



NATIONAL DALIT MOVEMENT FOR JUSTICE (NDMJ)



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QUEST FOR JUSTICE

About NDMJ

National Dalit Movement for Justice (NDMJ) is one of the core units promoted by the NCDHR (National Campaign on Dalit Human Rights). NDMJ works with the Dalit Human Rights Defenders, Survivors, Civil Society Organizations, Professionals and academic who are committed to end the caste-based discrimination and “Untouchability” practices through monitoring, legal and advocacy interventions by educating the survivors and defenders. NDMJ has strived for the last 10 years to protect and promote the rights of Dalits by addressing the issues of Caste Based Discrimination and Violence and empowering communities to access justice.

Therefore, the main focus is to strengthen our Dalit community by capacitating them to address the issue through Dalit Human Right Monitoring, legal interventions and advocacy for policy reforms. For the last 10 years NDMJ has capacitated more than 5000 Human Rights defenders who are defending the rights of Dalit, Adivasi, Women and children in 12 states. In this process, strengthening of the SC/ST PoA Act and monitoring the cases of atrocity and untouchability on Dalit in various states becomes crucial to end atrocities subjected on Dalit and Adivasi communities’. NDMJ legally intervenes in the cases effectively to ensure justice to the victims and witnesses of caste based discrimination and violence. E-mail newsletters—quick, easy

Launch of the Status Report – Quest for Justice

New Delhi, 11 September 2020: Leading Dalit Rights activists from India and experts from international human rights organizations gathered together virtually, at a launch of the Status Report on the Implementation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 & Rules 1995 –“QUEST FOR JUSTICE” presenting 10 years data on its implementation and raised the voice of Dalit and Adivasi communities on the Constitutional promise that has not been met on the enforcement of the SCs and STs (PoA) Act 1989 and condemned the increase in gruesome atrocities committed against Dalit and Adivasi communities in recent past. The event, hosted by National Dalit Movement for Justice (NDMJ)- NCDHR, followed urgent national and global calls for action from judges, experts, policy . The event, hosted by National Dalit Movement for Justice (NDMJ)- NCDHR, followed urgent national and global calls for action from judges, experts, policy makers, representatives from leading national and international Human Rights organizations , in response to the findings of status report on makers, representatives from leading

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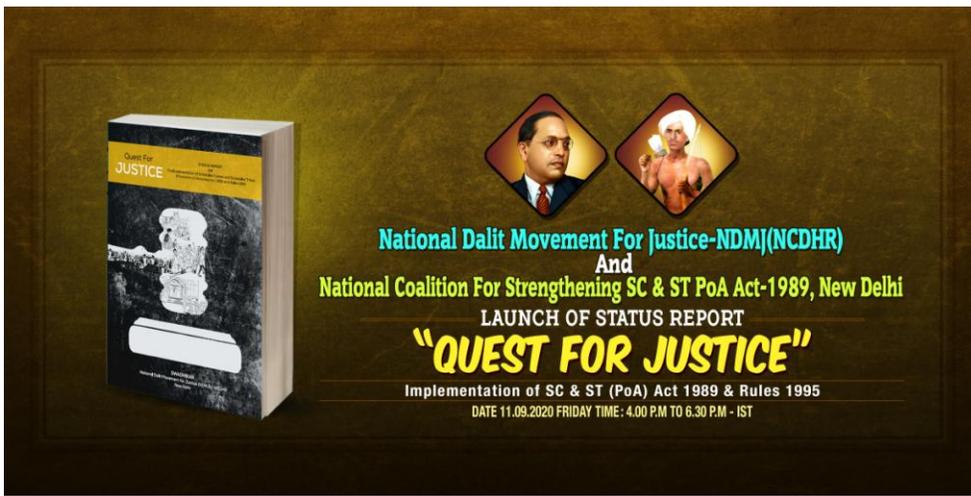
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national and international Human Rights organisations, in response to the findings of the status report on the implementation of the SCs and STs (PoA) Act 1989 and Rules 1995, vis a vis the slapdash performance of the police and judiciary in implementing the provisions of the Act for the last ten years and in specific failure to protect Dalit's and Adivasis from caste based violence.

The status report brings out to fore that; the crimes against Dalit's have increased by 27.3% and by 20.3% for the Adivasis in 2018 over the year 2009. The low conviction rate under the PoA Act remains a concern as over the decade, the conviction rate under PoA Act for cases of atrocities against Dalits, on an average remains at 25.2% and in cases of atrocities against Adivasis remained at 22.8% only, over the last one decade. The report further brings out that the amendments that came into force in January, 2016, mandated Exclusive Special Courts, but the same have not even been set up in all the states and in fact reduced over the years. Apart from that, offences are not getting registered under the correct sections of the amended act; compensation is not provided as per the newly amended rules and many other newly amended provisions are being flawed in many ways. Caste violence against Dalits and Adivasis has become increasingly common across India over the last few years and the audacity with which they are conducted suggests a complete absence of fear of consequences.

Hon'ble Chief Justice (Former), Mr. K.G. Balakrishnan, while releasing the report said, "Dalit communities have long suffered serious abuses, but the state response has fallen short. The government should undertake systemic changes for proper enforcement of law, and ensure that erring officials are held accountable and booked as they fail in their duty." Dr. Thol. Thirumavalavan, Member of Parliament, Lok Sabha said, "Caste-based violence against Dalit are escalating as we fight to claim justice. The amount of cases is growing and the brutality of the crimes becoming increasingly severe. Systems of justice meant to protect Dalits at the national level are completely failing us. We are asking for immediate global call and support in our struggle". The event was graced by many other important national and international experts such as Dr. V.A Ramesh Nathan, General Secretary, NDMJ- NCDHR; Hon'ble Justice K.G Balakrishnan, former Chief Justice of India & Former Chairperson, National Human Rights Commission of India, Delhi, Dr. Thol. Thirumavalavan, Hon'ble Member of Parliament, Lok Sabha President, Mr.MeenBiswakarma, Hon'ble Member of Parliament, Nepal Viduthalai Chiruthaigal Katchi (VCK), Tamil Nadu, Adv. Rahul Singh Director, National Dalit Movement for Justice (NDMJ)- NCDHR, Delhi, Mr. N. Paul Divakar Chairperson, Asia Dalit Rights Forum (ADRF), Delhi, Convenor, Global Forum on Discrimination Based on Work and Descent, Ms. Yamini Mishra, Director of the Global Issues Programme, Amnesty International. International Secretariat, UK, Dr. Ruth Manorama, President National Convenor, National Federation of Dalit Women, Co-Convenor, National Coalition for Strengthening SC & ST PoA Act-1989 Women, Karnataka and by many more distinguished guests. Ms. Meena Verma Executive Director, International Dalit Solidarity Network (IDSN), Prof. Sukdev Thorat, Former Chairperson for University Grant Commission Chairperson, Indian Institute of Dalit Studies Ms.Mamta Kujur, Convenor, Adiwasi Mahila Mahasangh, Jashpur, Chhatisgarh, Mr Henri Tiphagne, Executive Director, Peoples Watch, Tamil Nadu.



COVID -19 and its Impact on Dalit children



COVID- 19 pandemic induced severe damage in society and inflicted on children, much more harshly. Impact of COVID-19 Pandemic on children is an essential issue of concern. The risk of COVID-19 crisis on children is not limited to health, and its repercussions are enormous. The corona virus pandemic has multi-layered impacts on children, that is physical, psychological, social and cultural. To control the spread of the COVID-19 Pandemic, various unprecedented measures were taken up that disrupted crucial aspects of children's lives – their health, development, education, and physical and economic security. Lakhs of children walked 1000kms along with their family to reach their native village, once the lockdown was announced in India. Large-scale unemployment caused by the COVID 19 Pandemic would force the family to engage their children to enter the workforce for supporting the family; which would directly increase the child labour force. As the Dalit and Adivasi children will enter the labour force, most often they become the victim of physical and sexual violence.

India is the home to 10.1 million child labourers within the age group of 6-14 years, according to the Indian census of 2011. This situation will get accelerated, with the state government extending the working hours in factories to boost the economy. Children from marginalized communities will be pulled into the informal sector, which would further impact their education. With lockdown, schools and colleges have been suspended. Digital learning has been promoted extensively by Indian government. The idea of online education for a country like India is an elitist idea that does not include millions of children, who do not have access to resources and will lose their educational opportunity as a result of this lockdown. For a large section of children in India COVID-19 crisis resulted in limited or no education at all. The cost of adding internet connection for their children's studies or getting facilities like smart phone, or laptops, or even print-outs creates an additional economic burden for the parents from this section of the society. In terms of education for the Dalit girl children; lot of Dalit girl children will not be promoted to study, instead will be expected to contribute to the family or will be married off. With the schools being shut in the Pandemic, children not only suffered access to education, but some states also stopped mid-day meals, which was one of the sources for a day's meal for many marginalized children. Food security for children from Dalit and Adivasi communities across the country during the pandemic remained a matter of concern. India is among nine other countries from Asia and Africa which received the warning from UNICEF; after a new study indicated that COVID 19 pandemic would result in the largest number of additional child deaths in the next one year. The current pandemic crisis resulted in increased instances of child abuse in the form of child marriage, and child trafficking, leaving children who do not have access to safe reporting mechanisms – helpless. The government-run nodal agency to support children in distress CHILDLINE India, reported 92,000 distress calls on child abuse and violence within the first 11 days of the nation-wide lockdown that was announced on 24th March 2020. Out of these distresses call and interventions made by CHILDLINE 5,584 were related to child marriage. In the state of Jharkhand migration and child trafficking out of state is not unusual. However, post lock down the number of children trafficked increased by over 600 % in April and May 2020 as compared to the same two months in 2019. The dominant narrative in India to fight Covid-19 Pandemic has been state-enforced lockdowns or promoting social distancing, self-quarantine, and hand hygiene. These measures are indeed necessary, but India needs strategies of epidemic management to be more inclusive of the marginalized sections of the society. Children from the Dalit and Adivasi communities in India in crisis situation be it natural disasters or pandemics, end up becoming the most vulnerable demographic. There is an urgent need to priorities and emphasize on the continuity of child-centric services, with focus on equity of access to schooling, food and nutrition, immunization and other pre-and post-natal care and newborn care, also community-based child protection programmes. Most importantly the policy makers and authorities should make immediate interventions to minimize the negative impact of physical distancing and lockdown on children from Dalit and Adivasi community and expand social protection programmes for them.

Webinar on Child Rights and Child Participation

On 18th August 2020 NDMJ-NCDHR organized the Webinar on Child Rights and Child Participation for NCDHR Team and Partners. The event was jointly chaired by Ms.Beena Pallical, General Secretary, Dalit Arathik Adikar Andolan-DAAA-NCDHR and **Dr. V.A. Ramesh Nathan**, General Secretary, National Dalit Movement for Justice-NDMJ-NCDHR. The webinar focused on Child Rights Perspective, which was explained by Mr.Thomas Jayaraj, Director, Centre for Child Rights & Development – Chennai, Tamil Nadu), followed by Concept of Child Participation by Dr.C.Jim Jesudoss, Executive Director, Sakthi Vidiyal, Madurai, Tamil Nadu.

The second half of the Webinar was on the Workshop on Empowering Dalit and Adivasi Children to Access to Rights and Entitlement, supported by KNH, 2020 -2025, Jointly Chaired by Ms.Beena Pallical, General Secretary, Dalit Arathik Adikar Andolan-DAAA-NCDHR And Dr. V.A. Ramesh Nathan, General Secretary, and National Dalit Movement For Justice-NDMJ-NCDHR.

Workshop focused on discussion with the project staffs, partners and NCDHR team in regard to background of the KNH Project from 2020 to 2025, NCDHR-Child Rights work so far, overview of KNH approved project -Empowering Dalit and Adivasi Children to Access to Rights and Entitlement, KNH Project Plan of Action - NDMJ National, Odisha and Tamil Nadu states, KNH project Plan of Action-DAAA National, Bihar state, Budget allocation for the project, Intervention / Implementation Strategy Sharing by Partners.

Saga of violence and Atrocities on Dalit Women in Uttar Pradesh

Dalits are the victims of the worst crimes and atrocities in India. According to NDMJ's data's and survey, every 18 minute a crime is committed against a Dalit. 6 Dalits gets abducted every week, 10 Dalit women get raped every day, and 13 Dalits get murdered every week. In the Covid-19 pandemic, the state of Uttar Pradesh in literal terms turned into 'Jungle Raj'. The state of Uttar Pradesh witnessed steep rise in violence against Dalit women in the past few months. According to National Crime Record Bureau Report 2019 Uttar Pradesh scores the highest in violence against women and Children.



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In the recent incident of Hathras, a 19 year old Dalit woman succumbed to the injuries she suffered in the sexual assault by four upper-castes on September 14. The incident occurred when the girl went to collect animal fodder from the field with her mother. The girl was allegedly gang-raped, and later strangled and dragged with her dupatta. The incident grabbed the nation's attention when a video footage showed that the local police cremated the body midnight without the family's consent. Family of the victim also alleges that they were not allowed to bring the body home one last time. According to PTI the police have barricaded the village, opposition leaders and media persons are not allowed to enter, mobile phones of the family members of the victim are taken away, and to top it all the special investigation team (SIT) along with the cops and accused asked for the Polygraphic and Narco test of the victims family.



When the country was still struggling with the shock of Hathras Case, another Dalit women lost her life after an alleged gang rape. 22-year-old victim was drugged by the perpetrators, raped and when her condition became critical she was sent back to her home on a rickshaw. The mother of the victim also alleges that the accused broke her legs and back. Hathras and Balrampur cases grabbed the attention of the Indian media; however it's not even a month when U.P witnessed consecutive two rape cases of minors from Lakhimpur Khera district of U.P. And immediately after Hathras and Balrampur incident took place, two more cases of rape from UP, one from Azamgarh and from Bhadoi came up. The above cases raise a big question on the dignity and security of Dalit women in the state.

National Dalit Movement for Justice (NDMJ) has monitored several cases of violence during the lockdown period. In the past three months July-September, the state of Uttar Pradesh witnessed steep rise of violence against Dalit. In Lakhimpur district itself there have been several incidents of Dalit atrocity occurred in past 6 months. In four cases, NDMJ has monitored and intervened.

Case 1: Brutal gang rape and murder of 14 year old Dalit girl in Isanagar, Lakhimpur.

Case 2: Brutal rape and murder of 18 year old Dalit girl in Nimgaon, Lakhimpur.

Case 3: Dalit man was burnt alive due to pre-existing enmity, Lakhimpur

Case 4. Dalit youth committed suicide after he was tortured by the Police personally in Pipariya, Lakhimpur.

NDMJ team has identified the issue and working further in regard to the cases, from filing application for the protection of the victim's family, to filing application for FIR, and compensation etc. For the case of Hathras and Balrampur, NDMJ has already sent representation to various National Human Right Bodies. Fact finding team has already been set-up.

Recent steep rise in the cases of sexual atrocities in the state of Uttar Pradesh, force us to raise the question on Women's safety and integrity in the state of Uttar Pradesh. Hathras Gang rape case yet again called for nationwide agitation, however the filthy game of the authorities is very much evident the way the case has been handled by police authorities, and government of UP by implementing Section 144. It is high time the authority, government of U.P, government of India have to assure safety and justice of each woman. We have to stop normalizing 'RAPE CULTURE' in India, and shout out loud **# Dalit lives matter**.



Few Provision with respect to the Rights of the Child

Protection of Children from Sexual Offence Act

Section 3: Penetrative Sexual Assault

A person is said to commit "penetrative sexual assault" if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

Section 4: Punishment for Sexual Assault

(1) whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than 2[two] years but which may extend to imprisonment for life, and shall also be liable to fine.

3[(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim

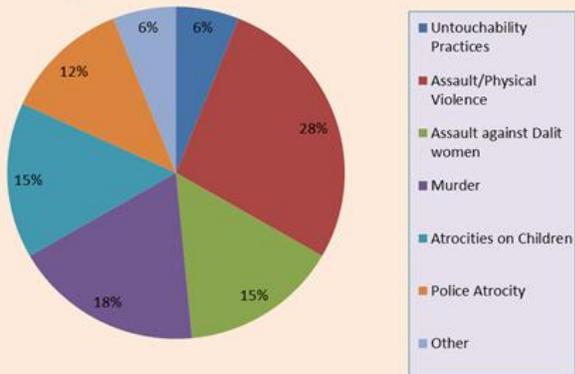
Submission of Mid Term IIIrd Universal Periodic Review of the UN Human Rights Council

National Dalit Movement for Justice (NDMJ)-NCDHR brings out the Mid-Term report to the recommendations given during the IIIrd Universal Periodic Review (2017). This submission sets out some of key concerns about violations of Universal Principles of Human Rights vis-à-vis fundamentals rights enshrined in the Constitution of India with regard to one of the most vulnerable communities i.e, Dalit and Adivasis.

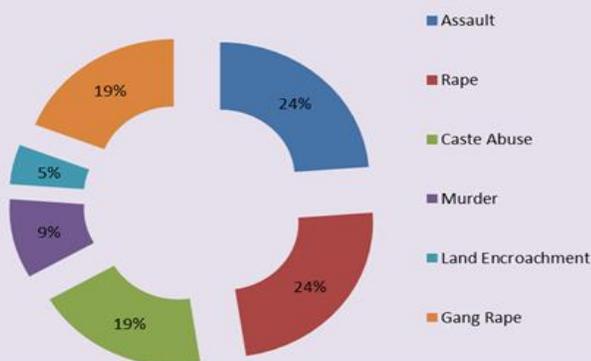
Periodic Review at the UN Human Rights Council, Geneva. 112 member states made a total of 250 recommendations of which the Indian government accepted 152. Out of these 15 recommendations were specific to the promotion and protection of rights of the rights of Scheduled Castes and Scheduled Tribes. 11 recommendations were accepted and 4 recommendations were noted by the government of India.



**Caste Based Atrocities
July-September 2020
Reported by Indian Media**



**Fact Findings Carried Out by NDMJ
(July- September 2020)**



Fact Findings at State Level

S.NO.	State	No. of Fact Finding
1.	Haryana	6
2.	Himachal Pradesh	8
3.	Bihar	4
4.	Uttar Pradesh	4

NDMJ-NCDHR Media Coverage

- <https://interviewtimes.net/quest-for-justice-6-increase-in-dalit-atrocity-acts/>
- <https://www.newsclick.in/crimes-dalits-advicis-increasing-worrying-trend-report>
- <https://www.newsclick.in/NCRB-Data-Atrocities-SC-ST-Increased-7.3%25-26.5%25-2019>
- <https://www.newindianexpress.com/nation/2020/sep/09/10-indian-states-identify-40-of-districts-atrocity-prone-towards-dalits-report-2194732.html>
- <https://www.thehindu.com/news/national/report-flags-increase-in-crimes-against-dalits/article32584803.ece>
- <https://frontline.thehindu.com/dispatches/report-exposes-increase-in-atrocities-against-dalits-former-cji-kg-balakrishnan-calls-for-better-law-enforcement/article32611583.ece>
- <https://timesofindia.indiatimes.com/india/from-sitting-on-a-chair-to-riding-a-bike-dalits-are-attacked-for-the-smallest-of-reasons/articleshow/78057152.cms>
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- <https://www.youtube.com/watch?v=Fu6WaNLBtBo>
- https://www.facebook.com/thirumaofficial/videos/quest-for-justice-status-report-on-the-implementation-of-scst-poa-act/764016904376747/?so=permalink&rv=related_videos
- <https://twitter.com/IndiaSpend/status/1306451945029136384?s=20>
- <https://www.newindianexpress.com/nation/2020/sep/21/288-people-died-cleaning-sewers-septic-tanks-in-last-three-years-centre-tells-rajya-sabha-2200012.html>
- <https://www.epw.in/journal/2020/40/letters/atrocities-against-dalit-girls-and-women.html>
- <https://www.independent.co.uk/news/world/asia/india-dalit-gangrape-case-hathras-uttar-pradesh-victim-cremation-b806507.html>

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