

# QUEST FOR JUSTICE

## NATIONAL DALIT MOVEMENT FOR JUSTICE (NDMJ)

NEW DELHI



E-News Paper No: 03

OCTOBER TO DECEMBER 2020

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### ABOUT NDMJ

National Dalit Movement for Justice (NDMJ), a unit of Swadhikar is spearheading a nation-wide movement for asserting the civil and political rights of Dalits and Adivasis in India. It is a democratic, secular, non-party movement of Dalits survivors, defenders, academics and organisations headed by Dalits to initiate, advocate and involve in mass action to address the issues of caste based discrimination and violence primarily un-touchability and atrocities to ensure dignity, equality and justice . NDMJ works with executive, judiciary, policy makers and communities for protection and promotion of human rights of Dalits and Adivasis. It adopts multi-pronged strategies and intervenes at multi-level for ensuring access to justice to those affected by atrocities and discrimination in 20 states of India.

### SUMMARY OF 2020 UNDER PANDEMIC

Year 2020 started with the grave pandemic, COVID-19. The pandemic ravaged the world and came up with various short and long term consequences. In India the implications of the COVID19 and Lockdown, on the marginalized sections of society was severe. Pandemic further pushed the Dalit and Adivasi communities into vulnerability due to unavailability or inaccessibility of essentials. Numerous cases emerged where the Dalit and other marginalized communities found with less or no access to rations at all. Many of them found stranded in different parts of the country, without any source of income, not even having enough capital to return home.

The pandemic also resulted in strengthening the ugly head of our pre-existing social structure, and untouchability system. Atrocities against Dalits and Adivasis, alongside violence on women and children was on rise, in the entire lockdown period. The period of lockdown and pandemic was much more difficult for the marginalized population, as the administration ignored the injustice on the pretext of COVID 19 emergencies, and boosted the confidence of perpetrators. Silence of the state and center government was also very much evident. The impact of the COVID 19 and the lockdown on the Dalit, Adivasi and other marginalized community members was the worst, as they had to face double brunt of the society.

**All across the world, people are looking forward to 2021 after the most challenging rollercoaster ride of the year 2020, and let us all hope the year 2021 be more kind and just for everyone. No one should be ill-treated for her/his colour, caste or religion. Let us keep striving to work hard for bringing peace, harmony and prosperity in the society. We begin this year with a sense of hope and anticipation to reach out to more people and help them live a healthy and dignified life.**



## HIGHLIGHTS OF NDMJ-NCDHR IN 2020

For any organization year 2020 was a challenging year enabling people to access their rights in pursuit of a just society is at the forefront of NDMJ's work, and while the COVID-19 pandemic, created chaos for most of 2020, this vision for a just society was not overlooked. We use this opportunity to look back at the year, the teamwork across jurisdictions and positive outcomes for some of the vulnerable people we work with. We are glad to report that, even in this challenging time NDMJ and its entire team continued to strive forward. Our state coordinators and volunteers reached out to those, where many others intended to ignore their agony. Nothing could stop the spirit of our team.

### 1. COVID-19 Relief Inclusion Assessment

NDMJ- collaborated with National Dalit Watch with the aim of the COVID-19 Inclusion Assessment. The mobile app WeClaim covered 21431 Scheduled Caste Households and 2102 Scheduled Tribe HHs; Total HHs: 23533 across 8 states including and initiated the process for facilitating entitlements as per COVID Relief Package. The report titled, 'Delayed and Denied: Injustice in COVID Relief' was re-released: <https://bit.ly/2KMKfOR>

### 2. Intervention of NDMJ in 2020 (Dalit Human Rights monetary 2020)

NDMJ intervened in more than 112 cases of atrocities during the pandemic and lockdown which includes 85 caste based violence, 25 sexual assault and 2 cases of domestic violence. The nature of these cases reveal a surge in cases of layered untouchability through socio-economic boycott and physical assault. In this context NDMJ-NCDHR organized a webinar on the "Impact of Covid19 on Dalits in India: Voices from the Ground". Around 50 cases of Dalit Atrocities were documented to show that the Dalits and Adivasis are facing major challenges in accessing their Civil, Political and Socio Economic Rights.

### 3. First Ever Relief Distribution

During the lockdown it was further observed that the administration has failed to ensure justice for the



marginalized section of the society. This time too government relief was not reaching out to the deprived and marginalized. NDMJ in this hour of need decided to take up its first-ever relief assignment and identified six states to provide provide the relief kit to the most marginalised families. Identification of vulnerable communities were made like Dalit's/Adivasis, transgender people, nomadic communities; single women, lactating women, children; urban daily wage earners, migrant workers; sanitation workers, farmers, landless agricultural labourers etc. The beneficiaries were primarily - survivors of caste and gender based violence, single women, widows, differently abled and migrants. NDMJ, with its teams of state coordinators and volunteers, who chose other's lives over their own, reached out to the extreme terrains of Maharashtra, Uttar Pradesh, Bihar, Orissa, Haryana and Himachal Pradesh. Approximately 1400 families benefited through the relief material distributed by NDMJ.



Dalits

A People

A Culture

A History

#### 4. Launch of Status Report – Quest for Justice

This year NDMJ also successfully brought out status report, 'Quest for Justice' on the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and the 25th Anniversary of the Rules. The Report was launched on 11th, September 2020. This status report presents the findings of our comprehensive research and analysis on the nature, scale, and magnitude of violence against Dalits and Adivasis and implementation of the SCs and STs (PoA) Act 1989 and Rules 1995 as over the last ten years (2009-2018).



The report draws attention to the performance of different implementing authorities (the police and judiciary) at each and every stage of the criminal justice system (registration of complaints, investigation and trial). The report, across the board, brings out challenges faced by the victims of atrocities in accessing justice and presents essential recommendations for the effective implementation of PoA Act and Rules.

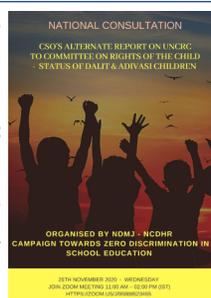
#### 5. Submission of Universal Periodic Review Mid-Term Report 2020

India's Universal Periodic Review (UPR) took place for the third time (UPR-III) on 4 May 2017, when it received a total of 249 recommendations on diverse subjects and issues including 15 recommendations specific to the promotion and protection of rights of the rights of Scheduled Castes and Scheduled Tribes. Of these, the Government of India supported 11 recommendations and noted four of them. India will be reviewed in its fourth UPR cycle (UPR-IV) in 2022. NDMJ has followed this process along with allies of Working Group on Human Rights in India and the United Nations (WGHR) prepared a Mid Term report specific to Dalit Rights. This mid-term review is an attempt to assess how far the Government of India has been able to implement the recommendations received. The report is submitted to the UPR Secretariat on 25 December 2020. Following is the link of the UPR Mid Term Report.

[https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/UPR\\_Mid-Term\\_Report2020-WGHR-India.pdf](https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/UPR_Mid-Term_Report2020-WGHR-India.pdf)

### NATIONAL CONSULTATION OF THE ALTERNATE REPORT FOR SUBMISSION TO THE UNCRC

Govt. of India is a signatory to United Nations Convention on the Rights of the Child (UNCRC), and the state's fourth and fifth periodic reporting was due for submission on 15th July 2020. On the basis of previous submissions by India, the Committee on CRC in 2014



provided key recommendations to India on the issue of implementation and review of Law related to children, looking at the aspect of discrimination, violence, protection and on the participation of children and especially with respect children from Scheduled Caste and Scheduled Tribes. India is requested to comply with CRC principles.

NDMJ-NCDHR took the initiative in preparing a Joint Alternative Report; requests children, CSOs, and experts to contribute to the thematic specific inputs to be included in "The Joint Alternative Report – 2020" and strengthen the on-going work on the Human Rights of Dalit and Adivasi Children. National Dalit Movement for Justice (NDMJ) held the National Consultation on 25th November on the virtual platform on the preparation of the Alternate Report for submission to the United Nations Convention on the Rights of the Child (UNCRC) with a focus on the status of Dalit and Adivasi children.

NDMJ focussed on the promotion of the rights of Dalit and Adivasi children, and have systematically intervened in cases of discrimination and violence faced of children based on their identity; and anchored the "Campaign toward Zero Discrimination and Violence in School education" with the larger Dalit and Adivasi CSOs.

The consultation meet witnessed participation of multiple stakeholders like child lead organization, civil society, child rights experts and government child rights agency.

More than 93 people participated in the consultation meet. Draft Alternate Report was shared with child lead organization, civil society; child rights experts and government child rights agency. The event was graced by many important national and international experts.

Various inputs and feedback on the Alternate report were received. Some of the key recommendations:-

- to synchronise the recommendations of other UN mechanisms with regard to children's rights in our UNCRC alternate report
- to harmonize different laws pertaining to children to ensure commonality in law with regard to age of children and avoid criminalization of children conflict with law
- enactment of a legislation on "Prevention of All Forms of Discrimination in Educational Institutions"
- strict implementation of all child related legal mechanisms as well as SCs and STs Prevention of Atrocities Act to protect the rights and dignity of the SCs and ST communities and especially children from the communities when they are affected,
- Governments take effective measures to raise public awareness on child rights, safety and protection to children and communities by engaging civil society and schools



- introduction of rights based education in school curriculum to negate discrimination and violence based on caste, gender or any other identity
- Increase budgetary allocation by the Central and State governments to the all-round development of children - Survival, Development , Protection and Participation, especially for SC, ST, Minority and denotified, Differently abled children"
- Governments and Civil Society to ensure child participation in families, and in governance impacting their lives.

## ADVOCATES TRAINING ON ACCESSING JUSTICE TO DALITS AND ADIVASIS



Mr Rahul Singh, Director, National Dalit Movement for Justice (NDMJ-NCDHR) trained advocates from Tamil Nadu on SCs and STs (PoA) Act 1989 in a State Level Training Program of Advocates on 23.01.2021 at Cuddalore, Tamil Nadu. The training was organised by SASY, Tamil Nadu. Around 40 advocates participated in the training. The objective of the training was to build their prosecution skills and escalate the number of appointment of advocates as SPPs and built a stronger platform for Advocates. Dr.V. A Ramesh Nathan, General Secretary of NDMJ Enlightened the lawyers strengthened their skills in order to accessing justice to the Dalits Adivasis against all kind of injustice & atrocities.



## NDMJ INTERVENTION FROM OCTOBER TO DECEMBER 2020

Reaching out to the victim in this pandemic is challenging. NDMJ always believes in addressing the issues of access to justice for those affected by atrocities and violence. In the grave Covid 19 pandemic too, NDMJ and its team of Human Right defenders work day and night to provide justice to the victims/ survivors .

From the month of October – December 2020, NDMJ intervened in 58 case from seven states Uttar Pradesh, Bihar, Haryana, Himachal Pradesh, Odisha, Karnataka, and Maharashtra. Type of atrocities, in which NDMJ state coordinator intervened includes caste based atrocities, gender-based violence, cases of domestic, sexual violence, murder, land grabbing, and custodial atrocity.

National Dalit Movement for Justice has intervened in 58 cases since October to Decemebr 2020. Primarily, a fact finding was conducted in all these 58 cases to initiate the intervention. Out of these 58 cases, FIR has been lodged in around 40 cases but only 26 cases have witnessed the PoA Section being added to the FIR and arrest has been made in 30 cases. Out of these 58 cases, Charge sheet has been filed only in 8 cases whereas in 14 cases compensation has been awarded, which amounts Rs.19, 25,000.

Further, National Dalit Movement for Justice (NDMJ)-NCDHR along with All India Dalit Mahila Adhikar Manch (AIDMAM-NCDHR), Dalit Stree Shakti and other Dalit women led organizations have prepared and submitted report to the Special Rapporteur on Violence Against Women (SRVAW) in December 2020. The Report referred to the Rising Violence based on Caste and Gender in the Country. The report has had specific recommendations at various level to bring about systemic change addressing the issue of uprooting patriarchy and caste. Recommendations have been leveled as a joint effort. At the community level, through educational reforms to bring about change in mindset, as well as have targeted efforts to bring about social change and justice by engaging with the government machinery at various levels for policy change.



Dalits

A People

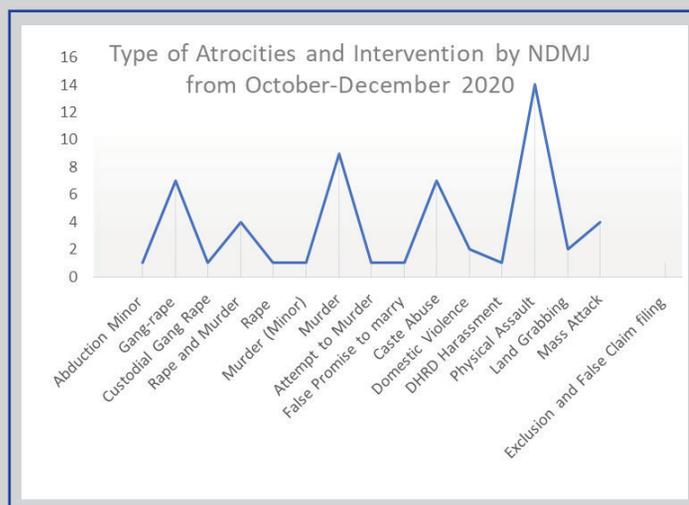
A Culture

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## FACT FINDING OCTOBER TO DECEMBER 2020

S.No.	State	Type of Atrocities	No. of Fact Finding	No. of FIR	Chargesheet invoked	Arrest	No. of cases where SC/ST POA	Compensation Received
1	Uttar Pradesh	Abduction Minor (1), Gang-rape (1), Rape and Murder(2), Murder (Minor) (1), Murder(4) False Promise to marry (1) Abduction and Rape Minor (1) Untouchability Practice (1) Domestic Violence (1) DHRD Harassment (1) Physical Assault ( 3)	16	8	1	9	8	6
2.	Himachal Pradesh	Rape (1), Domestic Violence (1), Land Grabbing (1), Physical Assault (2), Caste Abuse (2), Mass Attack (3)	10	5	0	3	2	0
3.	Haryana	Physical Assault (4), Land Grabbing (1) Custodial Gang Rape(1)	6	4	0	0	0	0
4.	Bihar	Gang Rape(3) Attempt to Murder (1) Rape and Murder (1) Murder (1)	6	6	0	4	1	1
5.	Maharashtra	Physical assault and molestation(2) Physical assault (2) Rape and Murder (1) Exclusion and false claim filing (1)	8	6	1	6	4	0
6.	Karnataka	Caste atrocity (2), Murder (4),	6	6	5	5	6	6
7.	Odisha	Physical Assault(1) Mass Attack (1) Caste based Discrimination(2)	6	5	1	3	5	1
	Total		58	40	8	30	26	14

S.No.	Type of Atrocity	No. of Atrocity
1.	Abduction Minor	1
2	Gang-rape	7
3	Custodial Gang Rape	1
4	Rape and Murder	4
5	Rape	1
6	Murder (Minor)	1
7	Murder	9
8	Attempt to Murder	1
9	False Promise to marry	1
10	Caste Abuse	7
11	Domestic Violence	2
12	DHRD Harassment	1
13	Physical Assault	14
14	Land Grabbing	2
15	Mass Attack	4
16	Exclusion and False Claim filing	1



# UNION BUDGET 2021-22 AND ITS IMPLICATION ON ACCESS TO JUSTICE FOR DALITS AND ADIVASI

The Finance Minister Nirmala Sitharaman presented the Union budget 2021 on February 1, 2021. In conjunction to that Dalit Arthik Adhikar Andolan (DAAA) - NCDHR, released their detailed analysis of the budget on February 2, 2021 in a separate press conference held at a Press Club of India, New Delhi. People were anticipating the budget with much expectation amidst Covid 19. Dalit and Adivasi Budget Analysis (DABA) is an analysis of welfare of SC and ST.

Union Government's budgetary outlays meant for the The total budget estimate is Rs,34,83,237 Crs and the allocation for the Scheduled caste is Rs.1,26,259 Crs and for Scheduled Tribes it is Rs.79,942 Crs. If only numbers are considered, people would definitely can see the increase in the figures. However, it is just an eye-wash; the Union budget 2021 can be called a lacklustre effort, in which Dalit and Adivasi communities' requirements has not been addressed adequately.

As per the analysis it is found tha the allocation for the implementation of the SCs and STs (PoA) Act is a mere Rs.600 crore despite that fact that atrocities against Dalits (SCs) have increased by 7.3% in 2019(45,935) over 2018(42793), whereas atrocities against Adivasis (STs)have increased by 26.4%in 2019 (8257) over 2018 (6258). Cases of sexual violence against Dalit (SC) Women cumulatively stood at 15%(6985) whereas for Adivasi(ST) women, the number stood at 24.3% (8257). NDMJ-NCDHR has demanded increase in allocation to prevent crime against Dalit women, men, and children, people with disabilities and queer and transpersons. There is a need for establishing clear mechanism to provide protection and security to any victims of caste-based discrimination and violence. The current allocation is grossly inadequate. Special court should be set up for speedy trials of cases, and increased compensation should be given to the victims of caste and ethnicity based atrocities.



# Press Conference at State Level on the Implementation of POA Act and the Release of Status Report: Quest for Justice



- (i) From Bihar: Additional District Judge and State Coordinator Vidyanand Ram along with his team.
- (ii) From Maharashtra: Released by State Coordinator Keval Ukey with his team.

(iii) From Uttar Pradesh : Released by State Coordinator Adv.Ram Dular along with his team.

(iv) From Haryana : Released by State Coordinator Rajesh Bumbak along with his team.



(v) From Karnataka: Released by Honourable Shri. N. Mahesh, Former Minister -Primary and Secondary Education, and present MLA from Kollegal constituency, our state Coordinator Mr.Siddaraju along with his team.

(vi) From Himachal Pradesh :- Launched by Mr. Vikas Pankaj Kalra, Member of Child Welfare Committee and State coordinator Mr. Raj Mahey along with his team.



# Remembering Baba Saheb - When the Democratic Values are dying a Slow Death

## Remembering Baba Saheb From the States



justice and not denied to any citizen because of economic or other disabilities. In the present times, under pandemic Covid -19 situations, when India witnessed further more gaps, rise of atrocities on the basis of caste, Ambedkar's ideology assumes more relevance.

Even after decades of independence, India is still struggling with the caste system that has buoyant admirers in high places. This section of population also argues openly that caste is social glue that binds as well as separates people on the whole, positive ways.

Caste discrimination is fragmenting our secular, democratic India, which is getting painted in saffron colour by the present regime.

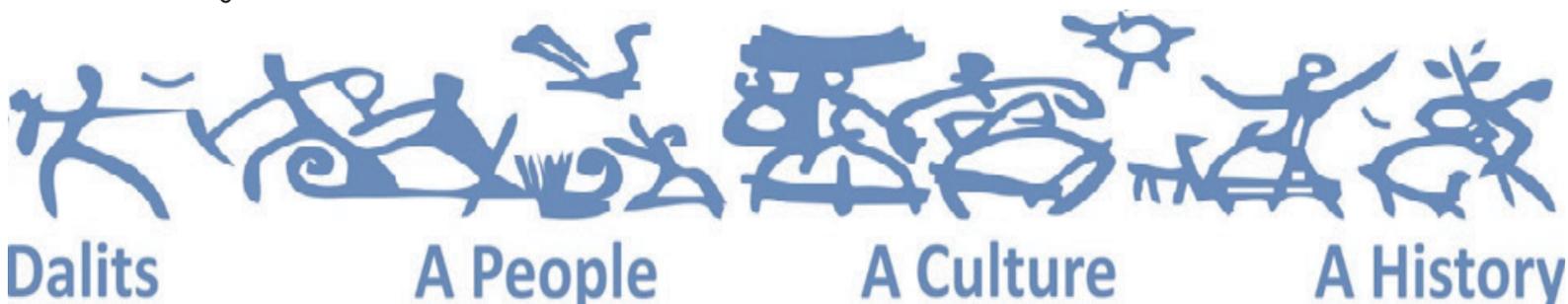
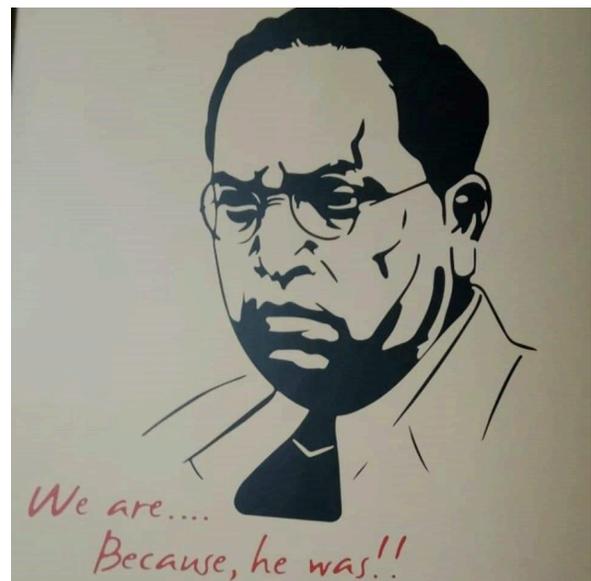
Social differences and untouchability raised its ugly head in this pandemic more aggressively because of the blind faith that have been continuing for centuries. Many heinous instances of continuing caste atrocities can be cited from the Covid-pandemic period only.

In such a situation, the thought of establishing a society based on equality Ambedkar's ideology needs to be propagated in an institutionalised manner through civil society. He always worked for the overall development of the vulnerable sections of the Indian society and chose to demolish the caste discrimination by enacting the Constitution. Ambedkar's ideas remain relevant in the present regime and in contemporary India for promoting constitutional and legal methods for upholding the rights and dignity of the vulnerable sections.

At this pressing time, when the country is under an 'undeclared emergency' in regard to our basic rights, there is a dire need to recall Baba Saheb's values. In a regime, when asking for basic demands, basic human right can make one anti-national, Khalistani, part of tukde tukde gang, values of Baba Saheb needs to be in the forefront.

The issue is not about the ban of any particular news channel for showcasing the truth, but it also about silencing the voice of various activists, it is also about the fabricated FIR against academicians, media persons, case of 'sedition' cases against students and homogenizing a regime under the Rashtriya Swayamsevak Sangh (RSS) authoritarian religion-based nationalism.

Even after 70 years of independence, the nation Baba Saheb visualized is far from its reality. Baba Saheb born in a Dalit family was the stalwart of the social justice in India. Throughout his life he suffered discrimination, and his personal experiences of discrimination inspired him to raise the greatest civil right revolution in India in 1947. He hammered out the Indian constitution's guiding principles of democracy, equality and freedom of religion. Baba Saheb was well aware of the unequal and unjust society of India, which was divided on caste lines discrimination and legally outlawing the practice of untouchability. Social justice is the vision of the Indian Constitution. States are duty bound to secure a social order that promotes justice on the basis equal opportunity and to ensure opportunities for securing



## NDMJ in MEDIA

[http://newsmaharashtra.today.blogspot.com/2020/12/blog-post\\_29.html](http://newsmaharashtra.today.blogspot.com/2020/12/blog-post_29.html)

<https://www.purogamisandesh.in/news/19684>

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<https://www.24timestoday.com/mÙkj&izns'k&esa&दलित-उत्पिड़न/>

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<https://youtu.be/WQjVwzTgOMI>

<https://www.epw.in/journal/2020/40/letters/atrocities-against-dalit-girls-and-women.html>

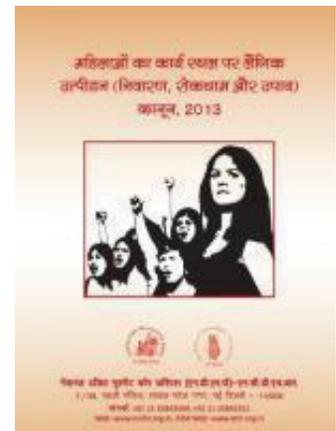
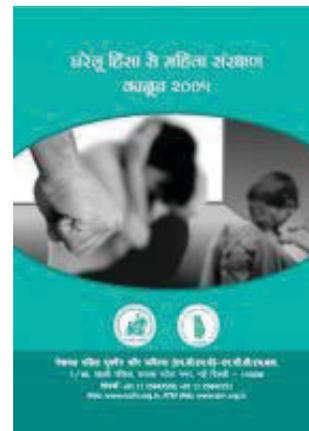
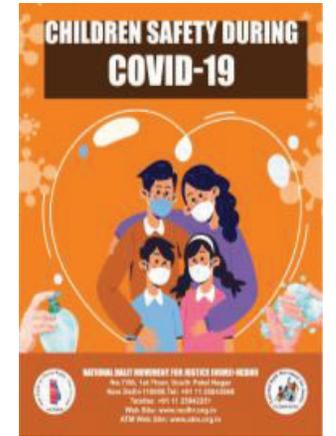
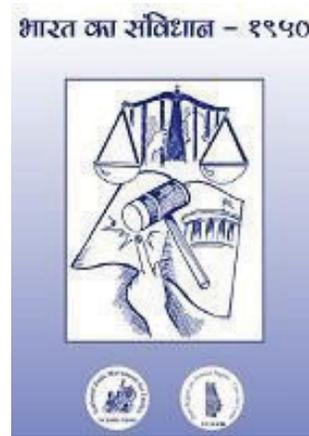
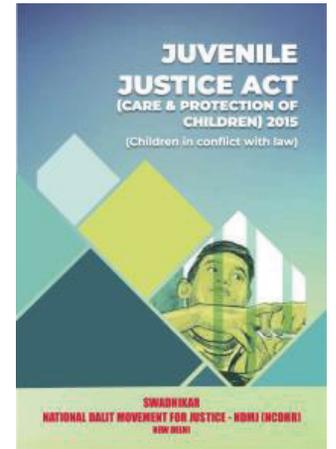
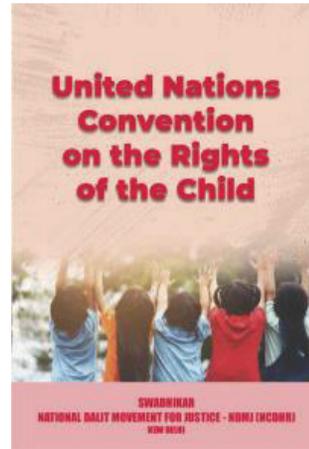
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<https://www.groundxero.in/2020/10/11/unmute-your-mute-dalit-women-demand-justice/>

<https://www.newindianexpress.com/nation/2020/oct/05/our-children-have-no-safety-herelong-road-ahead-fordalits-as-up-sees-spike-in-caste-crimes-2205894.html>

## PUBLICATIONS



<http://www.annihilatecaste.in/downloads>

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**National Dalit Movement for Justice – NDMJ (NCDHR)**

7/58, 1st Floor, South Patel Nagar, New Delhi-110008, INDIA

Ph: +91 – 11 – 40114755; [www.ncdhr.org.in](http://www.ncdhr.org.in); [www.annihilatecaste.in](http://www.annihilatecaste.in)

