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NOTES FROM THE FIELD

Advocacy Initiatives for Dalit Rights

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The author explores the Dalit struggle for empowerment and development vis-a-vis the strategies adopted. In India, various movements and parties representing the lowest ranking dalit caste groups have employed different strategies in their struggle against social, economic and cultural discrimination. Dalit organisations are now becoming increasingly aware of the benefits of networking among themselves, which can be an effective strategy for advocacy of Dalit rights. This article highlights the use of the 'transnational advocacy network strategy' by dalit movements today for exerting pressure on decision makers, both at the national and local level.

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INTRODUCTION

*"Their inhuman atrocities have carved caves in the rock of my heart.
I have been silent all the years listening to the voice of right and wrong.
But now I will fan the flames of human rights".*

The above mentioned lines are taken from a poem titled 'Caves' by Jyoti Lanjewar, a Dalit woman poet.

The term 'Dalit' literally means untouchables or outcastes of society who have been systematically and institutionally deprived of their civil, political, economic, social and cultural rights. Existing at the bottom of the Indian caste system, they bear the additional brunt of class and gender discrimination and are subject to caste oppression, poverty, and political subordination. Structural inequalities have resulted in the deprivation of

equal rights and opportunities in social, economical and political spheres of life. Consequently, Dalits are engaged in the unorganised and self-employed sector; marked by overwork, low and unequal wages, and absence of social security or maternity benefits.

Besides caste based discrimination and exploitation, existing patriarchal systems make Dalit women more vulnerable to exploitation inside and outside the home (Jogdand, 1995). The condition of Dalit women is best reflected in the above mentioned poem “I have been silent all these years...” by Jyoti Lanjewar.

Employing, national level advocacy interventions, the All India Dalit Mahila Adhikar Manch (AIDMAM), a forum for Dalit women, is fighting against caste, class and gender hierarchical oppression in collaboration with the National Campaign on Dalit Human Rights (NCDHR).

This paper focuses on two issues—livelihood security and human rights violations of Dalits living in the Marathawada region of Maharashtra.

Justification of the Advocacy Rationale

Spearheading the cause of the Dalits, the AIDMAM undertakes action research and advocacy on Dalit rights. Although it took two long years of struggle to get the accused in the Khairlanji Massacre case convicted, the case was not registered under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Caste) Act SC/ST (POA) Act for lack of evidence. Also, the women who were either assaulted and raped or murdered, did not receive any justice for lack of evidence. In such cases, advocacy can enlist the support and participation of a wider section of society.

Advocacy initiatives can be directed towards the following:

- Reformulating the policies pertaining to the development of Dalits in such a way as to bring about concrete and time-bound strategies and programmes for the socioeconomic and political upliftment of Dalits.
- Ensuring Dalit people have equal access to the criminal justice system.
- Ensuring that the fundamental rights of Dalits are protected in all situations and rapid measures are taken to ensure justice.

LIVELIHOOD SECURITY

At the core of the issue of deprivation and disempowerment of the Dalits in Marathawada, is the question of sustainable livelihoods. The vicious cycle of deprivation and disempowerment has been the basis for Dalit

struggles against oppression. The return of land rights to Dalits can pave the way for securing livelihoods and economic sustainability.

Combining Rights, Productivity, and Capability Building

To address the issue of livelihood security of the Dalits, a broad strategy addressing the issue of rights as well as the issues of productivity and capability of the marginalised sections needs to be devised. Thus, a three-pronged strategy based on a combination of the following three aspects is required:

1. Securing and protecting rights to access and control resources—natural and man-made;
2. Ensuring development, adaptation, and extension of appropriate mechanisms for enhancing the productivity of the local natural resources; and
3. Developing the capabilities of the local marginalised communities to exercise their rights and effect enhancement in the productivity of their resources.

However, as demonstrated by the Dalit struggle for lands, the issue of rights is primary and fundamental to developing this strategy. Primacy has to be given to the issue of rights; however, only securing rights is not enough.

Further, this comprehensive strategy to address the issue of rights, productivity, and capability needs to be adapted to ground realities. Only then can meaningful action programmes for direct intervention be created, both at the level of policy and practice change.

The activities described under objective one are mainly designed to strengthen the working capacities of the workers. The knowledge and the skills imparted will instill confidence among them. The following steps are proposed to build the capacities of the workers.

- It is proposed to appoint a resource organisation / resource persons / to impart appropriate skills and knowledge to the Dalits.
- The team will identify the areas for training in consultation with the experts / resource organisation.

The activities stated under objective two would mainly deal with legalising ownership of grazing lands. The animators appointed at each of the villages will collect the necessary information, supportive

proofs/documents and prepare individual claim files to be forwarded to the government. The animators at the village level will be supported by the Assistant Coordinators at the taluka (block) level. One Assistant Coordinator will be responsible for about 100 villages. He will monitor and supervise the work of about five animators, each responsible for 20 villages. The claim proposal files with required documents and proofs will be submitted to the concerned *tehsildar* along with a covering letter addressing the subject. The copies of the same will also be forwarded to the following officials and officers.

1. Deputy District Collector
2. District Collector
3. Divisional Commissioner
4. The State Secretary for Revenue
5. The Revenue minister
6. The Chief Minister.

The Assistant Advocacy Coordinators will facilitate the design and organisation of the required training programmes, identify capable resource persons, initiate collaboration and assistance from officials of the taluka and district revenue departments.

The benefit accrued from the trainings include:

- The organisation members will become familiar with the available legal provisions and the Government Resolutions (GRs) passed for land entitlement processes.
- Strengthen the cohesiveness of the organisation.
- Enable people to collect the required documents and proofs within the time frame.
- The organisation can undertake effective follow up steps at taluka as well as district level.
- The monthly meetings of the organisation for land rights can create an environment for land legislation.
- The organisation will enhance the activities / strategies to implement the applicable government schemes. The Jamin Adhikar Andolan (JAA) is working towards the promotion of sustainable livelihoods, socioeconomic empowerment of Dalits as well as for equal opportunities in village governance.

The JAA work comprises research, advocacy, governance, risk management and compliance (GRC), and micro finance management. The work undertaken under the research and advocacy components generated important information regarding encroachment/occupation of more than 1,00,000 hectares of total grazing land in Marathwada by landless Dalits.

“Legalising the ownerships of the landless Dalits on the occupied grazing lands in the Marathwada region of Maharashtra” is a part of the above stated advocacy policies and concepts of the JAA. The JAA movement has inspired and encouraged landless Dalits to strengthen the movement.

Although the landless Dalits have encroached and established occupancies over the *gairans*/grazing lands, they are not yet legal owners. They are always afraid that the government can claim ownership and deprive them of the land. The landless Dalits holding patches of *gairans*/grazing lands do not have information and knowledge about the available legal provisions, Government Resolutions and other formalities that need to be undertaken while getting the land legally entitled in their names. Being illiterate, they are not aware about the documents required and the means to acquire them. Also, the Dalits are frequently in conflict with local villagers as they are not the legal owners of the occupied lands. As a result, the villagers often destroy Dalit land and crops; very often by torching the land.

VIOLENCE AGAINST DALITS

A disproportionate number of the atrocities and human rights violations registered annually under the SC/ST Prevention of Atrocities Act are against Dalits. On an average, 27,000 incidents of serious atrocities and human rights violations are registered annually under the SC/ST (POA) Act. A national level study conducted among 500 Dalit women revealed that violence against Dalit Women by the dominant castes is intentionally perpetrated to sustain the continued oppression of the Dalit community. The study showed that less than one percent of the perpetrators were ever convicted in courts. The available data on the situation of Dalit women presents quite a disturbing picture: 27 atrocities against Dalits every day, 13 Dalits murdered every week; five Dalit homes or possessions burnt every week; six Dalits kidnapped or abducted every week; three Dalit women raped every day; 11 Dalits beaten every day; and a crime committed against a Dalit every 18 minutes. (NCDHR-2010).

The above statistics speak for themselves. Out of the 1,47,000 SC/ST (POA) cases pending in the courts in 1998 in India, only 31,011 were brought to trial. Such delay is endemic to the Indian judicial system. Even if cases make it to trial, the POA also suffers from abysmal rates of conviction. Out of the 31,011 cases tried under the POA in 1998, only a paltry 1,677 instances or 5.4 percent resulted in a conviction and 29,334 ended in acquittal. This might be compared to the conviction rate in cases tried under the Indian Penal Code: in 1999, 39.4 percent of cases ended in a conviction and in 2000, 41.8 percent. (NCDHR , 2010)

Why Atrocities

Atrocities are largely perpetrated by the perceived need to “teach the Dalits a lesson”. The extreme inhuman torture perpetrated on Dalits in Bihar, Andhra Pradesh, Uttar Pradesh and Rajasthan is evidence to the crime. The atrocities include denial of land rights, rape of women, violence, murder and illegal arrests by the law enforcement machinery. According to the 1990 report of the National Commission for SC/ST’s, atrocities are mostly caused over land disputes, bonded labour, unemployment, and indebtedness.

Various Forms of Atrocities

The various forms of atrocities inflicted on Dalits include: beating; tonsuring; cutting-off fingers, chopping off nose and ears; stripping and parading victims naked; public humiliation; lynching, burning people alive, breaking of bones, amputation of hands and legs; looting, burning homes, destruction of property; rape of women, assault, fleshing out; murders, forcing Dalits to drink or eat inedible substances such as human excreta; dumping carcasses or other waste matter in their premises and polluting drinking water sources used by them; and implicating them in false cases.

Advocacy Initiatives

Awareness of the Laws

It has been seen that despite the laws that exist in the Indian Constitution, people are not able to use these laws to seek justice. Lack of awareness is a major determining factor for accessing the justice system, which includes the judiciary and the police, the concerned lawyers and advocates (Kohanke, 1982). The medium of disseminating information on laws

has to be effective and people friendly—in terms of coverage—and consequently, raise public consciousness. These could be done through:

- a) Poster exhibitions
- b) Documentaries
- c) Street plays
- d) Rallies
- e) Pamphlets and news bulletins

Training of Different Stakeholders

Apart from creating mass awareness among the general population, it is also important to train and sensitise the various important stakeholders on the laws enshrined in the constitution. The stakeholders include members of the Gram Panchayat, youth groups, teachers and students, various committees like the *Mohalaa* Committees and other government servants. Being influential people of the community, their services can go a long way in creating violence/conflict free villages.

Networking

Networking is a process for initiating and maintaining contact with like-minded individuals and organisations who share common goals and agree to work together. It is important that the issue gets wide publicity because that is the only way it can gather mileage and momentum. This publicity will have to be mass based and at the same time also focus on the target groups that the network plans to work with. Making and keeping the issue visible is of critical importance for achieving legal reforms. To actually achieve changes at these levels, pressure will have to be sustained on the policy makers. Another reason for publicity is to garner more membership and, if possible, convert the fence sitters into active supporters.

Networking with Lawyers

Finding appropriate lawyers to represent Dalit atrocities is very difficult, as providing evidence is tough. Moreover, as Dalits are economically backward, very few can afford the legal fees.

Lobbying and Networking with Organisations

It is imperative to identify organisations working in the same field as they become the potential base for membership and support. Lobbying with the

state machinery becomes more sustained and effective with the combined efforts of organisations that share a common vision or ideology.

CONCLUSION

Although advocacy will not solve the structural inequalities that exist in the caste dominated Indian society, it can empower people with sufficient knowledge on their rights and raise public consciousness.

According to Dr. Babasaheb Ambedkar, “The progress of any community should be measured in terms of the progress made by its womenfolk”.

“For ours is a battle not for wealth or for power.

It is a battle for freedom.

It is the battle of reclamation of human personality”.

Dr. B. R. Ambedkar

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