they have to pay for it. And they are unable to afford new rate of electricity. When I was inside the house of a family I observed that they do not have basic amenities like stove/gas for cooking, television and other electric equipments. They were sleeping on floor, some children wears dirty clothes but some small children I found were naked. No health food they have to eat in the house, Indian bread [roti/chapatti] and chatani [onion, chilli and salt paste] children were eating. A woman shared her situation of vulnerability and said that at the time of marriage she was 12 years old, after the marriage she was forced by her husband and by mother-in law to perform that degrading job of manual scavenging. She was working around in 30 houses and as a remuneration she was getting only 20 to 30 rupees per month from each house, which was insufficient to maintain the life of the family. Due to the unhygienic condition of work she was affected by the skin diseases, which are very common amongst the scavengers. She was facing caste-based discrimination in the society as other Dalit in the household areas of 'dominant castes' such as not allow to entering in their houses, never

offering to stand parallel with them and so on. However, now dry latrines has been abolished in her area and now it is difficult to get any other job, earlier she had food for the family but without job now she did not have food to feed the children.

I interviewed a group of women and men. Within the male members two persons did not get job in municipality council (MC) but one was permanent employee in the MC Chhatarpur, they all were illiterate. Normally people called them '*Bhangi*' however, officially they have been called *Safai Karmchari*, sweeper,. For these women in MC either called sweeper or mehtrani or Basoranbai. Saidly, we have seen as dirt in the society as we engaged in filth work. A woman said that I born in the *Bhangi* family and my mother was doing the work to clean dry pit latrine, I am also doing same as like as my mother, I have not allow to choose other work because I belong to untouchable castes. I asked about their children's education.

Discrimination In education - Some of them have now begun to send their children into school because of Surjeet have inspired them to send their children in school. But they are not happy to send their children in public school, they want to send them in good private school but they are unable to bear the cost of school fee. Although their children gets admission in nearby government schools, children are not going school, under government scheme they have right to admission free of cost in school (Annexure of gov. circular) however, school administration do not permit free of cost admission of their children in the school. These schools are not maintaining the standard of education as like as central school or other private school. Even these schools have name like Chamrota School, Gowshala School, Basurayana School; Chamar, Basor are the surnames of Dalits therefore these names of school automatically symbolise that for whom these school are.

Mostly their children left school either after primary education or during middle education. As they have seen as untouchable and are living in separate areas thus their children are growing within this separate circle of mainstream society. Even children do not go away to play with other castes children as they are untouchable; and no parents from the community are able and get opportunity to send their child in central school. Though central school is also a central government run public school in the town but this is the best school in the city so children of government officials and children of rich families get admission in the school and admission of any dalit child in that school is just a dream. This discrimination in school admission one side make their children far from quality of education other side build gap between children of both upper caste and lower caste and this line of separation make impossible the inclusion of dalit children in mainstream society.

Social and economic discrimination- Finding shows that they are not only a part of economic exploitation/exclusion but also a target of social exclusion and this exclusion is rooted in social structure. Surjeet a man from Valmiki castes said he had experiences many time that "as we Dalit people are seen as 'impure', people of dominant castes have never like to eat food in our houses, even they refuse to eat food if by mistake it is touched by Dalit". There is not such separate case of violence in public place I found however they have been

discriminated by dominant caste in their every day life. Even impunity exists in over all social structure and government officers also are agent of that.

As I found in government hospital and municipality council offices which are the main places a high ratio of DWEMS working/employed as sweeper here. One side under Indian constitution there are many programmes have run by state as well as central government however in ground the most deprived community among dalit DEMS are far from all these government run benefit schemes.

4. Focus group interview- Jaitpur

“Caste hierarchy is a source of deep emotions in India. In the face of these emotions it is difficult for the law or the army to do anything,” said Chandrabhan Prasad, a New Delhi-based caste expert, in Associated Press, 02 September, 2008, "The rescuers have their caste loyalty and will try rescuing their own first."

Discrimination in Education - Hiral S/O Ramcharan Valmiki age 32 educations 10th fail. First time he realised that he belongs to lowest caste and he felt guilt about it when he was in school. In the class he always fined place to sit in the back, he has never allowed to sit and eat together with students of dominant caste. During national festivals like Independence Day, we dalit student have separated queue to get sweet which is distributed by school and it has given us from far as like we are beggar. Even now, government has run a scheme called “Mid Day Meal”, under this scheme food has been served free to all student till middle class. And there is a provision to give the responsibility of cooking to the weakest community of the village at local level so a person can get opportunity to earn some money during it. Moreover, through this scheme government has given direction to give cooking task to SC/ST people. However, what happen when SC people cook food for all children of the school, all children of upper caste have refused to eat food as food has cooked by untouchable dalit women, finally panchayat give this responsibility of cooking to general caste people. Though these cases of discrimination have often published by media, government is blind to look at the issue against this structural discrimination and take any action on it.

Discrimination in Gram Sabha Meeting- Normally during Gram Sabha meeting we did not allow to sit together with upper caste, we stand bit far from sitting place and all have been welcomed by Sarpanch, he put tika of sindur (Put red power in forehead of all) to give respect to the participants however we are the person who never get this respect in the Gram Sabha meeting, we have get equal treatment if any high authority visit their from the city. He found that except people from his caste, all have full participation rights in Gram Sabha meeting because we have to stand in separate place and had not rights to interrupt or give any opinion regard to development or any other issues related to the village rest. We were welcomed by gram sabha members; sweet has been served to all except our community people. A woman sadly stated that Sarpanch invited to all girls for lunch during *Durga pooja* (prayer of the goddess) but he never invites any girls from our community. These are the

women those who restricted to enter into the temple and perform prayer. No women from this group have entered into the village temple.

We were sitting in a group of 3 women in Anguribai's houses but they all do not have communication with Avadhrani so she was not a part of focus group. However, I have taken her separate interview. During interview Anguribai's children and husband was also around us. First I introduced myself as well as I have introduced to my husband who visited with me. Then Anguribai has offered me to sit on her Katia [a bed her make herself by wood and rope]. And they were begun to sit on the floor. When I saw that I asked them why they are sitting on floor she replied "Ham log bade logo ke sath kabhi barabri se nahi baite" [we does not have dare to sit parallel with upper caste people], I replied I am also not from upper caste we are equal and requested them to sit together. Finally we all sit together on floor. After that, I asked about her family and she introduces me with all of them. As similar as Bizawar and Chhatrapur, they have a Kachcha house with one room and little/some open space which locally called "Agan". I saw the Choolha [a mud maded stove] where these women use firewood to cook food for the family because these families do not have electric stove or gas stove for cooking. According to the key informant, forest department has restricted to them to collect firewood from the forest. Even though, these women take risk and enter into the forest illegally to collect firewood and fulfil empty stomach of the family. They have spent a lot of time to collect firewood from their and some time they face sexual harassment by staff of forest department. Though they are bearing the triple gender role as a wife, chore worker as well as labour, they face violence and discrimination in family, in the society and in the field. I was trying to get the information regarding SH. However, they face harassment do not want to share this issue with anyone. They have avoided discussing that matter. When I found unwilling of them in the topic I turn my topic from the harassment and asked questions of their past life. Anguribai has willing started to share her life experiences. According to her, she got marry in very early age, even she did remember her age the time of marriage. In second visit after the marriage to her mother-in law house basket was handed over to her by her mother-in law. She has been ordered to begun MS work by them. In the beginning she refused to go for this menial job. However, she was forced by her husband and in-laws to do this work. They said her that this is our kisan [Farming] and if we do not do this work how our family would survive and finally they convinced me. She said, earlier she had above 70-80 houses kisan and she was working since morning 6 O'clock till evening 4 O'clock. She was getting remuneration between 10-20 Rs per house/month. When she was talking about her current work, her husband interrupted and said her to reply only the point that I would ask her, no need to say more than that. As like as Jayanti, they are not going to do anything for our family and we will struggle as like as past. After that she has stop sharing her life experiences. I have asked some questions about her current work. Is she still working, if is working than how many houses kisan until now she has and so on? But her husband was stand next to her and he interrupted in between. Thus she change her way of talking. Anguribai has one acer non-fertile land. They are unable to grown anything in that land thus her husband doing a job of watchmen in upper

castes farm house. As a remuneration they give us fix 2 kiwntal grain each year which is a main source of food for our family. However, since last four years there is drought and no crop is growing the farm which not only affecting life of upper caste also our. Though my husband is working but there is no grain in farm therefore farm owner is not able to give grain to my husband. Drought makes our life more difficult than past. My husband is not getting any grain from his farm since last year because there is no crop in field and his farm owner is struggling for food. First farm owner fill his empty stomach than we have a chance. Though we are poorest among poor we do not have the name in BPL list. While our other community people had name in previous BPL list but now in new list our names have been not mention. Earlier we were able to buy grain from PDS shop but now deprive to buy cheap grain from PDS shops because our names are not in BPL list. While those who are rich and have sufficient land for farming they have the name in BPL list. Our name has intentionally has cut by BPL list thereby our community people are unable to get any benefit from government run schemes which are projected particular for poor people. Anguribai has one acer non-fertile land. They are unable to grown anything in that land thus her husband doing a job of watchmen in upper castes farm house. And he is getting only 2 kiwntale grain as remuneration each year from farm owner which is a main source of food for our family. Other problem we all are facing due to drought. Since last four years there is drought and no crop is growing the farm which is not only affecting life of upper caste people also of our community. Though my husband is working in farm we are not getting grain from farm owner for a year because there is no crop in the field and his farm owner is struggling for food. Thus farm owner is unable to give grain to my husband. Drought makes our life more difficult than past because farm owner first fill his empty stomach than he think about us. In the name of property we have only one acre non-fertilise land and we do not have any other source of income, though we do not have the name in BPL list. Even our other community people also do not have name in BPL list. Although we are poor s we are unable to get cheap grain from PDS shops because our names are not in BPL list. While those who are rich and have sufficient land for farming they have the name in BPL list. Thereby our community people are getting any benefit of all government run schemes which are projected particular for poor people by the government. She said that I was getting more remuneration around 400-500 Rs per month when she was engaged in her traditional job collecting 'night soil' from the dry latrines of upper castes houses until last year. As remuneration she was getting some money Rs. 10-40 per house/month it was depends on the financial status of the house. Food and second hand dresses also she was getting from the houses as remuneration. However, through GA, we realised that this job is against our dignity thus we have left this job last year. Since the time we do not have any other sustainable dignified job. Anguribai stated that she was the first person who left our traditional job and now she is working in hospital and getting 200 Rs. Per month. However, this job does not make any difference in her life to improve her dignity in the society. Because still she found it is a menial job. Cleaning flash latrine which is I find dirty as like dry latrine because there is scarcity of water and without water flash latrine I have duty to clean. I have to do other task such as clean

blood of delivery, collect urine of patients, clean toilet, clean hospital, collect garbage and so on. I am working more but getting lesser than my traditional occupation. Still this new degrading job is making her untouchable in and she does not find any change in her life when she compared with her past traditional task.

Anguribai is now unable to find dignified find job thus again doing other form of dirt job clean the streets of the village sadly getting less remuneration than cleaning dry latrine; she is getting only 150 Rs. Per month however from her traditional job she was getting around Rs.400. During over all discussion I found why her husband was interrupting during discussion because Action-aid run project “Garima Abhiyan, 2007” has aim to inspired them to leave this job and some of them have left their job in the name of dignity. However, they do not find any other alternative occupation therefore they have re-joined same job. While they are worried if they inform to members of GA they may scold them. In the Action-aid report I found this is a target based project and they influence people to leave the job. Than they indicate the number of people who left the MS job as a progress report. A grass root [Activist] employee of the Action-aid has shared me that he raises the issue many times in state level meeting of Action-aid that what our campaign would do to help people to find alternative employment who are leaving their traditional job. Reply was that our aim is encourage people to leave their job and to protect their dignity thus no need to go further, just fulfil your duty to achieve this objective. However, it becomes problem for them because GA project has target to liberalised within particular period and there were pressure on grass root worker to show the data in their progress report and to indicate how many people have left this job due to campaign. As a result, people who were actively participating in the program have feared they may again force them to leave the job therefore whenever project team visit them they have begun to say that they have already left their scavenging job. I saw a kind of fear in their faces and they were thinking we are all a part of Action-aid project. It took a long time to convince to believe on me I would not say anything if they say true that they are again join same occupation. Why I am saying they fear for sharing information about re-engagement in menial job because a woman she is also the same caste and is also in a list that left this job. Due to family tension she does allow to a home where we all were sitting. However, her house was next to the house where were talking and that women’s family was listening us. When my discussion has finished with that group I was asking the way of entrance of Shubdhrabai’s house that time they were listening to me. Main door of Shubhdra’s house was bit far and it took 5 minute walk to reach in her house. When they listen that I was reaching in their house they have sent to Shubhrdabai away from the house. I was trying to listen from their mouth they are working as MSs but due to fear; no one was agree to open their mouth. They were afraid if they say that they are again adopted the same occupation, people of campaign may annoy on them.

As like as Jayanti, they are not going to do anything for our family we will struggle as like as past. After that she has stop sharing her life experiences. I have asked some questions about her current work. Is she still working, if is

working than how many houses she has until now and so on. But her husband was stand next to her and he interrupt in between. Thus she stopped to say about the work. Further, I asked her a question, would you like to push your children in your traditional job? They replied who wants to do this dirty job however, it is difficult in our village to get any other job for our community. Then I asked about her teenager daughters, are they going to school. She said that one daughter again gets admission in the school but school is bit far so she stay in house and second daughter has left school after her 5th class. Rest children also get admission in the primary school, due to heavy rain teacher is not coming in school so small children are also in home. A daughter who has already left the school we are looking a boy for her marriage. Even her daughter is blow legal age of marriage [blow 18 years] they are not aware about a law which restricted child marriage. When I asked her why you are not sending you're daughter for higher education in the city. She said who would pay education expenses of it. They are not aware about quota system. They do not aware about reservation in education; they do not know there are special hostels facilities available for both SC boy and girls for higher education. Still they wish that if their children get opportunity of better education or they get property or any other dignified job their life can be change. However, they think that it is difficult for them to cross the social boundaries. We are alone, only during election period politician come to our place and make promises for our development, they give us bribe like alcohol and blankets to influence for vote, otherwise, no one visiting. If we try to raise our voice against any powerful person we have been punished by them.

5 Focus group interview with Dominant castes men employed in police and judiciary, Chhatarpur

Dalit filed false report because they want to make money by this way as the SC/ST (POA) Act, 1989 is only the criminal act provide compensation to the victims. They make conspiracy with perpetrator and divide the amount fifty-fifty. Therefore, the conviction rate in the court cases is very low in there cases in the court, it is only five per cent.

6. Focus group interview in a regional workshop

A group of 7 representatives of local level women organisation, 2 dalit lawyers and Superintendent of Police (SP). In the context of Dalit, during this workshop this police officer said we are very supportive with dalit. Particularly, when I asked the question that why the ratio of registering the case under PCRA, 1955 is very low in the district, he answered that, it is not true and given the illustration of a case where children of the dalit community have been denied for the hair cut in the saloon and due to the efforts of Garima Abhiyan, 2007, the case reached to the SP office. It was only the case which is due to the intervention of GA, police has registered the FIR, and otherwise in the most of the cases they call to the victim and settle down the matter in police station without registering the FIR. While, the representatives of the local women organisations were so angry when a dalit lawyer raise the issue of

'Manuvad' (Brahmanical Patriarchy) and there was a long argument only on it. They were blaming why only dalit women have priority under SC/ST (POA) Act, why not they have same priorities like dalit women. They do not have understanding on the issue of dalit women. A senior woman from the women organisation, when I asked her that is there any dalit woman in her shelter home, she replied that all women are dalit and vulnerable so there she did not find any differences between dalit women and women situation separately. And there is no woman get admission so far in her shelter home, and she did not have any dalit employee in her organisation. Sadly, most of the local civil rights organisations have employees from the dominant castes. Lawyers face discrimination even in the meeting, during the meeting they have been dominated by dominant castes women whenever they were raising issues of dalit women separately than women in general.

Appendix-4

Individual Interviews

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| 1. Interview of Judge of Special Court
13.08.08 | Mr. Dube |
| 2. Interview of DSP AJK [SC/ST] Police Station
08.08.08 | Mr. M.L Ahirwar |
| 3. Interview of CMO, Bizawar
17.07.08 | Mr. Lakhan Lal Patak |
| 4. Interview of CMO Chhatarpur
14.08.08 | Mr. Sudhir Singh, |
| 5. Interview of Dalit women activist
06.07.08 | Mrs. Jayanti |
| 6. Unstructured interview with a person engaged in cleaning job in an NGO "Muskan Jyoti", Chhatarpur
10.07.08 | |

1. Interview of the judge of the Special Court Chhatarpur - Mr. Dube

Rape cases, why there is high rate of rape cases against Dalit? He replied for that people get highest compensation on rape case thus both party has mutual conspiracy. In many cases woman file a false report of rape and send the accuse jail. When charge sheet has been submitted and victim gets 50,000 Rs. [above 900 euro] as compensation she change her statement in court and court has passed acquittal order in favour of accuses due to lack of evidence. Though due to acquittal, woman do not get rest amount of it (25000 Rs) which has only she get after conviction. However, what she does, she take 1st instalment of amount from the court and than after her change her statement in court so accuse has been protected from conviction. After acquittal, both

divided that share of compensation in between. Because of false cases, conviction rate in dalit cases particular in the section of SC/ST (POA) Act 1989 is very low, almost 5 per cent. This conviction rate mostly is same since this law has been passed.

2. Interview of DSP AJK [SC/ST] Police Station

If the woman of dalit caste take initiative against dominant caste, it is natural she would be punished by dominant group. In the particular case against the local politician when I asked why police has reject the woman's case, he replied it is good to put salt in vegetable but bad to put vegetables in the salt. And in this case, she was fighting with the most powerful person of the district. These woman registered false report of rape to earn money than withdraw their testimony in the court thus conviction rate in very low in the rape cases.

3. Interview of Lakhanlal Patak, CMO, Bizawar

(I used fake name Ram for Raju)

Since 4 year CMO is posted in the MC office Bizawar and he is a relative of well known local politician so no one dare to say him anything for his way of work, it is shared by him when he was arguing with key informant. I visited his office with Jayanti who is an activist struggling for dignity of dalit and is a key informant for this study. I introduced myself and said that I came for field work from abroad and Jayanti came together with just to assist me I was speaking in English. He was bit hesitate and offer us tea and was as he is very kind and cooperative for us. Why it is important here to illustrate this because speaking in English in small village where people know very little English, this language discourse indicate them that I have more education as a symbolic power and coming from abroad refer the economic power. He therefore has treated us as equally like as him. There is equality for powerful person however weakest section of the society is a target of power of oppression. Process of subordination combines both Caste and class based discrimination and this every day process of discrimination against DEMS is normal for this officer and his other office staff. He wants to maintain subordination of dalit that why I found he was often using word 'harijen' to called sweeper staff. Before that we were with DWEMS who have already left scavenging job due to treating notice they have received from CMO office. Some of them have applied for loan under national rehabilitation scheme but their cases are still pending for a year. They need sign of CMO, because without his approval application will not accept for loan by the department. When these women went to CMO office and asked why he was not approving their application, he replied that if you come with the Chamaria Jayanti, their application will be rejected. He suggests that they have to leave her accompany because she is manipulating to you people and spoiling your life. CMO knows that Jayanti we helping to these people and making them about their rights. She is guiding them how to get benefits of government schemes. And he has feared if these people have awareness about their rights they will loose their power authority. In the matter of appointment of Dalit as contract labourer and their wage, CMO replied that

he had recently appointed 16 people as sweeper as contract labor in the office. He said that there were only 8 vacancies but he did not want to refuse other Dalit from the work. Thus he took affidavits from all 16 people that they would work in the office as sweeper and share 8 people's wage among 16 and they all were agree for that.

Last year, Jayanti has submitted an application to get record of master role employees of the MC under right to information act from MC Bizawar. One application has submitted by a person called Ram Valmiki to get record of new appointed employees from the office. However, record has not given by CMO to both of them therefore Jayanti brought both applications together and asked to give record. But he tells a lie to Jayanti and said he has already given document to Ram Harijen. When she said I went his house and he inform her that until now he did not get any documents from your office though he has already paid fee for documents therefore she brought this receipt from him and requesting to give document. Why you are telling a lie. He was trying to not give document thus he became aggressive and sought that call to Ram Harijen. When he use word Harijen Jayanti has objected for using term 'Harijen' and she said that you were using word 'Hrijen' each time because she is dalit and by using this word he was insulting her. Although she was requesting to CMO not to use word 'Harijen' again and again, he intentionally using that again and again and was why should not he use this term for them while Gandhi used it for them and he called a person who belong to Dalit caste and was working as a sweeper under him and intentionally called him Ram 'Harijen' and said him that do you have any problem if I call you by you 'Harijen' he stand like beggar and said that he did not have any objection as this is my surname. In between Sarju Pandit, health inspector MC Bizwar inturput and said that "Government only has prohibited the manual scavenging carrying 'night soil' on head or shoulders but not other forms of scavenging. Thus, in this matter was upset and said him to stop raising this issue. And she replied to CMO about the matter of 'Harijen' she said that a Dalit surname is not a 'Harijen', this common a world given by Gandhi to all Dalits, your surname is "Valmiki". As 'Harijen' means people of GOD it means CMO is also a Harijen and he should write Harijen as his own surname. That was a long argument on this word; other people have entered in his room and said that they are his brother and laughing on debate with Jayanti and that way trying to insult her. Finally she said use of this word 'hrijen' is officially prohibited than CMO replied 'show me where a written proof is for that'. And he loudly was saying until she would show her written proof, he would use this word 'harijen' publicly to all dalit. Finally she said she would go to police station and file FIR again him for using this term and than he became cool down. But he was not agree to give document to her and was saying, day after tomorrow CM is coming in district place and he was very busy for his welcome arrangement and was not able to give any document today to her. Though he had spent 3-4 hours in this argument but was not agree to say his sub ordinate staff to provide the copy of relevant document to Jayanti. Rather he said that under RTI he has right to give document within 180 days so she should wait until this time limit or she can file appeal against him. As he was not coparating

to give the document to her and study find his attitude anti-caste. This argument has been stopped by me.

4. Interview of CMO: Sudhir Singh, CMO, Chhatarpur

1st I asked him how many people are working on master role. On this point he said 40 people were working as daily wages worker as sweeper in MC since 1994 and now they have employed on master and soon they will be permanent. When I asked how many women have been employed out of them. He said no woman has been appointed as sweeper by MC because no woman was working as a contract labour since past. As I have already met to some women who were working in MC. Total 23 women who were working as sweeper in MC has been refused to appoint again in MC. When I shared that point with him he said, it is true they were working there however they not punctual of time. While they have benefit they appoint to man rather than woman because man can any task in any time but woman only can clean the street. What work man do as sweeper in MC? For answering this question, he said that they collect garbage from all over the city, clean gutter, clean NALA, clean street; they can go inside of manhole, driver tractor. They can work in day or night or in holiday. Even they can work during heavy rain. Also they can go to give duty of high bureaucrats. While women can not do these all task thus MC has appointed only male rather than female worker.

However, fact is that when MC has set up in 1961, MC has appointed women only as a sweeper but now demand of work is increasing and MC do not have sufficient resources to pay salary of the staff and is not able appoint new staff. Though according to rule one person require for per 1000 square feet cleaning space and now city is growing rapidly and MC has very limited no of sweeper to clean city. However, city need at least 500 more sweeper to clean city properly. As MC do not have capacity to appoint new sweeper staff in MC thus has given cleaning contract to group. When I asked about the contract to whom MC has given the cleaning contract, reply was that a group has been formed by Mahtar (common word used by upper caste to dalit who are engaged in cleaning task) this is group as like as a self help group and MC has given the contract to them. And now MC has paid 60 Rs./ trolley to this group [MC has paid 60 Rs./ trolley for each round to collect and through the garbage away from the city]. This contract system has begun by MC for 6 months because of weak financial status of MC. When I said minimum 4-5 people are require in tractor trolley to collect garbage from gutter and through it away from the city and it needs minimum 3-4 hours because this group covered minimum on ward [or a colony] by each round. And than I asked who would pay to 4-5 people who working on a tractor trolley. He reply that MC does not have interest how many people are working on trolley we just pay for each round and MC is not responsible if some thing happen wrong/accident with them. He further stated that now government is also encouraging public-private partnership. Therefore, recently, MC has given the cleaning contract to one Lucknow based NGO called Muskan Jyoti. This organisation has taken a life contract to clean 15 wards of the city and MC will pay only 17 lac Rs to this organisation once for a life. By this contract government has 100 per cent benefit because the money MC is paying to this NGO for a life contract; while

MC is paying more than this amount each year as a wage to sweeper who has appointed by MC. If this project is succeeded MC will give whole cleaning contract to this NGO because it will work for whole life only on one year payment of their employed sweepers.

Although they have right of non-discrimination under national legislation they have faced discrimination in their day today life as well as in society they face discrimination in their employment. During the job they have right to get safety equipment from the department such as a face and breath protection mask, gloves and other appropriate dress that insulates these persons from hazardous material. Unfortunately they have been forced to work without any safety equipment. Due to treating of hard work, entry of false absent and rejection from the employment make these people's mouth close. This silent form of discrimination some time is life threatening [ftn- two people had been employed as sweepers by MC Gujarat, died inside manhole when they were working on an emergency on 26 may 2008 without wearing any protection equipment because they have been ordered to climb down immediate into manhole. In the matter of promotion he replied that promotion is based on seniority if post is vacant there.

5. Interview with a dalit woman activist of the district - Jayanti

Jayanti Ahirwar who belongs to Dalit caste and works against caste discrimination at district level in Chhatarpur (M.P.) She is a key informant for this research. In-depth interview shows that how discrimination she has faced in her day to day life. 1st her professional experience has been asked by me. According to her, she has involved to implement the Action-aid run program "Dignity campaign" (Garima Abhiyan, 2007) for liberalisation and rehabilitation of DWEMS in district Chhatarpur since 2004. This campaign has aim to protect rights of DWEMS who engaged in manual scavenging. Before that she was a member of block (Janpad) Panchayat and was only a dalit women leader in the region who is still fighting for rights of Dalits. Being a dalit woman during that period she has been exploited by other Janpad panchayat members because it was first experience for them to see a dalit woman sitting parallel with them. Once, member from non-dalit has attacked on her house, beaten her family members and used abusive word with aim to threaten her so that she left her position but she filed FIR against them for justice. Further, she tried many time to get a ticket for MLA election from her party (Congress). Sadly, dominant caste- forwarded class people are more powerful in the area whereas dalit are powerless. Because of that Dalit particular dalit women have never-ever get opportunity to get a ticket for election particularly for MLA and MP's elections. Exception if seat is reserved for SCs/STs them only they can get ticket and won the election⁴¹. Recently, she has applied to obtain ticket for current legislative assembly election in the state however, it is a quite difficult

⁴¹ In local self governance [panchayat and municipality corporation] SC, ST, OBC people and women have reservation under Indian constitution.

for her to get ticket from the party as Brahman and Takur castes people have superiority over others in the party in MP state.

6. Interview with an employee of the Ngo-Muskan Jyoti

This person is employed to collect garbage from door to door in dominant castes colonies. He has been employed in the wage 4000 Rs (\$100) per month in Muskan Jyoti Ngo. This is a Lucknow based Ngo and no local people know about it. This Ngo got the cleaning tender from the municipality of the district; means government has given the cleaning contract to the private agency. Even MC did not informed about it to their employees, and the employees of the MC are not working with this private agency. This Ngo bring people from the Assam and employed them, this is a person out of them. He came with hope to earn money by this job but now he is working as a bonded labor without any wage. He came from poor dalit family of the state Assam (north-east part of the country). Now he is working full day without payment. He is now collecting plastic from the garbage; sell it than fill empty stomach of his family. But he did not have money to go back.

Appendix-5:

Case Studies- Voices of Dalits[those traditional job is defined manual scavenging by the caste system] their own experiences of discrimination and violence from different districts of the state Madhya Pradesh, India. Studies with intend not to disclosed identities of Victims of caste discrimination, used the Fake names of the individuals.

1.Case -1 Box 1

Case of Shayama from the field of research Jaitpur village

Shayama (Fake name) is a women engaged in manual scavenging in the village jaitpur. She goes to clean dry pit latrine where she does not have any equipment to collect human excreta thus she use tin plats and bare hand she collect it in her basket. Than she carry it in the head for dumping it in the disposal place. She walks a long, more than two kilometres to throw it in the dumping ground of the village; this is her every day task. During the rain also she has to carry it on her shoulder, she does not have raincoat or umbrella so she has to walk even in rain and sometime it makes her body dirt. She goes for this work early in the morning 6 O'clock and return home 20'clock in the afternoon. And in evening she goes in each house to collect leftover food from the dominant castes home. In the name of wages she get only 10 to 20 Rs.(blow than 50 cents) Per house. She is working in 12 houses so she gets around 240 Rs (\$6) per month as wage.

Now her condition is worse than past, earlier she had around 40 houses but now only 12 houses where she is working. She does not have any land and her husband is also not doing any thing. Even her name has been cut from BPL list by new survey in new list. Her mother-in-law is old and widow but her mother-in-law is not getting any pension like other old age people of the village. Even, her family does not has name in new BPL list while in the past there name was in the list and they were getting 25 Kg grain in cheap rate. But now her family and other families of her castes are deprived to get benefit of BPL quota. As an inspiration of the GA campaign she left menial job, but after

that she is unemployed, she did not find any dignified job in the village. Thereby, finally, she is re-entering in her menial job.

2. Case - 2, Box 2

A case of Tanu collected from Jaitpur village of Chhatarpur district

Threatening of violence is increased fear of violence in our mind, it is says by Tanu. Due to the fear we do not dare to take any action against powerful people in the village. They get support from all like Police, Sarpanch, Tahsildar and others. Tanu has taken in part in “GA”. Due to inspiration by GA she has left her traditional job after that people came to know why all off sudden she has stopped cleaning task in their houses. They find virtue of the GA she was refusing to do menial job in their houses. Also her husband bought a buffalo to with aim to sell milk rather to do menial job. This becomes the major issue for a village and they have started scolding to her for that. And they started given her threatening that how they people dare think to leave their job. They do not allow keeping pet animal like buffalo; pig is an animal for their castes to keep it as pet animal. After that her family became eye evil for dominant castes people of the village and the she has been threaten for a life by them. Non-dalit but dominant caste person of the castes hierarchies ‘Mukesh Patel’ caught her buffalo and falsely blaming that her buffalo has entered in their farmhouse and damage their crop. By blaming that they caught her husband, used castes abusive word like ‘Bhangi don’t forget your boundary line’ and beaten him by a stick. Tanu’s husband was beaten by them till he was faint. Perpatrator though he is died and leave him on the way. When Tanu reached for help to the Sarpanch home, though Sarpanch is living in-front of her door, he did not support her because he belongs to dominant caste. Police also refused to register the case against culprits. Finally, with the help of the representative of GA she was succeeded to register FIR against the culprit. However, due to pressure from the campaign FIR has been registered but police also favour to culprits and registered counter false FIR against her husband.

3. Case - 3, Box 3

A Case of Roma from Bizawar village of Chhatarpur

Roma (Fake name) received a threatening notice from CMO of Municipal Council (MC) office at Bizawar in 2007, which stated that “manual scavenging job –collecting “night soil” from dry latrine, is a crime and if she did not stop this work she would be punished; this notice also mentioned that If she did not leave this job, her husband would be punished, he would loose his employment as a sweeper from MC ”.

However, she was not only a person, from the focus group discussion of DWEMS of Bizawar other dalit women also revealed same. Almost 15 women stated same as like as Mamta that they get threatening letter from the CMO, of MC, Bizwar and than due to the fear that CMO would take action against them and may they would be imprisoned they left the job. Although, the Act “The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993” act is a step to eliminate the practice of scavenging by

prohibiting employment of scavengers for removal of human excreta and by this way act has provision of punishment against a person who employed dalit people for scavenging jobs. And it intended to liberate and rehabilitate to the people who are engaged in inhuman scavenging. Therefore, the scheme, "*The National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents*" is implemented by the Ministry of Social Justice and Empowerment in 1992. In other word, New passed act and this national scheme has banned the additional explosion of dry latrines in the country rather has aim to penalised to the person who is engaged in manual scavenging(MS). her husband was not employed as a sweeper in Municipality Council [Nagar Panchayat] office at Bizawar, CMO had mentioned false statement that her husband is a government employee in the notice. When she received this notice from CMO who is belong to Brahman dominant caste thus represent to both dominant caste and dominant class and misuse his power against a women who belong to dominated caste, lower class and is vulnerable due to her job. As she is not aware about law related to manual scavenging, she had fear that she may be imprisoned or punished under the law and due to the terror she left her traditional job immediate receiving a notice from CMO. But her exploitation by CMO did not end with this notice; it was the beginning of her exploitation from state officials. According to her, she did not remember the date and age when she got married but that time was very young. After the marriage she has been given basket and tin to begun menial work. Even though she hates to do this inhuman work she has forced by her husband and in-law to adopted as this is a means of their survival. (Why. gender, patriarchy, domestic violence, caste system) she began scavenging in her in-laws house. She was working around 30-40 houses a day since morning to afternoon and as a remuneration She was getting 2-3 rupees per house per month. However later overall She was earning 800-900 per month. Although, her husband was not employed as a sweeper in Municipality Council [Nagar Panchayat] office at Bizawar, she received a notice from CMO she had to leave her traditional job otherwise her husband would loose his government job. With disappointed face she said that she left her traditional job one and half years ago. I was assumed that she left this job because she involved in dignity campaign. CMO who belong to Brahman dominant caste has benefited from all social, economical and political system and has privileged position in all caste, class and gender hierarchies. But this woman is in marginalised position in all above mentioned hierarchies. Here this woman loose out her power and rights because in overlapping social structure of caste, class and gender she is in subordinate position and unable to break these all power structure due to the subordinate positions. She got this threatening notice due to her stereotype lower image in all these social structure and also related prejudices support violence against her. But I found that She left job not because campaign but She received a threatening notice from Nagar Panchayat which stated that " She has to left the traditional job because Manual Scavenging is a crime, if She would not leave the job her husband who is working in Nagar Panchayat office would be rusticated from the job. And she has to submit the affidavit that she would never practice that job". Not only she, I found other women also got the same threatening notice from CMO, municipality office, Bizawar . When member of a campaign 'Jayantu' heard about the notice issued by CMO Bizawar, she motived to these

women to file a common complaint to the district collector about the notice where he mentioned false information as they had been employed by MC as sweeper and given them treating to leave the traditional job. They have filed a complaint at collector office regarding it with the hope to get justice. Thereafter, this complain went from the collector office the CEO office which has been forwarded to the SDO of Bizawar. Finally, complaint has been sent to CMO by SDO of Bizawar has issued a notice to CMO, Bizwar to sent back reply of that notice.

Due to that fear all of them left their job last year. Sadly none of them get any benefits of government run schemes for their rehabilitation and none of them until now get any other alternative employment from the government while CMO said us during his interview MC has provision to provide employment to those who are agree to leave their traditional manual work. Moreover, under the 1993 act, it is the duty of government to encourage the Dalit people to leave their traditional job rather compels them to leave their occupation. Also, the national and state government both are running various schemes for their liberalisation and rehabilitation within that state has primary responsibility to provide them training, assistance, loan or other benefits for their upliftment. Unfortunately, finding shows that these all women after leaving their traditional job are unemployed and do not get any loan from government, even they are not aware of govt. Run schemes.

Further, only a woman Magmata who participated in state level program under dignity campaign was aware about scheme of rehabilitation through the campaign. That's why last year she applied for loan under National Liberalisation and rehabilitation Scheme for Uplitment of MSs . She has submitted an application to get loan for Pig farming. However, she has been suggested by the department to change it and apply for goat farming and since last year she visited Antyababsai department in Chhatarpur she is until now struggling to get section her loan.

4. Case - 4, Box 4

A case of Lali Bai from Dharivakhedi village of Mandsour District of Madhaya Pradesh (documented by Social Legal Information Centre, 2008)

Lalibai is a dalit woman wh0 obelong to Valmiki Dalit caste and enaged in occupation manual scavenging, live sin the village Dharivakhedi, Mandsour District, Madhaya Pradesh, and atrocities has been committed on her because she refused to do low profile manual work. As remuneration she was getting 20 to 30 rupees per month, which was insufficient to maintain the life of the family. Lali Bai, after getting married in that community, was forced to perform that degrading job of manual scavenging. At the time of marriage Lali Bai was 12 years old. Due to the unhygienic condition of work she was affected by the skin diseases, which are very common amongst the scavengers. She was facing caste-based discrimination in the society as other Dalit in the household areas

of 'dominant castes' such as not allow to entering in their houses, never offering to stand parallel with them and so on. In 2003, Action Aid India Activists visited Dharivakhedi village, for promoting a project in that village termed as Garima Abhyan, whose sole objective was to make the people free from the manual scavenging occupation. Motivated by these activists Lali Bai decided to give up her job. But there was severe protest from the orthodox upper caste people of the village against her decision. Because the upper caste people took it granted that the Dalit people are meant only for performing the job of scavenging. As a result they tried to insist her family members against her decision and also circulated false accusation against her. Her husband was given alcohol and encouraged to oppose her wife's decision.

Seeing the example of Lali Bai, the other Dalit women of the village also tried to leave the work of scavenging, which insulted the upper caste people. To take revenge against her the upper caste people of the village during the marriage of her daughter destroyed her household utensils, food items. In addition, they looted the dowry that was arranged for her daughter's marriage. The misery did not stop here. The upper caste people also forced the villagers not to attend her daughter's marriage ceremony. In consequence, Lali Bai went to the police station to lodge a complaint. But the police refused to do that. Three days after her complaint the police visited her village and warned her to maintain a harmonious relationship with the upper caste people and also refrain from agitating against them. In response Lali Bai, made clear to the police officials that she was not responsible for that violence. Instead it was directed by the upper caste against her due the decision not to practise further the job of manual scavenging.

In November 2004, a member of Thakur community, the upper caste people of the village set fire in her house, which burnt her house along with the cattle inside the house. In this incident the police registered her complaint. But unfortunately, the fire spread and also caught her neighbouring house. After these happenings the news paper published the false news that Lali Bai was responsible for that fire. One side this case shows the clear indication of the violation of the following provisions:-

Provisions of Human Rights defined in the constitution and international human rights instruments, they are: rights to "choice of work" as Lalibai has been force to do manual work by family, this is also a clear violation of "Minimum Wage Act" because she is getting the wage lower than minimum wage, as she is forced to work in unhygienic condition which is pushed her in risk of health which is against her right to life and there is clear violated the rights non-discrimination on the basis of caste and allowing the practice of 'untouchability'.

Provisions of Employment of Manual Scavengers and Constitution of Dry Latrines(prohibition) Act, 1993

Provision of Sc/ST (PoA) Act, 1989.

Protection of Civil Rights Act, 1955.

Other side, remain the question that who is violating her rights and why?; overall scenario point out that protector of human rights is violating Lilabai and this Violation is a white collar crime which is invisible in eyes of legal-justice system because this system is based on evidence. If one is unable to produce evidence and proof his/her violation. It is difficult for the person to achieve justice from this system and if one is able to produce or re-produce evidence against innocent; innocent can be punished on the basis of proof against her/his. Same happen with Lilabai, when she went to filed complaint [FIR] against dominant caste's perpetrator, no one had favour her just opposite when dominant caste's person filed false complaints against her, false evidence has been produced against her by dominant group and police was also with dominant person. This violation is not happened just because some people are involved in it rather this is a result of oppression power rooted in the social structure. In this case, Lilabai is belonging to Basor sub-dalit caste and defined as oppressed group by the caste system. Under the Hindu Caste system, there is social hierarchy where she has belonged to the lowest position and dominant group has in the highest position. This top-down power- position is not only maintain by caste structure but also has positioned in class structure whereas most of the dominant castes people have obtain the highest positions in the private and public sector and still dominating to the dalit in the society. Police, judges, media persons these jobs mostly occupied by dominant group which support to impunity. Thus, rather looking her violence as consequences of intersectional caste, class and gender identities, police try to protect perpetrator. Therefore, this case illustrate that the caste-based unjust structure rather transformed, it has modified in other way as well as result class structure is also favouring to caste structure than victims of caste-based violence.

5. Case - 5, Box 5

A Case of Ram from Lodi village of Chhatrapur

Londi is a small town of the district Chhatrapur, where a man called Ram (fake name) who belong to the Valmiki dalit caste, got a job of peon in the office of Judicial Magistrate First Class (JMFC). As a peon he had to attached in the office of the JMFC. However, he belongs to the SK dalit caste and the post of sweeper was vacant in the office, and no one was available in the office to clean the toilet. Under the caste rule, no dominant caste person can do work 'clean the toilet'. Judicial Magistrate as a representative of dominant caste found that rather allowing him to do the task of peon assigned the task to clean the toilet of the office. Though, this was the work beyond his employment role, he was unable to speak out against this discrimination in the work place because he had fear that if he speak out against this caste-based discrimination he may loose his job.

6. Case - 6, Box 6

A Case of Prathan, from Badgaum village of Betul District

Prathna (fake name) was a dalit woman from 'Mehtar' community and due to reserve seat she was served as *Panch (elected member of local village council)* in the

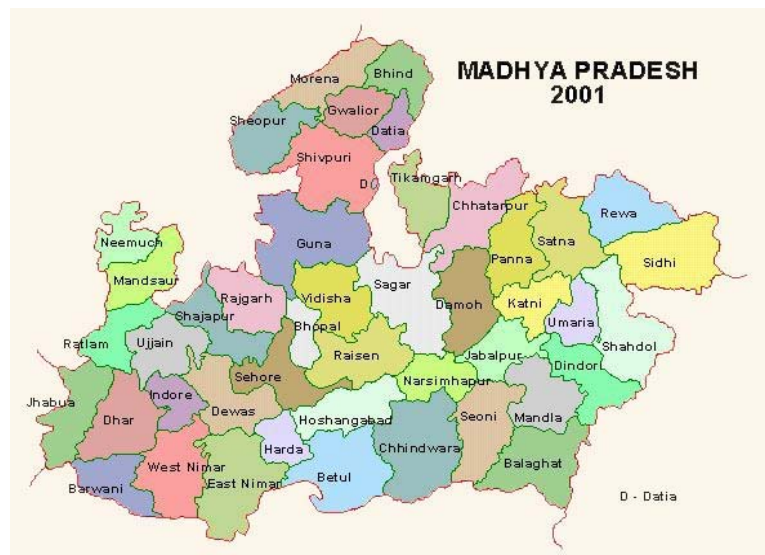
Badgaun village of the Betual district. As a panch she was very active and raised the voices against corruption and other regularities by dominant castes and cheif of the council 'Sarpanch'. Sarpanch 'Suraj Yadav' belong to OBC but powerful dominant community of her village. As she raised the voice against the dominant castes person she had been harassed by the son of the Sarpanch as Sarpanch had eye evil with her. They had not only target's her but also to her family. Her father-in laws was accused for involved in black magic. To support the allegation he stated false story to the villagers that the tubewell are getting dried up because of his black magic. Even son of the Sarpanch Kale raped her on 21st June 2003 just because he wanted to teach her a lesson for her dare step against his father. Prathan first went to local police station after refusal she went to SC/ST police station of the district where rather registering her FIR police blamed her for lying about the incident. After this incident it was difficult for her to stay in the village as she was threatened by Sarpanch and his son. Her fellow villagers passed taunts and barbed comments for daring to do so. She approach to many people than finally police had registred the complaint but did not take any actions against accused. When she went to collector and SP, they also alleged that she had family rivalry with the accused and hence she was 'trying to settle scores'. Despaired over the abuses hurled by state and non-state dominant castes actors' inaction, she was unable to stay in the village thus she went to her parent's village. However, in 2006, her father in-law died hence she returned in her village. While as ravench again she had been raped by son of Sarpanch on 24th September 2006. This time Prathana rather approaching to local police station went direct to the SC/ST police in Betual however, again she faced same experiences as like as past, after a long struggle and subsequent visits after a year her FIR was finally lodged by police on 9th October 2007. Once again, police did not take any action against accuse. Prathan then threatened to consume poison in front of the collectorate office if police did not take action against accuse. Still no action was taken against accuse by the police till 20th November 2007. Again with last hope she went to the collector's office on 20th November but she found herself helpless and hopeless to get justice against this continue dehumanisation and violation and she committed suicide in front of the collector's office and died on 21st November,2007. In the hospital before death she had giving a dying declaration to SDM and said 'Why should I live, my life has become a joke. I have not got any justice that is why I ate poison before going to the collector's office'.

According to her husband Mihir, my wife fought against injustice in local governance where Sarpanch was taking seven days work from laborers in the village and was taking their signature for a week wage and was paying only two days wage. It also requires signatures of all elected members of the panchayat in the payment sheet, she refused for signature then 'Sarpanch made her false sign in the sheet. When my wife saw this corruption and injustice against laborers she had objection on it. She took action this misuse of power. This was the turn in her life, Sarpanch family targeted to my family. Twice she had been raped, each time our family had fear of violent attack as life threatening from Sarpanch is a part of our life. Even in police station we said why police is not taking action on her case, police replied, 90 people of the village had filed

the complaint against Prathan. But no person from the village was in favour of your wife. Even a day my wife committed suicide, we went to SC/ST police station in district headquarter, where we found 25 people form her village were there and they were arguing in favour of Sarpanch. Police officer was compelling his wife to settle down case and stopped to think any action would be taken against Sarpanch and his any family member. He said ‘everyone in the village had been harassing to my wife, she died only to get her voice heard’?.

Map of State Madhya Pradesh of India

[District Chhatarpur (pink colour): located in north-east part of the state]



Source: Censes of India 2001, online document

