



CLAIMING JUSTICE

A Study of CSO Interventions in Addressing Atrocities Against Dalit and Tribals in India

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Collective imagination emerges when people find strength in collective organizations, when they find strength in each other.

Justice is never done. It's an endless struggle. And there's joy in that struggle, because there's a sense of solidarity that brings us together around the most basic, most elemental and the most important of democratic values.

-Henry Giroux

Written By Nazdeek:

Sukti Dhital, Francesca Feruglio & Jayshree Satpute



National Dalit Movement for Justice (NDMJ) - NCDHR
A program of Society for AID in Development (SAD),
Lucknow

Claiming Justice

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February 2014

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Written by

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Uttar Pradesh: Dynamic Action Group

Design

Rajan Zaveri - Firefly Multimedia

www.fireflymultimedia.org

Printed By

Magikal Advertising

Published By



National Dalit Movement for Justice (NDMJ) - NCDHR

A program of Society for AID in Development (SAD), Lucknow

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Tel: +91 11 25843569, Fax: 011-25842251

www.ncdhr.org.in

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Supported By



Christian Aid, UK

Submitted Under International NGO Partnership Agreement Programme (IPAP)
of DFID, UK

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Acknowledgments

This report was researched and written by Sukti Dhital, Francesca Feruglio and Jayshree Satpute, co-founders of Nazdeek, a legal capacity building organization committed to bringing access to justice close to poor and marginalized communities in India.

Villages are said to be the heart of India. This report was prepared after an extensive five-state canvas of the Indian heartland, to better understand the role of civil society organizations (CSOs) in assisting victims of dalit and tribal atrocities. From September to December 2013 we traveled throughout the length and breadth of the country to hear encouraging, painful and powerful stories. Stories told directly from victims, witnesses, community members, human rights defenders, and public officials on using the criminal justice system to address violence and discrimination. The report captures important interventions used by CSOs and offers recommendations on ways to strengthen the fight for justice.

We would like to begin by thanking the National Dalit Movement for Justice for giving us the opportunity to write the report and in turn, broadening our hearts and minds. In particular, Mr. Nanda Gopal Vudayagiri, Dr. SDJM Prasad, Mr. Ramesh Nathan and Mr. Paul Diwakar for having faith in our ability to write this report, and Mrs. Abirami Jotheeswaran for assisting us in managing a hectic travel and program schedule.

We would also like to thank the leaders of the CSOs: Mrs. G. Jhansi and Mr. D. Prakash (Dalit Sthree Sakthi, Andhra Pradesh), Ms. Manjula Pradeep (Navsarjan, Gujarat), Mr. Vinod Kumar (Sampurna Gram Vikas Kendra, Jharkhand), Mr. P.L. Mimroth and Satish Kumar (Centre for Dalit Rights, Rajasthan) and Mr. Ram Kumar (Dynamic Action Group, Uttar Pradesh). We thank them for taking the time to share their experiences, insights and guidance in working to advance the rights of dalit and tribal communities. Your organisations have brought positive change to the lives of thousands and leave us feeling humbled and inspired.

We would like to thank Society for AID In Development. An organization working for Social Justice, Equality, Participation, Social Upliftment, Health and Cleanliness, Education, Welfare, Economic Upliftment and Environment for Development, and Awareness.

We would also like to honour the fearless, frontline human rights defenders and lawyers. They are often working in extremely hostile and dangerous contexts, putting their lives and those of their families at risk. Despite these risks, you have shown unwavering commitment by standing behind communities in their quest for justice.

We would also like to acknowledge the public officials who carved out time to share their perspectives on implementation of laws regarding atrocities against dalits and tribals.

Most importantly, we would like to thank the victims and witnesses who opened their hearts and doors. Your harrowing stories and courage to fight against discrimination in all of its forms brought tears to our eyes and strength in our spirit. We salute you for your courage to stand for justice against all odds.

Last but not least, we would like to thank Rajan Zaveri (graphic designer) Jennifer Kline (editor) and Margarete Arca (data analyst) for your assistance and patience in compiling this report.

The study was a deeply personal and professional journey for us. We have tried our best to reflect the tireless and impactful work of the CSOs, and hope the report inspires others to follow in their footsteps.

Foreword

by Dr. V. A. Ramesh Nathan
General Secretary
National Dalit Movement for Justice (NDMJ) - NCDHR
New Delhi
18/02/2014

This study is the outcome of the innumerable experiences gained by the Dalit and Adivasi civil society organizations. It has come out at a very momentous time when several national and local human rights intervention initiatives, led by various grass root Dalit/Adivasi organizations and movements across the country, are in quest to access speedy and equitable justice for Dalit and Adivasis communities in the face of physical violence experienced by them and to seek to eliminate all forms of caste-based discrimination in society.

With my vast experience of Dalit activism, I would unhesitatingly say that during the last one and a half decade Dalit and Adivasi organizations have firmly laid the foundation for Dalit/Adivasi communities to eliminate caste-based discrimination, physical violence and the practice of untouchability with a view towards creating a just and equitable society. The awareness campaigns led by these organizations and movements at the national, state and grass-root level have contributed significantly to make the Dalit community members aware of their rights and entitlements, and have empowered them to raise their voice loud and clear. They have campaigned against atrocities and the practice of untouchability and have put forward their demand in firm and clear terms for effective implementation of the provisions of SC/ST PoA Act 1989 and Rules 1995. Based on the experiences of the victims and witnesses, they have advocated amending the existing provisions of the PoA Act and make it Dalit and Adivasi friendly. They have also lobbied for the inclusion of Dalits and Adivasis in all the implementing and monitoring mechanisms of the state with additional rights and entitlements.

These efforts have certainly paid significant dividends. Political parties, the government and other stakeholders have included Dalit and Adivasi issues as political and development agenda in their policies, plans and programmes. The national and state level government machinery has increased its commitment to uplift the social and economic status of Dalits and Adivasis by introducing legislations, regulations, policies and programs for elimination of all forms of discrimination through various policies and plans. Dalit issues and movements have gained international attention and have elicited solidarity of global human rights organizations. That UN agencies and international community have recognised Dalit and Adivasi organizations as one of the important stakeholders of the UN Human Rights Conventions (CERD, CEDAW, CRC, etc.) is one among the many prominent achievements of the Dalit and Adivasi civil society organizations in India.

Apart from this, the most remarkable role of the Dalit and Adivasi organizations and movements is that they have worked closely with their communities facing atrocities in the form of physical violence and untouchability based discrimination. In their efforts to enable the victims enjoy their right to access justice in a speedy and effective manner, these organizations and movements have followed every individual case of violence from the stage of registration of complaints up till procuring convictions for them under the SC/ST PoA Act 1989. In this process, they adopted several strategies and came out with best practices.

However, the organizations, activists, experts or community leaders seldom had any time to document their experiences and evaluate their strategies and best practices. The innumerable experiences of the victims and witnesses, the

stories of their successes and failures, the challenges and obstacles they had faced, the innovative approaches they had invented – all these could not be documented due to lack of time, energy and expertise.

This study has indeed filled that gap and has provided that critical space for recording and documentation, and for analysis and reflection. This process brought together various key Dalit organizations for intensive and honest reflection on their experiences in dealing with cases of atrocities. It enabled sharp critiques on current social situation, analyzed current challenges, provided fresh insights on current practices, opened up opportunities to explore viable strategies, and consolidated and strengthened their networks. The study, therefore, aimed at evaluating and documenting what has been achieved, and developing what works and what strategies are most effective in dealing with the SC/ST PoA Act in future.

One can say that the key outcome of this study is the summarizing of what has been achieved and proposing concrete recommendations for making the implementation of the PoA Act more effective. To list only a few examples of such recommendations - adopting a multi-tiered approach to intervention (state, district, village), pursuing each atrocity case with rigorous monitoring process, initiating early fact-finding and other forms of intervention at all stages, extending moral support and solidarity through community networks, assisting in filing FIRs, following up registered FIRs with timely investigation and charge sheeting, providing easy access to legal representation, facilitating appointment of private lawyers to special courts as per the victim's choice, having recourse to effective strategies to file appeals, offering skill and knowledge based trainings for staff etc.

Although Dalit and Adivasi organizations and movements have been adopting wide range of strategies to enable their communities to access justice against physical violence and untouchability practices, a large section of these communities is still facing this ubiquitous practice and violence across the country. There is still a need to learn lessons from the experiences and practices of other Dalit and Adivasi organizations and movements. Moreover, Dalit and Adivasi organizations and movements still need to look for opportunities to work together with government and non-government stakeholders for the implementation of legislations, policies, strategies and programs effectively at the national, state and grass-root levels. They have to explore opportunities to share their experiences regarding the strategies adopted, approaches undertaken, challenges faced and best practices learnt in the task of eliminating caste based discrimination and addressing physical violence. The results of this study will be a great help in realizing these objectives. It is, indeed, a valuable advocacy instrument for enabling SC/ST communities access justice in the face of atrocities and untouchability based discrimination.

I would like to express my sincere thanks to Dr. Sirivella Prasad for initiating this study at the right moment and providing his valuable inputs to the framework of the study. He also mentored the study team during the whole process and provided his valuable insights on the findings. My heartfelt congratulations to the study team consisting of Sukti Dhital, Francesca Feruglio and Jayshree Satpute, for their visit to the field areas and collection of information after meeting the people. They have conducted an in-depth analysis based on the enormity of information available with the people. I would also like to recognize the contributions of Ms. Abirami and Rahul Singh for playing an active role at different times and in different capacities.

I am greatly encouraged by this study and the organizations that have come together to undertake this valuable enterprise. It is my fervent hope that they will not cease their struggle to impress upon the state and national governance institutions to start a process of radical reform in the implementation of the PoA Act as well as in their own efforts to adopt new strategies and share best practices among themselves.

List Of Acronyms

AP- Andhra Pradesh
CDR- Center for Dalits Rights
CrPC- Code of Criminal Procedure 1973
CSO- Civil Society Organisations
DCP- Deputy Commissioner of Police
DFID- Department for International Development
DHRD- Dalit Human Rights Defenders
DSP- Deputy Superintendent of Police
DSS- Dalit Sthree Sakthi
FIR- First Information Report
IAS- India Administrative Servant
IO- Investigating Officer
INGO- International Non-Governmental Organisation
IPAP- International NGO Partnership Programme
IPC- Indian Penal Code
MLA- Member of Legislative Assembly
MRO- Mandal Revenue Officer
NCDHR- National Campaign on Dalit Human Rights
NDMJ- National Dalit Movement for Justice
NREGA- Mahatma Gandhi National Rural Employment Guarantee Act
OBC- Other Backward Caste
PoA Act- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
PP- Public Prosecutors
RTI- Right to Information
SC- Scheduled Castes
SCP- Special Component Plan
SCSP- Scheduled Caste Sub-plan
SGVK- Sampurna Gram Vikas Kendra
SPP- Special Public Prosecutors
ST- Scheduled Tribes
TSP- Tribal Sub-Plan
UP- Uttar Pradesh

Introduction

Over 305 million¹ people in India are relegated to a lifetime of discrimination, violence and exploitation.

Based on caste² and ethnicity, dalit³ (untouchables) and adivasi⁴ (tribal) communities live a history marked by social and economic oppression. Perpetrated by state and private actors, the discrimination violates fundamental rights guaranteed by the Constitution of India and international and domestic law.⁵ The Constitution of India, heralded for its ambitious promise of equality, expressly abolishes untouchability and forbids any action aimed at enforcing any social “disabilities” imposed on dalit and tribal communities.

BACKGROUND ON THE SC & ST (POA) ACT

Despite express legal protections rooted in domestic and international law, history illuminates the myriad ways in which these protections failed to protect the rights of dalits and tribals. State impunity, social and economic oppression, and blatant disregard for the dignity of dalits and tribals resulted in continued acts of violence. Tribal women were raped. Young dalit children were precluded from attend non-dalit schools. Dalit and tribal families were forced out of their homes and villages for simply being minorities. These atrocities continued without accountability. And victims who courageously sought retribution encountered a system rife with discrimination. FIRs were not filed, investigations were not conducted, and victims were pressured into compromise.

These failures within the criminal justice system led to the passing of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act). The purpose of the Act, as set out in the Preamble, was not only “to prevent the commission of offences of atrocities” but also “to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences (...).”⁶

While the PoA Act does not define atrocity, the term usually refers to any offence under the Indian Penal Code (IPC) committed against SC/ST members by non-SC/ST persons. Atrocity specifically “denotes the quality of being shockingly cruel and inhumane.”⁷ Section 3 of the Act lists 22 different offences, including crimes against dignity and self-esteem of SC/ST persons, property, civil and political rights. While these offences reflect historical practices of untouchability, and are therefore specifically designed to address discrimination against dalits and tribal people,

1. Census 2011 See http://www.censusindia.gov.in/2011census/hlo/pca/pca_pdf/PCA-CRC-0000.pdf (last accessed December 2013).

2. Caste is a hierarchical social system in which groups are ranked based on work and descent.

3. The word “dalit” comes from the Sanskrit root dal- and means “broken, ground-down, downtrodden, or oppressed.” Those previously known as Untouchables, Depressed Classes, and Harijans are today increasingly adopting the term “dalit” as a name for themselves. “Dalit” refers to one’s caste rather than class; it applies to members of the lower castes who were born into the stigma of “untouchability” because of the extreme impurity and pollution connected with their traditional occupations. See <http://www.ncdhr.org.in/dalits-untouchability/> (last accessed December 2013).

4. Adivasi is an umbrella term for a heterogeneous set of ethnic and tribal groups who claim to be the aboriginal population of India. The term “Adivasi” derives from the Hindi word ‘adi’ which means of earliest times or from the beginning and ‘vasi’ meaning inhabitant or resident, and was coined in the 1930s as a consequence of a political movement to forge a sense of identity among the various indigenous peoples of India. See <http://www.refworld.org/docid/49749d14c.html> (last accessed December 2013).

5. Article 14, 15 Indian Constitution and Article 26 of the International Covenant on Civil and Political Rights, The Civil Rights Act of 1955

6. PoA Act, Preamble

7. Parliamentary Committee on the Welfare of SCs & STs, 4th Report 2004-05, New Delhi, 2005, para 1.1

the list of offences covered under the PoA Act is by no means exhaustive. Many atrocities, for instance social boycott practices, such as public humiliation, are currently not covered by the Act.

Thanks to continued advocacy by dalit rights groups across the country, the Government is currently reviewing proposed amendments to strengthen the PoA Act and expand its scope. Suggested amendments would address crucial gaps in the PoA Act's implementation, social and economic boycott, issues of counter cases filed against complainants, as well as increasing compensation for victims and expediting legal proceedings. Arguably the most important and also most disputed amendment provides that mere knowledge of the caste or tribe of the victim by the perpetrator constitutes sufficient grounds for a finding of guilt.

While the proposed amendments do not enjoy unanimous support within the Government and civil society, the need to strengthen implementation of the PoA Act is undeniably pressing. Sections 14 and 15 of the PoA requires all states to establish Special Courts within each District Court to try offences and establish Special Public Prosecutors (SPPs or PPs) to conduct cases in these Courts. There were 45,247 cases registered under the PoA Act and pending trial in 2010 (including previous years). Of these 5,748 (13%) were acquitted, and only 3,430 cases (8%) resulted in convictions. At the end of that year, 37,768 (79%) cases were still pending trial. The trial pendency rate for crimes registered under the PoA Act was only marginally better in 2010 than in previous three years 2007-2009, when it had averaged 82.9% per annum.⁸ In other words, there were serious issues of delayed trials and low conviction rates that frustrate the intent and purpose of the Special Courts.

THE IPAP PROJECT

The International NGO Partnership Programme (IPAP) was a partnership between Department for International Development (DFID) and seven international NGOs to work on issues related to social exclusion in India. The goal of the programme was to improve social, political and economic condition of socially excluded communities. The purpose was to increase the responsiveness of government to implement programs, mechanisms and services for the needs of socially excluded communities. INGO Partners were selected depending on their area of expertise. Within the context of addressing discrimination against dalits and tribals and promoting access to justice, the National Dalit Movement for Justice (NDMJ) developed interventions to improve implementation of the PoA Act and Rules. NDMJ is a democratic, secular, non-party movement of dalit survivors, defenders, academics and organisations headed by dalits. The movement was constituted under the National Campaign on Dalit Human Rights (NCDHR) to address the issues of caste based discrimination and violence, primarily untouchability and atrocities.⁹

The four-year IPAP project aimed to strengthen the network of dalit and tribal civil society organisations (CSOs) working in human rights monitoring. By providing support to CSOs to effectively intervene in atrocity cases, the project sought to expand access to justice for victims of atrocities.

To mark the fourth year of the project, a reflection meeting was held where partner CSOs shared case strategies and interventions used in assisting victims and witnesses of atrocity cases. Interventions were analyzed both in terms of successes and failures, with success generally defined as the ability to obtain conviction of the accused and secure rehabilitation for the victims, and failures classified as cases ending in compromise or acquittal.

The meeting revealed the rich knowledge gained by the CSOs during the project period, and an opportunity to analyze CSOs interventions and identify strategies and best practices in accompanying victims of atrocities through the criminal justice system. The opportunity turned into an action, and the idea to capture the key lessons learned by the CSOs through an extensive field study and report.

8. NCRB, Crimes in India 2007, 2008, 2009, 2010, New Delhi.

9. <http://www.ncdhr.org.in/> (last accessed December 2013)

The study highlights the types of interventions undertaken by CSOs in atrocity cases, and documents stories, insights and reflections by victims, witnesses, human rights defenders, and state officials on their path towards justice. Observations and recommendations are intended to benefit and inform the dalit and tribal community, as well as CSOs and human rights defenders advocating for dalit and tribal rights.

The study focuses on five CSOs¹⁰ that have been part of the IPAP project for a period ranging from two to four years. The organisations reflect regional and cultural diversity, with CSOs actively monitoring atrocity cases in the south, north, north-east, east and west of the country.¹¹ For each of the CSOs, the report traces the organisational background and structure, and provides an overview on the casework undertaken during the project period. Key cases have been selected to examine the outcomes of CSOs interventions.

10. Centre for Dalit Rights, Dalit Sthree Sakthi, Dynamic Action Group, Navsarjan Trust, Sampurna Gram Vikas Kendra

11. Andhra Pradesh, Gujarat, Jharkhand, Rajasthan and Uttar Pradesh

Methodology

The study is based on both quantitative and qualitative data provided by the partner CSOs.

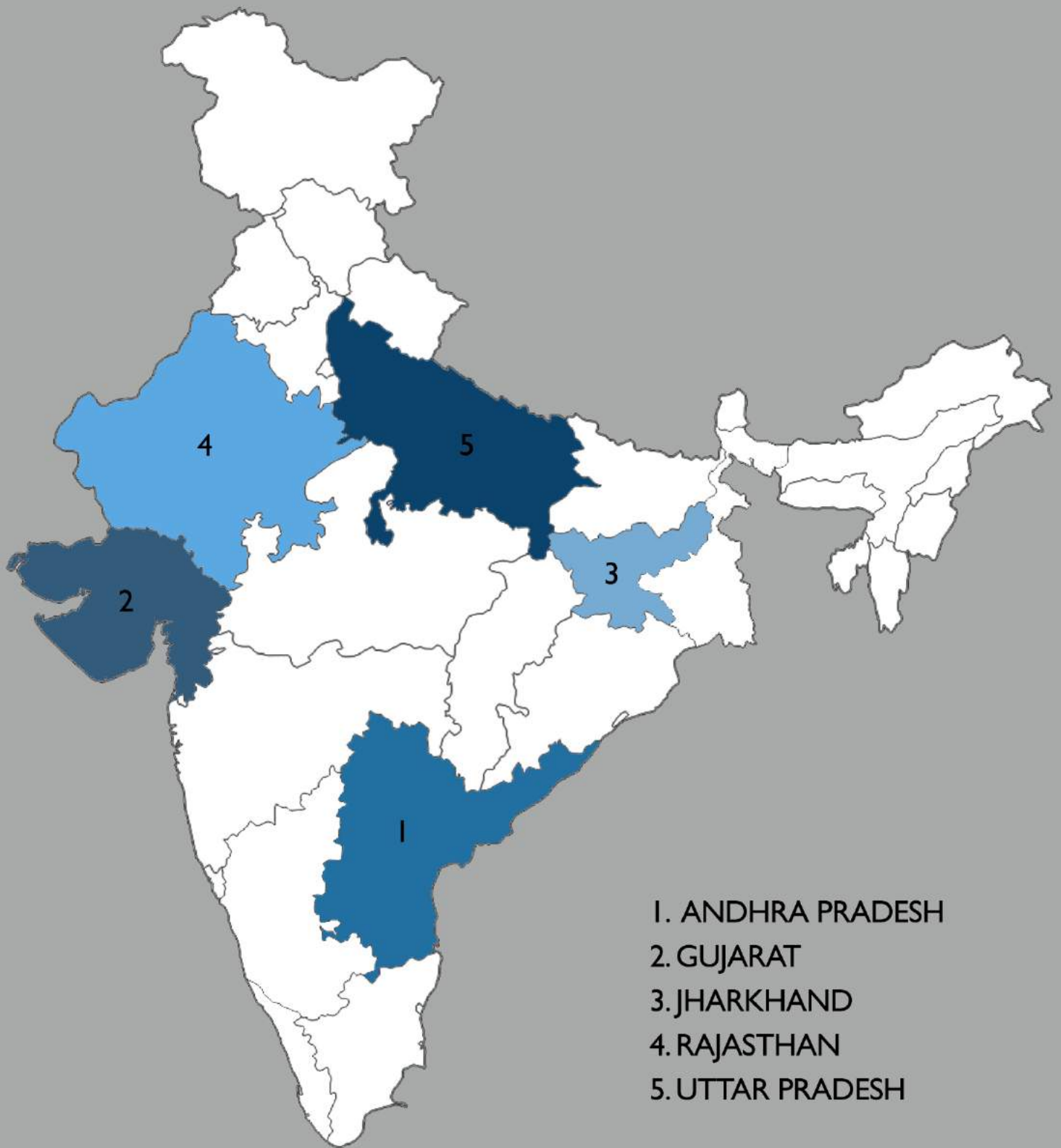
As to quantitative data, the report analyzes 100 cases (25 per year) that each organisation worked on during the 4 year IPAP project period, with the exception of the Center for Dalits Rights (CDR) and Sampurna Gram Vikas Kendra (SGVK).¹² Quantitative data was collected through a template (see Annexure-I) compiled by each partner and provides relevant details on all cases, including: (1) type of intervention, (2) compensation and rehabilitation obtained, (3) bail for the accused, and (4) outcome. The data was processed by cross-checking information on the various interventions with the outcome of each case (conviction, acquittal, compromise, closed as fake, pending), and is summarized in tables illustrating consistent practices and strategies.

Qualitative data was collected through field visits to each organisation held from September to November 2013. During the five field visits, each CSO organised interviews with relevant stakeholders in four cases highlighting interventions and outcomes; conviction, acquittal, compromise, closed as fake, pending. Researchers interviewed 5 CSO Directors, 25 Dalit Human Rights Defenders (DHRDs), 4 Public Prosecutors (PPs), 6 private lawyers assisting PPs, 4 police officers, 2 journalists, 27 victims, 30 witnesses and community members. Out of all the cases analyzed, 18 have been selected, taking into consideration status/outcome of the cases, diversity of victims (gender, occupation, age) and type of atrocity.

For each case illustrated in the report, interviews have been conducted with the DHRD who assisted in the case, the victim(s) (or relatives if victim is of minor age) and the witnesses or other relevant community members. Interviews have been conducted informally following templates prepared with partner CSOs (see Annexure-II).

Victims of atrocities have remained anonymous and pictures have only been published of adult victims.

12. CDR has submitted 44 cases and SGVK has only been a project partner for two years.



1. ANDHRA PRADESH
2. GUJARAT
3. JHARKHAND
4. RAJASTHAN
5. UTTAR PRADESH

Andhra Pradesh



Dalit Sthree Sakthi



A Powerful Task Force of Dalit Women for Dalit Women

DSS was founded in 2005 with the goal of organising dalit women in Andhra Pradesh (AP) to struggle for their rights and entitlements. DSS' mission is to capacitate dalit women leaders to fight against the triple oppression of gender, caste and class. According to its Convenor and charismatic leader Jhansi Geddam, the organisation was born out of the failure of both the dalit and the feminist movement in AP to address issues specific to dalit women.

The organisation focuses on a range of issues including gender-based violence, access to quality education, access to government schemes and support for dalit women's representation in statutory bodies. Recognizing the importance of men in the fight for gender and caste equality, DSS has been engaging men into their programs and activities.

STRUCTURE OF THE ORGANISATION

DSS's ambitious plan is to “facilitate dalit women to form into collectives and train them to think, decide and act independently in such a way that there is no leader, but all take decisions collectively.”¹³

DSS' CORE ISSUES:



Since its founding, DSS has been able to set up an impressive structure with 1180 Women Collectives of 5-7 members each, 42 mandal (block) Women Collectives and 7 District Women Collectives across the state. Members from village committees are represented in mandal committees which are in turn represented in district committees. Finally, a State Women Collective is composed by one member from each district. Most of the members, representatives and coordinators come from experiences of discrimination and moved from victims to human rights defenders.

TRAININGS

DSS newly recruited staff engage in a meticulous and unique induction process. After an initial written exam, new staff members receive both skill and knowledge training, including a comprehensive two-day induction on social awareness looking at the intersectionality of gender, class and caste issues, the structure and func-

Members are also engaged through round tables and public hearings organised throughout the year, with 8 events held at the District level and 1 two-day Annual General body meeting held in the capital. Aimed at giving exposure to the Women Collectives and raise members' voices, the meeting is attended by over 1000 women who travel, often on their own, from across the state to spend two days in the capital.

DSS' head office, based in Hyderabad, is composed of six staff members, including DSS Convenor Jhansi Geddam, Programme Manager GDV. Prakash, and State Coordinator P. Susanna.

tioning of state Departments (Women and Child Welfare, Social Welfare Dept. etc) and law enforcement agencies (ranking and duties of police officials). One of the most valuable aspects of the program is the behavioural training where new staff members learn how to approach and effectively communicate with state offi-

13. "Dalit Women march ahead: Success stories of Dalit women" Dalit Sthree Sakthi, Andhra Pradesh, 2011

cials to assert dalit women's rights. As Jhansi explained, "women's fear comes from lack of awareness: what is my aim? What is my vision? All this points at the image you give of yourself for there is a specific way you should dress, sit and talk when approaching police officials."

Induction in Hyderabad is followed by a three-day job shadowing of a Senior Coordinator on field. At the end of this second cycle, newly recruited staff undergo a final oral test. After official appointment, follow-up interviews are held on a bi-monthly basis to assess the level of engagement in the work.



G. Jhansi and D. Prakash, DSS's Convenor and Programme Manager

(i) Overview of Atrocity Cases

Addressing atrocities against dalit women is one of DSS' major efforts. During the IPAP project period DSS intervened in over 1000 cases (1135) and conducted over 383 fact-findings.

The organisation commits to following each case from inception to end, and has a policy of undertaking a fact-finding within 24 hours of learning of an atrocity. DSS generally learns about cases through village Women Collectives or through the media. Upon notification a fact-finding team visits the victim to assess the facts and the scope of a potential intervention. After a decision is cast, DSS provides immediate relief to victims, such as

medical care or shelter and accommodation, and proceeds with assisting in filing the FIR.

DSS provides continuous mediation between State bodies and victims, for instance by accompanying victims to meetings with PP and state officials. As showed in the subsequent graph, in 75% of the cases that resulted in conviction DSS accompanied victims to Court and monitored legal proceedings. DSS also seeks collaboration with the police in filing of chargesheets, and makes systematic use of representations to police, executives, and commissions at all levels.

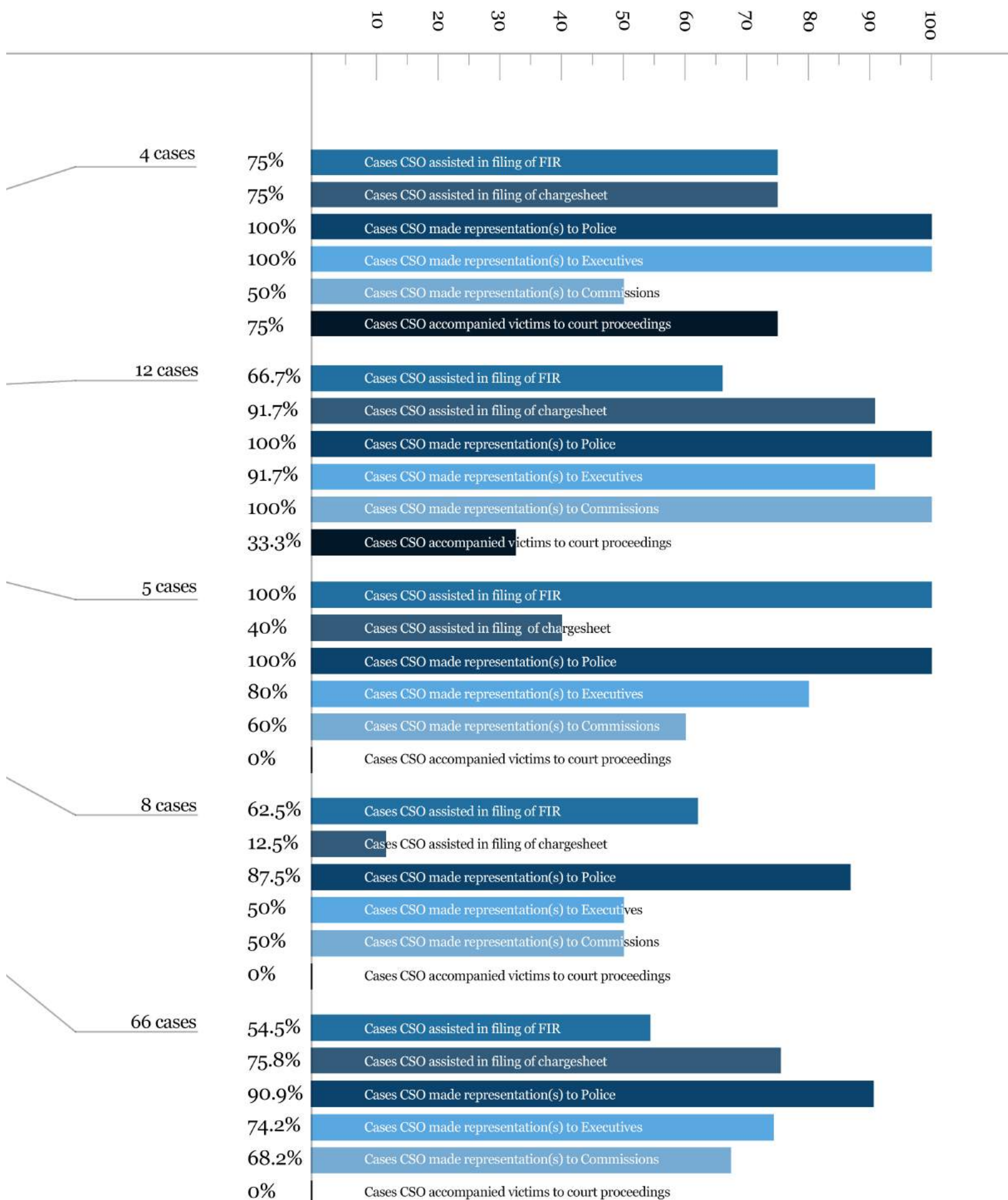
convictions

acquittals

compromises

closed as fake

pending



(ii) Case Studies



CASE 1: Rape of minor dalit girl with a mental disability

Outcome: Conviction

Village: Mangalaguntapalem

District: West Godavari, A.P.

FACTS AND INTERVENTION:

The victim is a 14 year old girl with a mental disability. She belongs to a below poverty line dalit family who has been living in Mangalaguntapalem village for four years. The victim's parents are daily labourers who are forced to leave their daughter alone at home when working. In March 2010 the victim's parents employed a 24 year-old boy, a son of their neighbour, to undertake a two month construction project on their premises. Taking advantage of her disability and the fact that she was alone in the house, the boy lured the victim and sexually exploited her. The incident occurred several times over the course of his employment, and the victim eventually became pregnant. However, because of her disability and fear, the victim did not disclose the facts to her parents. After she started to complain of nausea and sickness her parents brought her to a private doctor where they learned she was three months pregnant. The girl then found the courage to confess what happened.

Upon learning of the rape, the father along with his daughter went to the accused's house to seek an explanation. There, the accused and his father abused and

publically humiliated them in the name of caste. The father then went to the local police station to lodge an FIR. The police registered the FIR against the accused under the relevant sections of the IPC and the PoA Act and against his father under the PoA Act. The Deputy Superintendent of Police then visited the house and undertook an investigation.

Ratnaraju, DSS volunteer and former divisional coordinator in the same area, visited the local police station as part of his routine monitoring of dalit atrocities. Police officers informed him of the incident and he conducted a fact-finding to assess the case. Once he visited the victim's house, the family spoke of the extreme pressure they faced to withdraw the FIR and compromise with the accused. Ratnaraju went back to the Police station to ensure that adequate procedures were followed. Three days after the filing of the FIR the accused was arrested and a month later, his father was also arrested.

During the investigation period, the victim accidentally fell down the stairs and began to bleed heavily. Brought

to the private hospital, the doctor refused to get involved in the case for fear of attack by the accused's community. The victim and her family were forced to wait for hours in the hospital's morgue and, after much insistence by Ratnaraju, she was examined by a medical officer who declared that the foetus was irreparably damaged.

Meanwhile, the tension in the community began to escalate, with the local elected official threatening the family to burn down the victim's house and acidify them. Once again Ratnaraju intervened rushing to the site and urging the Special Investigator to guarantee the victim's security. In more than one occasion a Constable was sent to the family's house to ensure no further incident took place.

Due to political pressure and Police's lack of responsiveness, six months went by without the chargesheet being filed. To expedite the case, DSS' head office made a representation to the Police General and the chargesheet was filed in February 2011 under relevant section of the IPC and PoA Act.

Despite vigilant monitoring of the case, DSS made three different representations to the collector's office before

obtaining partial compensation for the family. The victim's father expressed concerned over the length of the judicial process which resulted in excessive pressure to compromise by the accused and a financial burden on the family. Each trip to the court was Rs. 750, which is incredibly high for a family whose monthly income was around Rs. 3,000.

On February 2013 Justice K. Nageswara Rao at Eluru District Court sentenced the accused to a seven-year conviction. However because two main witnesses turned hostile, and the DNA test was not conducted due to the victim's miscarriage, the PP failed to prove that the rape resulted in pregnancy, and the main allegation under Sec. 417 IPC fell. In addition, the accused was not convicted under the PoA Act because the PP could not prove the discriminatory nature of the crime. The accused's father was also released as no evidence was brought to support the victim's father allegations of verbal caste based abuse. Despite the structural and social challenges, the family was unequivocal in their appreciation for DSS' support. They repeatedly stated that DSS supported them throughout the case and they were "confidant justice would prevail."

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victim and witnesses to police station
- Assist in filing of chargesheet
- Representations to Police and Executive
- Assist in evidence gathering
- Assist in ensuring medical examination is properly conducted
- Coordination between victims, witnesses and PP
- State and District level advocacy to expedite chargesheet filing
- Ensure victims' safety and security.

OUTCOMES

- Arrest of accused
- 7 years conviction
- Compensation obtained (Rs. 50,000)
- Family's security guaranteed thorough the process
- Victim did not compromise despite severe threats
- Satisfaction of victim and her family with the outcome of the process and DSS intervention



CASE 2: Abuse and harassment against dalit nurse

Outcome: Acquittal

Village: N/A

District: Hyderabad, A.P.

FACTS AND INTERVENTION:

The victim was working as a head nurse in Hyderabad's largest public hospital. After working for 25 years, she was appointed head nurse in 2010 under a reserved position for SC/ST.

Following her appointment, the nurse endured abuse and harassment from a non-dalit nurse. She was not allowed to change her clothes in the dressing room together with other nurses, who verbally abused her and spit on her face. Similar abuse was perpetrated on other Dalit nurses, and the victim complained about it to her supervisors. Her complaints were never seriously addressed with the supervisors taking the side of the other nurses.

The victim decided to file an FIR on the harassment that she and other dalit nurses faced. An IAS (Indian Administrative Services) officer referred her to DSS. Jhansi and Prakash enquired with the Police Station and learned that the case was set to be closed as fake. They immediately brought the case to the Assistant Commissioner Police (ACP) who pressured the IO to conduct a proper investigation into the issue. As the PP was neither committed to seek justice nor working with

the victim, DSS collected witnesses and prepared written statements. When the victim met the IO to submit her deposition, he addressed her in a derogatory manner and insisted on withdrawing the case. As the pressure was increasing, the other dalit nurses were afraid to speak out, leaving her alone. She felt extremely discouraged, with the only support provided by DSS. The victim noted that: "without DSS I would have withdrawn or compromised because no one else was on my side."

DSS was monitoring the case closely, reported incidents to the ACP, mobilized media coverage and organised a dharna (protest). As a result of DSS pressure, the accused was arrested. During the pendency of the case, however, the victim was retaliated against and transferred to a lower standard hospital, where she now works in the dispensary.

The case was eventually dismissed because the PP was unable to prove the accused's guilt. The victim remains unsatisfied with the outcome of the judgment as well as the employment conditions. DSS has appealed the case to the High Court.

SUMMARY OF INTERVENTION

- Coordination between victims, witnesses and PP
- Representations to national and state commissions
- Representations to executive, police and commissions
- Accompanying victim and witnesses to court
- Assist in collection and preparation of written statements
- Organising public action

OUTCOMES

- Accused arrested
- Significant media coverage and pressure on IO
- Victim and witnesses did not compromise despite severe threats
- Case appealed at High Court



CASE 3: Encroachment of dalits burial ground

Outcome: Closed as fake

Village: Gundala

District: Ranga Reddy, A.P.

FACT OF THE CASE AND INTERVENTION:

The case concerns approximately 80 dalit families living in the village of Gundala. The community was allotted 5 acres of land for burial purposes, however no official documentation was provided to the community. In November 2011 a police officer dug up the burial ground and laid a pipeline. The community protested over the action and successfully halted the work. After an attempt to place a second pipeline on the ground, the local Women's Collective alerted DSS Coordinator Baghya Laxmi. Baghya Laxmi joined DSS in February 2010 after a previous engagement with a child rights organisation. She is non-dalit and joined DSS because saw the need for an organisation where issues that marginalised women face could be addressed. Gundala is one of 30 villages under her coverage area, a region she monitors through communication with Women Collectives and field visits. At times she would have to travel alone by night in areas where public transportation is not available to reach a village, putting herself at great personal risk.

After meeting the community, Baghya conducted a fact-finding and met with the community leaders. Baghya Laxmi and the community members then lodged a complaint with the Mandal Revenue Officer (MRO) and the local Police Station to get the pipeline removed and the

area safeguarded as burial ground. Once the complaint was filed the non-dalit community began pressuring for compromise. The Women's Collective was determined to assert their rights and stood strongly against the pressure to compromise. When the village's non-dalit community raised the case to Home Minister's Personal Assistant, (a non-dalit), Baghya Laxmi was threatened and harassed, with a high rank official warning her and her husband to withdraw the case and move to another location. After ten days of inaction, the Women's Collective organised a dharna (protest) outside the Revenue Office and the MRO confronted them asking "What is your right to request such thing? Who gave you this right?"

Following the dharna, the complainant found a notice on his door that the case had been closed as fake. DSS approached the Revenue District Office and the DSP and threatened to file a complaint under section 4 of the PoA Act (wilful negligence) if the case was not reopened. Members from the Women's Collective staged a dharna outside the MRO office to showcase solidarity and strength. The MRO and DSP subsequently removed the pipeline and undertook a survey on the burial ground to demarcate official boundaries. The community obtained documentation officially classifying the land as a burial ground and several Telugu newspapers covered the case.

Despite these actions, the non-dalit community made further attempts to encroach upon the land. These attempts however, were halted by the MRO. As women from DSS's Collective pointed out, the achievements were meaningful and significant. Not only did the dynamics between dalits and non-dalits change, with the dalit community feeling empowered due to sanctioning of land, but the relationship with the police also improved. Police officers began intervening in attempts by the non-dalit community to encroach upon the members' land. DSS has supported the community's efforts to protect the land through various representations to the State and National Human Rights Commission,

State SC Commission and the District Vigilance and Monitoring Committee.

The community is now demanding fencing around the ground and expressed confidence that such demands would be met. As one of the Women's Collective members noted, "now even the Government has come forward to help us, we would not be able to stand up for our rights if we didn't have DSS by our side."

SUMMARY OF INTERVENTION

- Filed complaint with MRO and Police
- Public action
- Strengthened Women Collective and supported community mobilization through awareness raising programs
- Representations to Police, Executive, and Commissions
- Media engagement

OUTCOMES

- Pipeline was removed
- Community obtained land documents verifying ownership
- Community satisfied with the intervention and determined to obtain more demands
- Women Collective strengthened its role gaining legitimacy with male dalit leaders and local elected officials
- Media coverage



CASE 4: Caste abuse and intimidation

Outcome: Compromise

Village: Yathirajupalli

District: Ranga Reddy, A.P.

FACT OF THE CASE AND INTERVENTION:

In Yathirajupalli village there are approximately 30 dalit families and 200 non-dalit families. Near the homes of dalit families lies a common burial ground, a portion of which is used as a dumping site. In 2011, the dominant community began cremating their bodies very close to the houses of the dalit families who complained about the act. The children were frightened by sight of dead bodies burning on the pyre. The dumping site is also situated close to the dalit colony, resulting in poor hygienic conditions particularly during monsoon season.

After repeated requests, a local MLA agreed to sanction a community hall from his funds. When the dalits began to vacate some of the land to build the community hall, the MRO intervened and halted the work. On the following day, 12 non-dalits came to the dalit community and verbally abused them on the basis of their caste, and threatened to burn their homes down. The same announcement was made through the temple's loud-speaker system.

A group of dalit families, led largely by two complainants, approached the superintendent of police asking him to file an FIR. The police did not respond immediately. Following the request for filing of FIR, the two complainants were approached several times by non-

dalit men threatening them to drop the complaint. Despite attempts of land encroachment by non-dalits, no action was taken by the police to file the complaint or guarantee community's safety. However, the MRO surveyed the ground and fixed the boundaries.

DSS Coordinator, Baghya Laxmi, intervened in the case after the request to file an FIR was made. The SI disclosed orders from the DSP to not file the complaint. The village is outside of DSS' working area, and thus DSS had to build relationships with the community to gain trust, beginning with a fact-finding. DSS then organised a 4-day dharna which forced the DSP to visit the site and register the complaint. However, during the field visit and following the FIR, the DSP tried to convince the community to compromise as a counter case had been filed against them for alleged land encroachment. The community was divided and eventually the two complainants were left without the support of the other families. Crucially the families are landless and dependent on the perpetrators for livelihood.

The tension within the community escalated and the two complainants were increasingly harassed and threatened. One of the two complainants died under suspicious circumstances while the other withdrew the complaint before tragically committing suicide.

During the pendency of the case, Baghya Laxmi made 6 representations to police, executives and commissions to initiate construction of the community hall. DSS also developed a strategy to enhance community's economic empowerment by ensuring access to National Rural Employment Guarantee Act (NREGA) scheme for dalit families.

Today the community is more united and less vulnerable. As the complainant's sister noted "We were living in fear, until DSS intervened. Now we are stronger and determined to defend our rights."

SUMMARY OF INTERVENTION

- Fact-finding
- Assist in filing of FIR
- Accompany victim and witnesses to police station
- Public Action
- Community mobilization and coordination
- Media coverage
- Representations with Police and Executive
- Representations with State and National SC
- Commission and State and National Human Rights Commission
- Economic empowerment initiatives

OUTCOMES

- Ongoing construction of community hall
- Burial ground surveyed and boundaries fixed
- Rights awareness/community network
- Building of economic empowerment

(iii) Analysis Of CSO Strategies And Challenges

DSS is a leader in the Dalit rights movement. Through detailed, committed, and sustained advocacy, DSS has carved out a space for dalit women to reclaim their rights. While the challenges are immense, DSS had developed innovative strategies to overcome the barriers to justice and push for equity in all forms.

A TIERED APPROACH TO ADVOCACY AND MONITORING

DSS's tiered organisational structure is reflected in its approach to advocacy. When an atrocity occurs at village level, the Women's Collective is activated and the District Coordinator undertakes a fact-finding within 24 hours to assess whether the issue is genuine. Simultaneously, the incident is reported to the state team. Depending on the seriousness of the case, a team from the state level office will travel to the field to provide inputs and guidance. If there is resistance or impunity by the state, with police failing to file complaints or investigations lagging behind, the state office team lobbies relevant state officials, SPs, District Collectors and state commissions.

Daily internal reporting and monitoring, with DHRDs from the field calling state office every morning, results in constant monitoring of cases by the state level office. In addition, visits to the field help the state team remain engaged in the cases and builds confidence of the victims and DHRDs. This confidence, coupled with update information provided by the village Women's Collective, results in extremely effective representations to police, executives and commissions. Indeed, in 2011-12 DSS obtained 118 notices from state and national commissions to enforcement authorities.

SENSITISATION OF PUBLIC OFFICIALS AND MEDIA

An overarching umbrella of DSS' interventions is sustained engagement with state officials at all levels, which has resulted in the organisation becoming a point of reference for police and executives who seek their collaboration in many cases of atrocities. DSS also focus its lobbying efforts on Vigilance and Monitoring Committees through District Collectors who are in charge of disbursing compensation to victims of atrocities.

The organisation's strategy is to bring awareness to women and motivate them to work in collaboration with the Government to the extent possible. This encourages many women to take part in the movement. Likewise, Government officials also help and associate

with DSS activities as it does not carry an anti-Government image. Indeed, through this strategy the organisation has gained credibility and authority in the eyes of authorities, with a positive impact on the cases. DSS' constructive relationship with state officials allows them to undertake bi-monthly representations with police and welfare officers to follow up on individual cases, as well as to seek police collaboration at fact-finding stage. For instance, in Case n. 1 collaboration between the DHRD and the police ensured safety and protection for the victims' family and the case resulted in a conviction. In Case n. 2, though it resulted in an acquittal, collaboration with the ACP was essential to avoid closure of the case and ensure arrest of the accused.

However, collaboration with the Government does not entail unconditional support: DSS questions, complains against officials and police for their misdeeds. In Case n. 3 DSS strongly reacted to police negligence organising a public action which spurred removal of the pipeline and survey of the ground. As reported by several DHRDs, police attitudes improve drastically once they realize that DSS can genuinely support their work and respect of the rule of law. More importantly, DSS tiered approach is a powerful deterrent to counter police misdeeds because any act of negligence is brought to the attention of higher-ranking officials.

As revealed during an interview with police officers, DSS stands out for its credibility, connection to the com-

STAFF TRAINING

DSS staff stands out in its exceptional ability to inspire and infuse confidence among dalit women. The impact of DSS' trainings programs are evident at all levels of intervention. The staff develops a powerful sense of identity, a lucid vision of the organisation and a clear understanding of their role within it. The trainings focus on skills development and behavioural aspects in line with the organisation's goal to empower women and motivate them to collaborate with the Government. Indeed, DHRDs are given the tools to approach and, when necessary, confront state officials with confidence and authoritativeness.

COMMUNITY EMPOWERMENT, PUBLIC ACTIONS AND WOMEN COLLECTIVE

As an organisation aimed at "empowering dalit women", DSS places a great deal of effort towards building democratic and inclusive community collectives. Interviewed members of village Women Collectives showcased confidence, and a strong sense of dalit identity and awareness on strategies to address issues within their community, particularly domestic violence cases.

This sense of empowerment and courage undoubtedly stems from the democratic and participatory approach with which DSS shapes its Collectives. Women not only have a space to raise their voices, but also the confidence that their issues will be addressed because of the organisation commitment and constant follow up. Field

community and persistence in addressing cases of atrocities. "DSS has a name, a strong grassroots presence and is able to reach out to victims who would not otherwise approach authorities" said the SP of West Godavari District. "DSS teaches victims that if they compromise they will lose and if they stand for justice they will get more." According to him, DSS plays a paramount role in ensuring that victims find the courage to speak the truth.

DSS also engages with authorities during its annual two-day conference to launch its annual report. The report launch becomes a major event covered by media and an important opportunity for victims to have a fruitful dialogue with authorities (see below).

Similarly, they have also refined their strategies to ensure participation of women at village level through the Women's Collective, and raise awareness on their rights, becoming a point of reference for all community members. The impact goes well beyond empowering dalit women, because the issues tackled involve entire communities. In Case n. 3 the DHRD has been approached by male community leaders who view her as essential in the fight for justice.

visits and direct interaction between the organisation's leaders and victims build courage and combat the pressure to compromise. Many victims and witnesses proudly stood up because "our people in Hyderabad will come here to support us."

Women are engaged in a number of ways through economic empowerment initiatives, awareness raising programs and public events and actions. As mentioned above, particularly important in this sense is the two-day Annual General Body meeting. The first day, a Round Table Conference, affords the opportunity for victims and witnesses to share their stories and raise their concerns to state officials, representatives of political parties, media and other CSOs. Since victims have

ported to continue their fight for justice. Moreover, because of the exposure received at the hearings, cases raised at the Round tables are often more likely to be addressed by officials. On the second day, women engage in peer-to-peer exchanges to build unity among their challenges and actions for justice.

Movement building is a core part of DSS' work, in the recognition that fact-finding and litigation are not enough to obtain justice because "you must be ready to shout and go to the streets."

Gujarat



Navsarjan



The power behind the movement must come from the community itself

Navsarjan is a grassroots dalit organisation dedicated to ensuring human rights for all. The organisation was established in 1988 following the Golana tragedy, a brutal attack of a dalit community, which highlighted the need for a sustained broad-based organisation and movement to address violence against dalits led by the community. Today, Navsarjan is the largest dalit rights organisation in Gujarat, with a mission to eliminate discrimination based on untouchability practices, ensure the rule of law and attain equality of status and opportunities for all, regardless of caste, class or gender.

Navsarjan focuses on six main areas: 1) atrocity 2) human rights value education 3) minimum wages

4) land rights 5) eradication of manual scavenging and 6) women's empowerment.

In 1992 Navsarjan started its first legal cell, a 10 x 10 office, where every Wednesday community members would come and share stories about the violence they endured. It became a space to name untouchability and discrimination. What started as a struggle to get a FIR lodged, or a police officer to acknowledge an atrocity as an atrocity, has now evolved into one of the largest and leading dalit rights organisation in the country.

STRUCTURE OF THE ORGANISATION

Navsarjan actively works in 18 districts and over 3,000 villages throughout Gujarat.

NAVSARJAN'S CORE ISSUES:



With a head office in Ahmedhabad, the organisation is comprised of 120 staff persons, led by Executive Director Manjula Pradeep and four program directors, including Kantilal Bhai Program Director for legal aid and intervention. The organisation recruits staff from the affected communities, with the majority of team members from the dalit community. Many of the human rights defenders experienced discrimination in their own lives, and became acquainted with Navsarjan

through a rally, a hearing, or an atrocity case in their villages and towns, and then eventually joined the team.

Navsarjan has 18 field offices (one per district), with a DHRD posted at each office. A volunteer paralegal program has been established to support the program efforts with approximately 40 paralegals per district.

TRAININGS

Navsarjan adopts a comprehensive and rigorous two-year training/induction program for its staff. The training involves written and oral exams covering the following subject areas: (1) legal literacy on laws & policies such as Constitutional law, PoA Act, Criminal Procedure, Domestic Violence Act, Land Rights, Manual Scavengers Act; (2) background and strategies to approach public agencies and officials (police, Welfare Department, commissions); (3) Panchayat Raj Institutions; (4) issues of caste & gender discrimination, equality, and self-identity; and (5) public speaking. The trainings fuse the individual with the community, aiming to strengthen individual capacity while building collective awareness. Staff are trained on the hierarchy and structure of the government, and provided with information on how to file an FIR, draft a complaint, make representations before commissions and agencies, approach offi-

cial in state agencies such as the police, and engage the media. Similar trainings are offered to paralegals to develop a front-line team to assist in the identification and monitoring of human rights abuses. For the last few years, the organisation has prioritized the hiring of women human rights defenders to strengthen gender programming in their work.

Navsarjan also produces a range of publications and research studies to raise awareness and push for accountability the lives of dalits. This includes a survey on discrimination and untouchability in 1589 villages in the state, information on access to justice for dalit women, participation of dalit women in panchayats and a report on social boycotting and deaths attributed to manual scavenging.



Navsarjan staff in Ahmedabad including Executive Director Manjula Pradeep (second right), and Programme Director for Legal Aid and Intervention, Kantilal Bhai (right)

(i) Overview of Atrocity Cases

Navsarjan focuses its efforts in high atrocity prone districts within the state. Based on over twenty years of experience addressing atrocities faced by dalit and tribal communities, the organisation engages in a range of strategic interventions. These include fact-finding and assistance to the victim in all stages of the case process (assist in filing of FIR, chargesheet, appointment of private lawyer to assist SPP), public action in the form of public hearings and dharnas, representations to executive, police and human rights commissions, and engagement with media to place pressure on atrocity. Depending on the seriousness of the offence, Navsarjan may make representations and urgent appeals to international agencies and supporters.

The organisation typically learns of atrocity cases from affected community members or from media reports. Due to their presence in 18 districts, much of the information is relayed directly to the DHRDs and paralegals, particularly if the incident occurred within their working areas.

Once Navsarjan is apprised of a case, a team generally comprised of two to three individuals (DHRD, paralegal) travels to the victim's home to conduct a fact-finding and assess the victim's interest in pursuing the case. A fact-finding report is then drafted and disseminated to the organisation's networks including media, with representations often made to police and executive officials. The organisation is committed to supporting the victim throughout the pendency of a case, from the filing of the FIR to judgment.

The organisation has a highly effective, time-sensitive monitoring approach, with staff members (DHRD) charged with submitting monthly reports on all active cases. An organisation-wide meeting is held on the third of every month in Ahmedabad where staff dis-

cuss case strategies, update team on prior month's activities, and plan programs for the upcoming project period. An essential component of the monthly training is providing guidance and support to DHRDs on their specific cases. DHRDs spoke of how critical this process was in ensuring more effective outcomes for the victims and community at large. The organisation also requires that the DHRD have meetings with victims and their families every three months. Program directors are in daily contact with the DHRD, with a constant flow of communication between the district and state offices.

During the IPAP project period, Navsarjan has intervened in over 1000 cases (1024) and conducted over 150 fact-findings (158), with 865 victims receiving compensation (totaling Rs. 10,080,645), 146 representations filed with human rights commissions, 514 of the cases in Special Court and 73 resulting in convictions. During the project period, 2157 paralegals were trained on lodging FIRs, mobilizing community members, and using Right to Information Act (RTI).

A cross analysis of 100 cases as seen in the subsequent graph, suggests a correlation between Navsarjan's assistance in filing of the FIR and chargesheet and higher likelihood for conviction. For example, in 15 conviction cases analysed, Navsarjan assisted in the filing of the FIR in 73% of these cases. On the contrary, in the 15 acquittal cases, the organisation assisted in filing of the FIR in only 40% of such cases. Likewise, Navsarjan assisted in the filing of the chargesheet in 93% of the conviction matters, and only 66% of cases that resulted in an acquittal.

These samples also underline the organisation's strategy in submitting representations to the police and the executive, and accompanying the victims and witnesses to court.

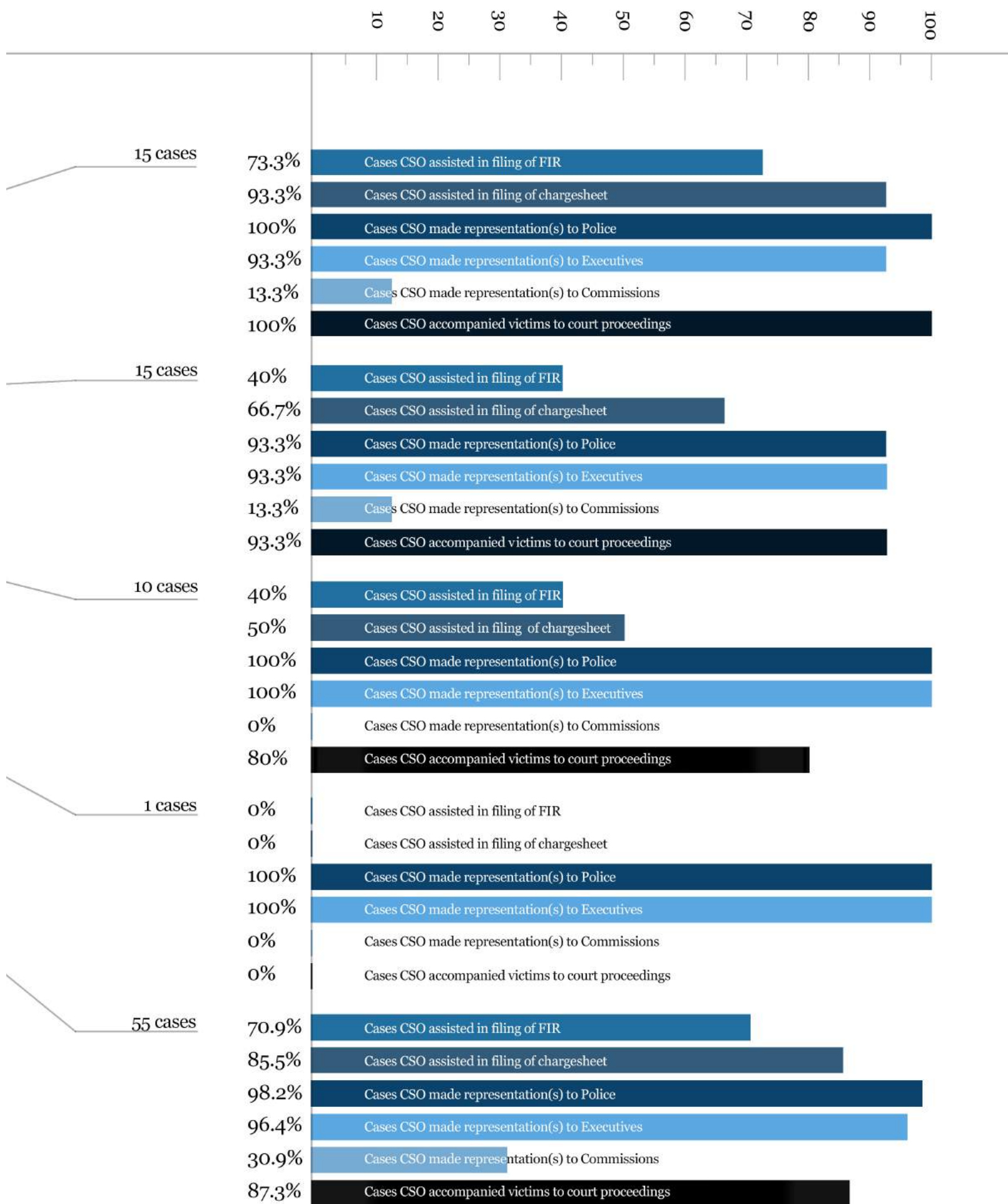
convictions

acquittals

compromises

closed as fake

pending



(ii) Case Studies



CASE 1: Sex Trafficking of a Dalit Minor Girl

Outcome: Conviction

Village: Bavla Village, Bavla Block

District: Ahmedabad, Gujarat

FACTS AND INTERVENTION:

In November 2006 a thirteen year-old dalit girl from Bavla Village in Ahmedabad District was kidnapped, trafficked and sold to four men over a one-year period by non-dalits. She was continuously raped, sexually abused and assaulted until she was discovered by a family friend at the home of one the perpetrators. When a family member went to the police station to file an FIR, they experienced resistance from the authorities with the police not documenting the victim's statement. The FIR was filed nearly one year after the initial request, and was wrought with problems, minimizing the gravity of crimes committed by the perpetrators and failing to list all of the perpetrators.

In search of additional support, the victim's uncle approached a paralegal in the district who informed Prabhati, Navsarjan's DHRD from Bavla Block of the incident. Prabhati has been with Navsarjan for over ten years and credits the organisation for providing her with the education, power and support to do such work.

The victim's uncle had received assistance from the organisation on a land dispute matter and knew of Navsarjan's work on dalit atrocity cases. The uncle and victim met with Prabhati who agreed to take up the case. After meeting with the larger Navsarjan staff, the team decided on an intervention strategy. What followed were persistent visits to the police station by the victim accompanied by the DHRD, and complaints to various human rights commissions including the National Commission for Women and the National Commission for Child Rights to pressure the government to commence investigation on the case. The media were also informed of the incident to raise awareness and increase pressure.

As a result of these efforts, an investigation was conducted by an investigating officer, and a statement of the victim finally obtained nearly seven months after the filing of the FIR. This served as the basis for the arrest of the accused and the filing of the chargesheet with specific sections under SC/ST PoA Act¹⁴ and IPC provisions. During the pendency of the trial, Navsarjan

14. Sect. 3(1), (11) and (12) of SC/ST PoA Act

provided a safe haven for the victim. The organisation facilitated medical assistance, provided boarding when the victim's parents were pressuring her to compromise, and accompanied the victim to and from court and meetings with the SPP. They provided significant counselling and covered all her medical, travel and accommodation costs. When the boarding school was no longer available as an option, the DHRD kept the victim at her home, and "treated her like a sister". This was during the darkest periods of the case where her parents routinely pressured her to compromise.

In regards to the SPP, Navsarjan intervened and suggested the appointment of Adv. SPP Navnaben Bhat. Self-described as apolitical and deeply committed to justice and the practice of law, Navnaben has been practicing for 33 years with appointments in three SC/ST cases during her tenure. She works under the guidance of Adv. Shah, a foremost thinker and advocate within the state. Navnaben discussed the role of the PP in prepping the victim and witnesses, and the challenges they faced in this case because of victim's trauma and illiteracy. This is where the role of the NGOs was described as paramount: supporting the victim, accompanying the victim to court and serving as a bridge between the PP and the community.

Justice P.C. Thakur from the Ahmeabad District Court issued a conviction for three of the accused in January 2012. The sentences ranged from two to ten years, with fines up to Rs. 13,000. The victim initially received Rs. 25,000 compensation which was then increased to Rs. 50,000 after continuous follow up by Navsarjan. While Navsarjan is satisfied with the conviction, they also acknowledged the challenges in the case. The DHRD posited whether they could have ensured that the FIR was filed within a timely manner, with all of the accused were appropriately charged and rehabilitation provided.

This point was raised by the PP who had a mixed reaction to the outcome. Three of the perpetrators were acquitted, despite ample evidence against them. As a result, she recommended an appeal to be filed within 30 days with hopes of ensuring full justice for the victim. The case is currently pending at the High Court.

Despite barriers in obtaining full justice, the victim spoke about her satisfaction with the outcome and the strength she gained from Navsarjan. "Before I was frightened of the police. Now I will speak. I will fight because of Navsarjan's support."

SUMMARY OF INTERVENTION

- | | |
|--|---|
| ● Fact-finding | ● Representations to national and state commissions |
| ● Accompany victim and witnesses to police station | ● Coordination between victims, witnesses and PP |
| ● Assist in filing of chargesheet | ● Moral support to victim |
| ● Assist in appointment of PP | ● Media engagement |
| ● Accompanying victim and witnesses to court | |
| ● Providing room and board to victim | |

OUTCOMES

- | | |
|--|--|
| ● Conviction for three accused | ● Full Compensation |
| ● Arrest of accused | ● Victim's satisfaction with the case despite appeal to include all perpetrators |
| ● Victim and witnesses did not compromise despite severe threats | |



CASE 2: Brutal Murder of a Dalit Man

Outcome: Conviction

Village: Visnagar Town, Visnagar Block

District: Mehsana, Gujarat

FACT OF THE CASE AND INTERVENTION:

In November 2008 a dalit man from Visnagar in Mehsana District was brutally murdered. Around 7 pm, five non-dalit men approached the deceased victim and demanded details on his brother's whereabouts, using offensive and derogatory language. When the deceased victim objected, the perpetrators began attacking the victim, stabbing his chest and stomach. The victim's wife and four children ran to the incident and began screaming for help. At that point the perpetrators fled from the scene and the family took the victim to the hospital for emergency medical treatment. He was pronounced dead soon after reaching the facility. Family members in the name of the deceased victim's wife filed a FIR at Visnagar Police station.

Navsarjan learned of the incident through one of the district-level paralegals. The DHRD, Bharatbhai had been working with Navsarjan for over 14 years and had established a Human Rights Committee in the district. One of the members of the paralegal program was the nephew of the victim who notified the DHRD about the incident. Once apprised, he went immediately to the hospital to meet with the victim and family members. The police also arrived and a FIR was lodged at the hospital. The DHRD subsequently met with the DSP to en-

sure that the accused were expeditiously arrested. He then spoke with the Navsarjan state team on strategy, and wrote a brief memorandum on the facts and legal violations present within the case. This memorandum was submitted to the Deputy Inspector General (DIG) and DSP. As a result of sustained engagement, the chargesheet was filed within 30 days and all nine accused were arrested. Simultaneous to district level efforts, the Navsarjan state team was placing pressure on the DIG to ensure that a proper investigation was conducted on the case.

Essential to the case was the support of Navsarjan lawyer, Mahendra. Mahendra has been working with Navsarjan since 1996 and currently supports the PP, Adv. JC Goswami on four SC/ST cases. Discussions with Mahendra and the PP revealed strong synergy between the lawyers. PP spoke of the strength of the Complainant and the critical role of the private lawyer in assisting him during preparing the witnesses, during oral arguments and maintaining communication between the PP and the victims. The PP noted that had the Navsarjan team not been by the Complainant's side, the family would have been completely without support and guidance.

Throughout the pendency of the case, the Navsarjan team was in constant communication with victim's family. Over the course of three years, the DHRD posits that he visited their home over 100 times. He accompanied the family to court, provided essential counselling and support, assuring the Complainant that she was never alone.

Indeed, there was significant political and economic pressure upon the Complainant to compromise. At one point she was offered 8.5 lakh to forgo the case. An eye-witness was very close to compromising, however a team from Navsarjan went to the witness' house and convinced him not to compromise, emphasizing that the organisation is behind the community and their need for justice. The Complainant spoke passionately about her decision to pursue the case without compromise, stating "I am not after the money, my husband died, I want justice." She poignantly noted "sometimes at Court there would be 150 people from the accused

side, and only five of us, myself, my son, Bharatbai and Mahendrabhai. Without Navsarjan by our side, I would not have been able to continue."

In October 2010 the Special District judge issued life imprisonment for all five of the accused. The Complainant and her family were granted compensation of Rs. 1.5 lakh. The advocates attribute the successful outcome to a proper investigation, steadfast complainant, and binding case precedent. The conviction was groundbreaking as it was the first SC/ST case to ultimate in a conviction in the district. Since then, other convictions have ensued and the Navsarjan team believes the tide is turning.

When asked if the Complainant was satisfied with the decision, she stated "my husband is gone, I will never be satisfied, but at least some justice was served."

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany Complainant and witnesses to police station
- Assist in filing of chargesheet
- Provide private lawyer to support PP
- Accompanying Complainant and witnesses to court
- Coordination between victims, witnesses, private lawyer and PP
- Moral sustained and rigorous support to Complainant and her family
- Media engagement

OUTCOMES

- Life-imprisonment for all accused
- Arrest of accused; no bail granted
- First conviction under SC/ST in district
- Full Compensation
- Complainant and witnesses did not compromise despite severe threats
- Victim's resilience and satisfaction with the case



CASE 3: Rape on a minor Adivasi girl with mental disability

Outcome: Acquittal

Village: Alina, Mahudha Block

District: Kheda, Gujarat

FACT OF THE CASE AND INTERVENTION:

In 2011, an adivasi girl with a mental disability was raped by a non-advasi unlicensed doctor in her village. The victim lives with her grandmother and maternal uncles, a family from the Rathod tribe that works as labourers for land-owning farmers. The victim was suffering from abdomen pain and went to see the unlicensed village doctor, whose tent was adjacent to the police station building, for treatment. The unlicensed doctor raped the victim and threatened to kill her if she reported the incident to anyone. The victim subsequently became pregnant as a result of the rape and informed her grandmother. The family then visited a local NGO activist to obtain assistance in filing the FIR. An FIR was lodged in August 2011, noting that the victim was three months pregnant at the time.

Once the FIR was filed, the Navsarjan DHRD in the district, Madhubhen, became aware of the incident through a newspaper report. She immediately went to visit the victim and obtained all facts related to the case. Madhubhen had visited the area before with the paralegal from the village. She described the family as living in extreme poverty, with the victim suffering from mental disability and thus unaware of the violence perpetrated against her, and a grandmother willing to

fight to demand justice. Madhubhen, a dalit woman, single mother, lawyer and activists, has been with Navsarjan since 2002 as a DHRD and through the course of her employment obtained her Master of Law.

Madhubhen and her team were in contact communication with the family, visiting their homes, calling regularly and providing counselling to the victim. Initially they accompanied the family to the ST welfare department in Ahmedabad to obtain the Rs 25,000 in compensation. Afterwards the team went to the police station to inquire as to the status of the investigation, and to the primary health centre for the victim's pregnancy check-up. The sonogram revealed that the delivery date was incorrect and the rape had occurred 2 months prior that stated in the FIR.

Constant engagement with the Police resulted in the timely filing of the chargesheet with the relevant PoA Act sections included. Madhubhen also facilitated meetings between the victim, her family members and the private lawyer. The lawyer was Mehmood Khoahar, an advocate who has been collaborating with Navsarjan since 1996. They worked together on ensuring that the chargesheet contained the adequate provisions, and discussed witness prep and case strategy alongside the victim. The team also relayed information to the PP to en-

sure that the witnesses were adequately apprised of the case and attended all court hearings. There were constant discussions between the DHRD and the state team, with Madhubhen receiving strategic advice from fellow DHRDs and senior management. This advice included how to draft various representations and complaints to commissions and executive departments.

The grandmother spoke fiercely about her quest for justice. Her family was under tremendous pressure to compromise but they held on. This was attributed to the vigilance and support provided by Madhubhen. “She provided us the courage to continue, urged us not to be scared, told us that she would be by our side. This gave us strength.”

Despite Navsarjan’s efforts, the case resulted in an acquittal. Inconsistency on the dates of the incident raised doubts as to the credibility of the victim’s statements. However, the Navsarjan team is committed to appealing the matter and to raise the issue of the victim’s mental disability and her family’s illiteracy as mitigating factors. When asked if she was happy with the outcome, the victim’s grandmother without hesitation said no. The criminal, she said, was free. This was not justice. They spent thousands to fight her granddaughter’s case. When asked what whether she has the energy to continue, the victim’s grandmother stated they have no option but to “continue to fight.”

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victim and witnesses to police station
- Accompany victim and witnesses to welfare department offices
- Assisted in obtaining ante-natal care at public hospital
- Assist in filing of chargesheet
- Assist in securing private lawyer to support PP
- Accompanying victim and witnesses to court coordination between victims, witnesses, private lawyer and PP
- Moral support to victim and witnesses
- Support for travel costs for victims and witnesses to/fro court

OUTCOMES

- Victim and witness apprised of their rights and feel supported to continue case
- Partial compensation
- Strengthened paralegal network in district



CASE 4: Mass attack

Outcome: Compromise

Village: Puniyad, Shinor Block

District: Vadodara, Gujarat

FACT OF THE CASE AND INTERVENTION:

On 16 May 2008, seven adivasi men were brutally attacked by a group of non-advansi men, in Puniyad Village. The village has approximately 150 adivasi (Vasava Community) families, most of whom work as labourers for non-advansi land owners. Prior to the mass attack, an incident occurred where members of the adivasi community went to a religious celebration and dinner. The victims were told to wait until all of the non-advans had eaten before beginning to eat. Viewing this as an offence to their dignity and respect, the victims refused to wait and left without eating. Later that night, some of the non-advansi members came to the home of the Complainant and threatened the men. The Sarpanch (Village head) immediately informed the police and they arrived at the victim's home but refused to adequately investigate the claims. The next day a panchayat member pressured the group to compromise for which they refused.

On 17 May 2008, the victims began to use the water pump in the village for which they were admonished by the non-advansi community. As soon as they came to know that the adivasis were using the water, approximately 15-20 men from the non-advansi community

marched towards homes of the victims. These men used derogatory language and attacked the victims. The victims filed a complaint against the accused. A cross complaint was filed against three of the victims, alleging harassment and theft of personal property.

Five days later the perpetrators came armed with wooden sticks and stones near the home of the Complainant. They started beating the victims and then went inside the house of the tribal community leader and began harassing his family. They also demolished his home destroying his goods. The victims had to flee to the fields for safety. The Complainant called the DSP who came to the location. Only after meeting the police did the affected community return home.

Ramesh Bhai, a Navsarjan DHRD who has been with the organisation since 2000 and has been working in the district on human rights programs, became apprised of the incident on the day it occurred. For the next three years Navsarjan provided moral support to the victims to pursue the matter and resist compromise, connected the victims to a private lawyer and accompanied the victims to and from court. A public hearing was also held in 2012 to raise awareness on the case.

However the political, social and economic pressure omnipresent in the village made the ability to resist compromise incredibly difficult. Conditions were exacerbated by judicial delay, with the case pending for over three years. The victims spoke of the relentless pressure tactics used by the accused to compromise. One victim poignantly stated, “looking at the situation here, they are powerful, we are dependent on them for the work, we harvest their lands, while there was a split between us, ultimately we felt we had to compromise.” Another victim said, “the police, they only work for money, I know that now.” The PP was also a political appointee, with the victims viewing the PP as biased to

the accused since he was of the same caste. This in combination with the exorbitant costs associated with attending court, Rs. 300/person for families who earn Rs. 2500/month, resulted in a decision to forgo the case.

Once a decision was made to compromise, the victims and accused sat together and minimal compensation was provided to four of the victims who suffered physical injuries. When asked their feelings on the outcome, all of them expressed dissatisfaction. As one victim stated, “after the compromise I can continue my life as usual, but I am not happy living this way.”

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victims to police station
- Assist in filing of chargesheet
- Assist in securing private lawyer to support PP
- Accompanying victims to court
- Coordination between victims witnesses, private lawyer and PP
- Moral support to victim and witnesses
- Organized public hearing to raise awareness of case

OUTCOMES

- Partial compensation
- Community more aware of their rights

(iii) Analysis Of CSO Strategies And Challenges

Navsarjan is a leader in the dalit rights movement. Over the last twenty years the organisation has built a network of activists, lawyers, and community members across the country committed to addressing all forms of discrimination through community mobilization and legal action. The legal interventions are the means, not the end. Through each case Navsarjan seeks justice not only for the victims but for the community at large. From one atrocity, one case, Navsarjan unveils the cause of the atrocity and addresses the issue at its root.

TIERED APPROACH

Navsarjan adopts a structured, tiered approach to their work. This approach allows the case to be elevated and pressure to be sustained at all levels. With a state office and 18 field offices, the organisation maintains a strong presence in over 3,000 villages, and ensures consistent, circular flow of communication between the capital and respective districts. Indeed, the state office in Ahmedabad stands as a hub of strategy, guidance, and support for the DHRDs and paralegals. With monthly meetings providing a space for the entire team to discuss all of the cases and exchange thoughts and strategies. For

example, in the murder of the dalit man in Visnagar, while the district team placed pressure on the executive and police officials to provide partial compensation and file a timely chargesheet, a similar pressure was exerted on the relevant actors at the state level. As a result, the victim received compensation, a chargesheet was filed within the requisite time period, and a conviction obtained. To pressure the system, the organisation also uses media at the state level to raise public consciousness and shame government officials who act with impunity.

HOLISTIC CASE MANAGEMENT

As gleaned from the interviews, one of the biggest challenges experienced by Navsarjan concerned the pressure felt by victims and witnesses to compromise. These pressures ranged from economic threats, with the victims and witnesses often dependent on the accused (or his family) for livelihood, to threats on personal security with perpetrators and their communities threatening the victims to forgo their case or face fatal consequences.

To address these challenges, Navsarjan adopts a highly vigilant approach to case management. A founding principle of the organisation is to be with the victim through

out the pendency of the case, from the filing of FIR all the way to the disposition of the judgment. Indeed, once a fact-finding has been documented and a case deemed genuine, the organisation takes on a short-term and long-term approach to the case. For example in the sex trafficking case, the immediate needs included securing a safe haven for the victim, while long term goals included ensuring that the chargesheet was filed appropriately with all sections included.

Essential to the case strategy is also ensuring strong linkages between the PPs and the victims. PPs are notoriously overworked, under-resourced, and face geo-

graphic barriers in meeting the victims prior to the court hearings. To overcome this challenge, Navsarjan (either through their own lawyers or securing of private lawyers), ensures that a private lawyer supports the PP in all aspects of the case. This ranges from witness prep, legal research and analysis, to meeting the victims to inform them of the procedural and substantive components in their case. This strategy was highly effective in the case concerning the murder of the dalit man in Visnagar. Strong ties between the PP, private lawyer and victim led to the first PoA Act conviction in the district and set a precedent for other convictions to follow.

ACCOUNTABILITY & SENSITIVITY OF STATE OFFICIALS

Senior staff also discussed the challenges with the non-functioning state of district vigilance committees and state commissions, institutions that per the PoA Act should be constituted and monitoring reported atrocity cases. The problem articulated by a team member was that the “state does not believe there is untouchability.”

The judiciary and police were described as lacking the requisite sensitivity to take up PoA Act cases as per the regulations and provisions. Investigating officers were often unmoved to investigate the cases properly, viewing the acts of violence as a normative outcome rather than a deliberate act of discrimination and denial. Moreover, the high levels of corruption within the system also served as a significant barrier to effective adjudication of claims. This holds true within the police department, with the Navsarjan team speaking passionately about the need to sensitize and make police officials within the districts more accountable. As was evidenced in the sex trafficking case and the mass attack against Adivasi men, the police served as barriers to ob-

The propensity to compromise is also thwarted with the building of district level human rights committees led by paralegals and DHRDs. The committees serve as a community-level support mechanism for the victims and as a communication path between the field and state offices and the villages. In three of the cases analysed, Navsarjan became aware of the atrocities through their paralegals who then provided timely and sustained assistance to the victims.

taining justice under the PoA Act. FIRs were not registered or if registered done so only after persistent action. In an interview with the DSP in Puniyad Village, Vadodara District, one of the most atrocity prone districts in the state, the DSP expressed a weariness of NGO support in the case process. He underlined the need for police to maintain distance from NGOs supporting the victims in atrocity cases as this could be seen as bias, resulting in challenges in the adjudication of the case during the trial phase. Rather than acknowledging the need for trainings and sensitization of the police on addressing cases of atrocity, the police focused on propensity of victims to file false claims, and the low levels of discrimination within his district.

To address this challenge, Navsarjan actively submits representations to state and district level agencies on the atrocities, and demands actions from the authorities. Public hearings with state officials, victims, and media are organised, and publications are released aimed at increasing dialogue and accountability.

LEGAL AND SOCIAL CAPACITY BUILDING

Another challenge concerns the need to increase awareness and build capacity of grassroots activists and community members to take up PoA Act cases. Navsarjan addresses this challenge by investing greatly in training programs for their staff and network members. As discussed above, a two-year rigorous program has been developed for staff which includes trainings on subjects from laws & policies, to tactics on approaching officials at various levels, to breaking down barriers within the individual to better serve the community. These trainings provide inimitable support to the staff, gifting

them the tools, the courage, and the support to fight tirelessly.

Navsarjan's vision is to continue to address discrimination in all forms and to share their decades of experience with other organisations looking to engage in similar issues. Currently, they are assisting organisations around the country to set up similar legal aid cells. As Manjula adds, "we are not looking to replicate our model, we are looking to find opportunities to advance justice."

Jharkhand



Sampurna Gram Vikas Kendra



Mobilizing and organising dalit communities to support the fight for justice

Sampurna Gram Vikas Kendra (SGVK) is a grassroots dalit organisation based in Palamu District, Jharkhand. Founded in 1990 by Vinod Kumar, SGVK emerged following a need for an organisation centred on social and economic transformation of dalit communities within the area. The organisation began its efforts by developing campaigns on issues such as access to water and land, and bonded labour of dalit children through a range of activities, including mobilizing and organising

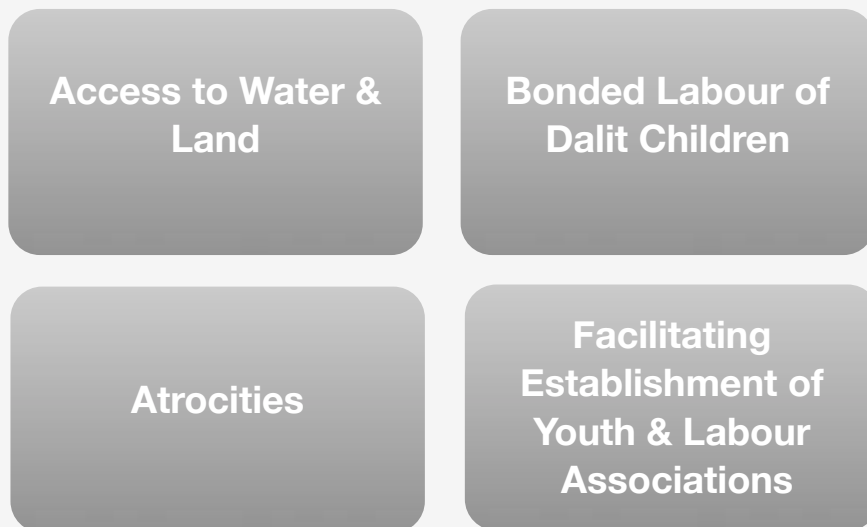
communities and facilitating the establishment of youth and labour associations. The organisation's core interventions are focused in Palamu, an economically disadvantaged district with large populations of dalits. While Jharkhand is generally known for its high population of tribals, the area has also a high number of dalit communities, with SC/ST totalling two fifth of the population of the State.¹⁵

15. <http://www.britannica.com/EBchecked/topic/736533/Jharkhand> (last accessed December 2013)

STRUCTURE OF THE ORGANISATION

SGVK has a staff of 30 members and recruits from the affected communities, with the majority of the team from the dalit community

SGVK'S CORE ISSUES:



SGVK's founder director, Vinod Kumar, 3 project coordinators, 3 field coordinators and 2 administrative staff work at the head office in Paluma. Field offices exist in all of their intervention areas with one DHRD in each office. The organization recruits staff from the affected communities, with the majority of team members from the dalit community.

The IPAP project expanded SGVK's work to 125 villages in 10 districts. A voluntary network of organizations was established under the IPAP Project to focus on documenting, monitoring, and filing atrocity cases under the SC/ST Act across the state. The network has over 50 atrocity cases pending across the state.

TRAININGS

SGVK offers trainings on issues of legal literacy, leadership and fact-finding/documentation. The trainings do not follow a fixed schedule and are provided on the needs and desires of the staff. Team members are often sent to workshops and capacity building programs offered by external partners. These include dalit human

rights monitoring and documentation and trainings on panchayat institutions. When SGVK was building its atrocity programs, SGVK staff was sent to DAG to learn about the organisations strategies, programs, and project areas.



SGVK staff in Paluma including Founder Director Vinod Kumar (middle)

(i) Overview of Atrocity Cases

SVGK was originally envisaged as a grassroots campaign organisation comprised of social activists. However, as dalit groups began adopting a rights-based approach to addressing atrocities, SGVK expanded their programs to include assistance in legal interventions. Since 2010 the organisation has been engaging in range of strategic interventions to assist victims of atrocity cases. These include fact-finding and assistance to the victim in all stages of the case process (assistance in drafting and filing of FIR, chargesheet, appointment of lawyer as per the choice of the victim as an Assistant Public Prosecutor), public action, and representations to executive, police and human rights commissions. SGVK circumvents impunity by police officials by undertaking an innovative legal strategy in court through filing of private complaints.

SGVK intervenes when apprised of an atrocity by their network partners, victims, community members, the media, and through special court proceedings they intervene. If the atrocity occurred within their intervention areas they send a team to investigate. For instances of violence outside of their traditional areas, they connect the victims to network partners. In the last 18 months, they have closely monitored 23 cases filed in the Pa-

lamu Special Court. And in two cases they have given an application to the District Magistrate to appoint an advocate as per the choice of victim as SPP.

After learning of an atrocity, a team consisting of a DHRD and a lawyer linked with the organisation go to meet the victim and community members to understand the facts and document the incident. SGVK assists the victim in the drafting and filing of FIR if the need exists. The team then meets the responsible police officials, and push for expeditious action, including submitting representations to welfare department officials and accompanying the victims and witnesses to Court. The goal of the team is to provide support to the victim and build strength to pursue the case and resist compromise.

Team members have the opportunity to discuss about pending and new cases and seek guidance on planning of programs through monthly meetings with the entire SGVK staff at the central office.

During the IPAP project period, SGVK intervened in 43 cases, and assisted in the registering of FIR in all of them, with fact-findings done in 36 cases and compensation received in 25 cases, for a total of Rs. 156,250.

(ii) Case Studies



CASE 1: Encroachment of Land

Outcome: Pending

Village: N/A

District: Paluma, Jharkhand

FACTS AND INTERVENTION:

In September 2011, a disabled dalit, single mother who lives below the poverty line was threatened and attacked by neighbouring members of the non-dalit community. The perpetrators live adjacent to her home and claimed that she was not the rightful owner of the land. These allegations were made despite her family living on the land for decades and legal documents supporting full ownership and possession. The victim claimed that since her father fell ill, the perpetrators began to harass and intimidate her, taking advantage of her vulnerable position.

Following repeated threats, the victim went to the local police station to file a FIR. She encountered an apathetic police official who failed to listen to her: “The police see us as valueless, they wouldn’t listen to anything I said.” Although the police assured her they would register the FIR, no copies were provided to the victim and days went by

without the complaint being lodged. In need of community support, the victim reached out to her church who connected her to Vinod-ji from SGVK. He and two other community members including a local journalist went to the victim’s home to conduct a fact-finding. After hearing her story, Vinod-ji offered support and reassured the victim that SGVK would be with her throughout the pendency of the case. SGVK then contacted the private lawyer, Adv. Prakash Chand who works with SGVK on PoA cases. The victim met Adv. Prakash with another SGVK DHRD, Chandan, to draft a complaint and urge expeditious filing of the FIR. Chandan and the victim went to the police station to urge filing of the FIR. Representations were made to the PoA Act officer-in-charge and local media which ultimately resulted in the filing of the FIR.

The perpetrators responded by filing a cross-complaint (144 CrPC) alleging that the victim and

family members were causing an unlawful nuisance. This fear and retaliation tactic is quite common in states such as Jharkhand. Despite mandates under the PoA Act to visit the place of occurrence, the DSP did not visit the victim's home and carry out the necessary interviews. Instead the victim was called into the DSP's office to deposit the statement. The practice of conducting insufficient investigation to weaken outcomes of the case, described by Adv. Prakash as "table work," is very common in the state, where only in heinous crimes do police adequately investigate due to political pressure.

The victim described the DSP as highly insensitive. Rather than documenting facts surrounding the threats and attacks, he instead questioned her credibility and suggested compromising. Left with no assurance that the case would be handled properly, the victim then notified SGVK and a meeting was organised to discuss next steps. Based on the serious failures by the police to treat the case in accordance with the PoA Act, Adv. Prakash was convinced that a closure report would be submitted. This belief was derived from allegations of collusion between the police and the perpetrators and that the DSP was of the same caste as the accused. In anticipation of the

closure report, Adv. Prakash filed a protest petition with the magistrate judge. The petition claimed that the police failed to conduct a proper investigation as per the PoA Act, citing in part to the failure of the DSP to visit the place of occurrence and collect statements from witnesses. The protest petition sought to combat the discretion and impunity of the Investigating Officer, and ask the Magistrate Court to take cognizance of the offenses. In so doing, the Court serves a de facto role of the investigating officer and commits the charges under the PoA Act and transfers the case to the Special Court for adjudication.

The next day a closure report was filed by the DSP. A hearing on the protest petition was held where the victim submitted her testimony. The Magistrate judge granted the petition and the case is pending trial in the Special Court. SGVK is in constant communication with the victim and Adv. Prakash is working with the SPP to brief him on the case. The team is awaiting its first day in Special Court.

When asked how she feels about her case, the victim stated that while the police and the neighbours see us as "valueless, we will fight. With SGVK we will continue to fight for our dignity."

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victim and witnesses to police station
- Assist in filing of protest petition

- Moral support to victim and witnesses
- Media engagement

OUTCOME

- Protest petition granted
- Case transferred to Special Court

- Victim and witnesses did not compromise despite severe threats



CASE 2: Mass attack

Outcome: Pending

Village: Karjarmia

District: Paluma, Jharkhand

FACT OF THE CASE AND INTERVENTION:

In 2012, a dalit man and his family were brutally attacked by a group of non-dalit men. The attackers were landowners who demanded the victim to work on their fields and assist in the harvesting. The victim refused and hours later over 20 men came to the victim's home and began beating him and his eight family members, including women and young children.

The victim went to the police station to file a FIR. There, officers refused to document his complaint and asked for money to move forward with the FIR. Some of the accused were also at the station pressuring the victim to compromise, and the police to disregard the victim's allegations. At this time, two members from SGVK's team arrived at the Complainant's house after being notified by his son of the attack.

The victim returned from the station without being able to file the FIR because of police impunity and resistance. The following day, SGVK and the Complainant again went to the station to register the FIR and were told that the inspector

would come to the place of occurrence. The Complainant went to the hospital for medical treatment, and received a plaster to treat his fractured arm. The inspector did come to the home, however he did not register the FIR.

Shockingly, in the middle of the night the local physician who treated the Complainant came to his home and removed the plaster. He claimed that there was "no need" for the treatment. The family believes that the accused bribed the physician as a means of removing any evidence of assault.

The next day the Complainant, his wife and son went to SGVK's office in Palamu at Daltonganj. SGVK reassured the Complainant and his family that they were behind them and would support them throughout the pendency of the case. The DHRD took the family to the local government hospital as the Complainant was in urgent need of treatment for his arm. A meeting was then held with the SGVK team, including Adv. Prakash, to discuss the case. Prakash assisted in the drafting of the FIR application and the team

went to the police station to seek registration of the complaint. Registration of the complaint was again thwarted by police impunity.

A second meeting was held with the victims and SGVK to discuss the serious failures of the police to act in accordance of the law. SGVK learned that the police had accepted bribes from the accused, have threatened and pressured the Complainant to compromise, and resisted filing the FIR. A decision was made to circumvent police impunity, in particular their propensity to cower to the social and economic power of the accused, and to move forward with a private complaint before the Magistrate judge. Similar to the case above, the complaint sought cognizance from the Magistrate judge to hear statements from the victims and witnesses, and assess whether sufficient evidence existed to warrant transfer the case to the Special Court.

A private complaint was then drafted by Adv. Prakash and shared with the Complainant and his family. The complaint was subsequently filed and Adv. Prakash prepared the Complainant and other victims on their testimonies and informed them of their rights under law. Their testimonies were presented before the Magistrate judge, and the judge found sufficient evidence under the PoA Act to transfer the complaint to the Special Court.

The Complainant and his family faced intense pressure to compromise. The accused offered money, and continuously harassed them with threats of physical violence. The police also pressured the Complainant to compromise. But the victims have stayed strong and turned to SGVK for counselling and support. When asked what they hope from the case, the Complainant stated “justice.

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victims to police station
- Assist in filing private complaint
- Assist in securing private lawyer to support PP

- Accompanying victims to court
- Coordination between victims, witnesses, private lawyer and PP
- Moral support to victim and witnesses

OUTCOMES

- Accused arrested
- Private complaint granted
- Case transferred to Special Court

- Victim and witnesses refused compromise despite severe pressure

(iii) Analysis Of CSO Strategies And Challenges

SGVK works in one of the most difficult districts in Jharkhand.

The area is rife with corruption, and is at the centre of the Naxal movement with dalits facing extreme social and economic exclusion. Against this backdrop SGVK works to bring to light the atrocities faced by dalits and tribals and address these violations through community mobilization, awareness campaigns, and legal intervention. The organisation faces significant structural and social challenges in their work and utilize innovative strategies to overcome barriers to justice.

As the cases demonstrate, victims struggle with basic procedures such as registering FIRs, having timely and proper investigations conducted, and having chargesheets filed to take credible cases forward. At the crux of this struggle sits a highly corrupt and insensitive police. Vinod-ji spoke of the troubling change in the mindset and actions of the police in Palamu district. Fifteen years ago the organisation held monthly meetings with the police to discuss cases and identify opportunities to collaborate. Today, authorities refuse to attend meetings organised by NGO members. The distance between civil society and police is “greater now than it ever was”, which contributes to high impunity and inaction. For example, in the land encroachment case, the police delayed in filing the FIR and conducted a wholly inadequate investigation. In the mass attack case, the victims could not even get the police to file an FIR despite repeated attempts to do so. In both instances, the victims

were pressured by the police to compromise, with collusion apparent between authorities and the accused. As a result, both cases were closed.

To overcome this barrier to justice, Adv. Prakash has developed an innovative and potentially ground breaking strategy to bypass police impunity. Relying on Section 190 of Cr.PC, SGVK files complaints with a Magistrate Judge asking the court to take cognizance of the allegations under the PoA Act. Put another way, the court is asked to assume the role of the investigative officer, to take statements from victims and witnesses and then decide whether the evidence suggests violations under the SC/ST PoA Act. SGVK assists the court in this manner by submitting a list of victims and witnesses to be deposed. However the determination of sufficiency rests solely with the Magistrate judge. As Adv. Prakash noted, the PoA Act vests the Magistrate Judge with this authority and if cognizance is demonstrated the court may order the chargesheet to be committed with specific charges listed. The case is then transferred to the Special Court, a SPP assigned and the trial commenced. Crucially, this strategy takes the power away from the police who retain discretion to close any case. It circumvents authorities’ corruption and impunity. It also provides an alternative forum for victims to raise their voices and demand accountability.

HOLISTIC CASE MANAGEMENT

Similar to other states, insensitivity of public officials to address atrocity cases is a significant challenge faced by victims. SGVK addresses this challenge by accompanying victims and their families to police stations, welfare department offices and to court. The organisation assists in drafting and filing complaints and representations to various commissions and agencies on the victims’ behalf. SGVK exerts pressure upon a sometimes broken and fairly corrupt system, agitating the officials into action.

To bridge the gap between the government lawyers and the victims, SGVK also secures a private lawyer to assist in the cases. SPP are under-resourced and face geographic barriers in meeting the victims prior to the court hearings. An interview with Palamu District’s SPP, Shyam Narayan revealed the dire state of economic and social affairs. He underlined infrastructure challenges (lack of office and administrative staff), the minimal pay received for such cases (Rs. 150 per hearing), and the burden of a large docket.

He also stressed the overwhelming pressure on victims to compromise. This is where he saw SGVK's interventions as instrumental. He discussed the importance of SGVK in supporting victims in atrocity cases

and the need for more lawyers like Adv. Prakash, who possess sensitivity and knowledge of the Act, assist in developing case strategy and facilitate meetings between victims and the SPP.

STRENGTHENING VICTIMS AND LOCAL NETWORKS

SGVK spoke passionately about the fear victims possess in atrocity cases. In most cases, the victims are dependent on the perpetrators for livelihood. And as discussed above, the public officials are not sensitive to their conditions or concerns. SGVK provides support and counselling to the victims and their families throughout the pendency of their cases. As one of the victims in the mass attack case stated, "without SGVK we would have compromised. They gave us the support to keep fighting."

Towards this end, SGVK also strengthens networks at the block and village level. For example, SGVK is demanding Vigilance Committees be constituted as per requirements of the PoA Act. The organisation is also collaborating with NGO partners to build a community networks to support victims of atrocities and provide the critical support to fight, and to fight with vigour.

Rajasthan



Centre for Dalit Rights



Demystifying the law to enable vulnerable communities to fight for their rights

Since 2001 the Centre for Dalit Rights (CDR) has worked towards the elimination of all forms of political, social, and economic discrimination and oppressions, with a particular focus on caste-based discrimination.

CDR's mission is to “demystify the law and enable poor people to fight for their human rights and dignity. We define human rights to be those, which allow all human beings to live with equality, freedom and dignity. To this end, the Centre will strive to eliminate all forms of political, social, and economic discrimination and oppressions especially as a result of caste-based discrimination.”

The organisation's objectives include addressing atrocities against dalits, with a focus on gender-based discrimination, and sensitizing state officials. CDR provides direct legal support to victims of atrocities, undertakes fact-findings and documents violations of fundamental rights, organises trainings for lawyers, activists, paralegals and dalit leaders and partners with other organisations at the state and national level. CDR was founded by P.L. Mimroth, a fearless leader in the dalit rights movement, and is currently led by Mr. Mimroth and Adv. Satish Kumar.

STRUCTURE OF THE ORGANISATION

CDR focuses its activities in 6 districts of Rajasthan, with the head office located in Jaipur.

CDR'S CORE ISSUES:



Each district office has one to two staff members, with one DRHD responsible for managing atrocity cases posted per office. The organisation is comprised of 24 staff members, both dalits and non-dalits with a mixed educational background.

To build community engagement from a range of stakeholders, CDR builds district and block level monitoring committees. These committees are typically comprised of lawyers, paralegals, women's rights activists and jour-

nalists who assist in the monitoring of atrocity cases and provide vital insight to the team.

To expand its activities, CDR has identified and trained paralegal volunteers, who receive counselling and guidance by the DHRDs. The volunteers exist in each of the state's 33 districts. CDR holds monthly meetings with Programme Coordinators and District team members to discuss activities done in the previous month, plan future steps and exchange views over DHRDs' work experiences.

TRAININGS

CDR offers bi-annual trainings for its staff and volunteers on issues of dalits rights and legal literacy. New members of the staff are provided a two-week induction on the organisation's vision, mission, strategies and specific thematic issues relevant to their work. These include gender issues, and caste-based discrimination. The first three days are dedicated to CDR's organisational and programmatic strategies (mission, program

areas, monitoring of human rights cases), followed by trainings involving field placement in the various district offices to gain exposure to practical interventions (e.g. how to file a FIR, draft complaint). In addition, CDR staff attend trainings organised by partner organisations such as programs at the Indian Social Institute focused on human rights documentation.



Members of CDR staff in Jaipur including Founder P.L. Mimroth (second right) and Director Advocate Satish Kumar (fourth left)

(i) Overview of Atrocity Cases

During the IPAP project period the organisation has conducted 403 fact-findings and intervened in over 1,000 cases. The organisation generally learns of atrocity cases through their village level paralegals, the district and block monitoring committees and the media. While CDR targets its interventions in six districts, the organisation does intervene outside of their coverage areas in cases of heinous crimes such as mass attacks and sexual assault. In prioritizing interventions, CDR gauges several factors including political context and attitude of state officials.

Once the organisation becomes apprised of an atrocity, it gathers information over the incident by contacting

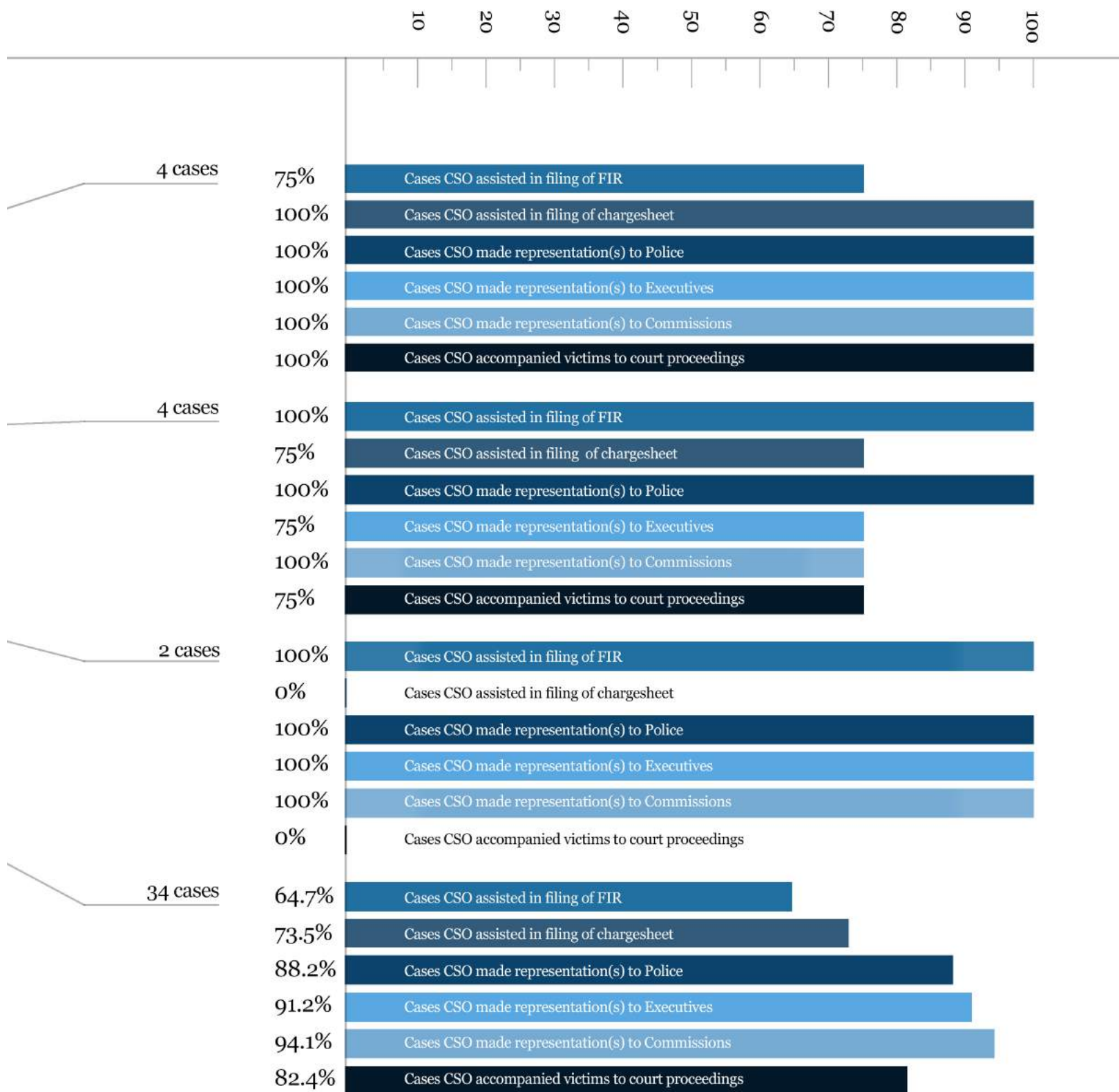
local contacts, including the victim. The information serves as a basis to decide whether to send a fact-finding team to take up the issue. CDR's interventions range from assistance in appointment of SPP, filling applications under SC/ST PoA Act, assistance in collecting evidence, filling PILs/appeals/revisions in higher courts, obtaining compensation and organising public actions. According to the data provided in the following graphs, CDR places particular emphasis on assisting victims in the filing of FIRs and chargesheets to secure positive outcomes like conviction.

convictions

compromises

closed as fake

pending



(ii) Case Studies



CASE 1: Murder of dalit man

Outcome: Conviction

Village: Jadan

District: Pali, Rajasthan

FACTS AND INTERVENTION:

On 7 July, 2000 a dalit man was brutally attacked and murdered. The perpetrators were non-dalit men who were angered by the victim's use of the endearment "Bysaa" to address his daughter. "Bysaa" means princess and is predominantly used by Rajputs (non-dalits originally from Rajasthan) when calling for their daughters. The perpetrators demanded that the victim stop calling his daughter "Bysaa," as it was seen as an offense to their caste. The victim refused. The victim subsequently went to fetch water in the morning and while coming back home was stopped by non-dalit men who dragged him to the house of one of the accused and beat him with an axe, sticks and stones.

When the police arrived at the place of incident the victim was still alive. The police failed to take his statement, and eventually the victim died. An FIR was filed by the victim's brother, and the accused were subsequently arrested. Following the murder, and out of fear for their safety, the victim's family moved out of the village to a nearby farm.

CDR learned of the case through the local newspaper. Fifteen days after the incident, a team of two DHRDs and a paralegal went to meet the family to conduct a

fact-finding. The team obtained the case details and promised the family their full support. They also urged the family to stay strong and not to compromise. In 2005, during the pendency of the trial, the victim's family attended a public hearing for advocacy at the state level organised by CDR. Additionally, the former DHRD put pressure on the investigating officer to file a charge-sheet on time by calling regularly and sending representations to SHRC, SC/ST commission, DG and Chief Minister's office. Public action also placed pressure on the system to arrest the accused and ensure a fair trial. CDR also assisted in procuring private lawyers to assist the victim's family. In 2005 Adv. Mahavir was transferred to Pali District and he assisted the SPP in preparing witnesses for the trial. CDR also took the family for a dharna (protest) in Jodhpur, and Adv. Mahavir and the local paralegal regularly called the family to provide them updates on the case. CDR is also planning to file a petition to obtain additional relief under Rule 12(4)(21) of the PoA Act before the court and intervene in the Criminal Appeal procedure against the accused which is currently pending before the Jodhpur High Court.

The victim's family viewed the judge as sensitive with the CDR team noting that her sensitivity was instrumental in obtaining lifetime imprisonment for two of the accused. The DHRD also sent representations to the District Collector and social welfare to obtain partial compensation, and as a result the family of victim has received Rs. 10,000. Due to technical issues concerning the name of the victim's daughter, the family is still waiting to obtain the final instalment of the compensation. The DHRD has sent letters to the responsible authorities and is hopeful that the family will receive the remaining compensation.

The family feels that the justice has been delivered since the accused were convicted. However, they are

frustrated by the failure of the state to pay them their due compensation. Indeed, the family has spent Rs. 250,000 during the pendency of the trial, and expressed the exigent need for financial support. They also spoke of the isolation and continued fear they feel as members of the dalit community.

This case was significant in that it was the first case in Rajasthan to result in a conviction under the PoA Act. While the family's struggle continues, they spoke of CDR's support and how they would not have been able to "fight" without the organisation by their side.

SUMMARY OF INTERVENTION

- | | |
|--|---|
| ● Fact-finding | ● Representations to national and state commissions |
| ● Accompany victim and witnesses to police station | ● Coordination between victims, witnesses and PP |
| ● Assist in filing of chargesheet | ● Moral support to victim |
| ● Assist in procuring private lawyer | ● Media engagement |
| ● Accompanying victim and witnesses to court | ● Public Action |
| ● Representations to executive and police | |

OUTCOME

- | | |
|--|--|
| ● Conviction of the accused | ● Partial compensation |
| ● Arrest of accused | ● Exposure of atrocities to National and State level commissions |
| ● Victim and witnesses did not compromise despite severe threats | |



CASE 2: Mass attack

Outcome: Acquittal

Village: Naikala

District: Ajmer, Rajasthan

FACT OF THE CASE AND INTERVENTION:

The victim is a 51 year-old dalit man who served as a Sarpanch (elected head), of his village. In 2010 two candidates were contesting for the post of Sarpanch including an Other Backward Caste (OBC). While both of the candidates sought the victim's support during the election, the victim supported the non-OBC candidate who ultimately lost the election. The following day while returning home from the Railway Station 40 to 50 non-dalits from the winning party approached the victim and began attacking him. The victim managed to briefly escape, however the mob followed him to his house and started throwing stones and demolishing his goods. The mob yelled derogatory and offensive names at the victim and his family. The family called the police for assistance and four police officials arrived at the home. However the mob was difficult to manage, and the police called for additional support to control the perpetrators.

The DHRD on the case, Adv. Ramesh Bansal, has been working in Ajmer district since 2005. He learned of the incident through the newspaper. Ramesh visited the victim the following day, and called together a fact-finding team of 4 members including a private lawyer who has worked with CDR for years, Adv. Manoj. The team visited the site and conducted interviews and provided counselling. The DHRD assured the victim that

CDR would assist them throughout the pendency of the case. Through CDR's support, the victim got the FIR registered under the PoA Act and received compensation.

The victim spoke of the constant pressure to compromise, including an incident when he was forcibly taken by the perpetrators and made to sign a compromise deed. The victim immediately called the DHRD to inform him of the incident, who immediately notified the superintendent of the police.

The private lawyer, Adv. Manoj, also provided essential support during the trial. He was part of the fact-finding team and was in constant touch with the victims through the DHRD. Adv. Manoj assisted the SPP in all aspects of the case, including preparing the victims and witnesses for testimony, and formulating case strategy. Despite concerted efforts by CDR and commitment by the victim to pursue the case, all 23 accused were acquitted by the District Court in September 2013.

When asked about the reasons for the acquittal, Adv. Manoj spoke of the challenges in keeping witnesses from turning hostile and ensuring consistency in testimony. In this case, over two years of time had lapsed from the incident to the depositions. One of the main witnesses turned hostile. Some of the remaining wit-

nesses failed to identify the accused because years had gone by between the incidence and the identification parade. Further, police made the case weak by including over 50 names in the witnesses list. The CDR legal team learned that they must limit the number of witnesses so as to limit the potential for inconsistency during the trial phase.

The victims expressed deep dissatisfaction on the outcome of the case. While they were grateful for CDR's constant support and vigilance, they are continuously under the threat of further harassment and abuse.

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victim and witnesses to police station
- Assist in filing of chargesheet
- Assist in procuring private lawyer
- Accompanying victim and witnesses to court
- Representations to executive and police
- Coordination between victims, witnesses and PP
- Moral support to victim

OUTCOMES

- Partial compensation
- Arrest of accused
- Victim and witnesses did not compromise severe threats



CASE 3: Beating and Murder of Dalit woman

Outcome: Compromise

Village: N/A

District: Alwar, Rajasthan

FACT OF THE CASE AND INTERVENTION:

On 2 August, 2012, more than one hundred non-dalits belonging to the Gurjer community attacked a dalit (Bawaria) community. As a result of the attack, a dalit woman died and others members of her family sustained grave injuries.

Fifteen years ago the victim's family bought two acres of barren land in Alwar District. The family worked on the land to make it fertile. Non-dalits, who owned the surrounding land, made repeated attempts to grab the land from the victim's family. However, the victim, a woman leader within the community, resisted such attempts and stood strong against discrimination.

In an attempt to secure the land, the perpetrators killed the victim and brutally attacked eight family members including women and children. The neighbours called the police who took the victims to hospital but failed to register an FIR. Only after strong public outcry were the police compelled to register an FIR against twenty of the accused. Because of delay in police action, the accused absconded and the chargesheet in the case could

not be filed. The delay in filing the FIR was seen by the victim's family as a deliberate act of impunity.

CDR became apprised of the incident through one of its paralegals. Adv. Satish from the Jaipur office along with other CDR staff conducted an extensive fact finding of the incident. The CDR sent the fact-finding report to the District Collector, the Superintendent of Police, the Deputy Commissioner and media outlets to create additional pressure against the perpetrators, and to obtain compensation for the victims.

After repeated pressure by the accused to compromise, the victims ultimately settled the case for Rs. 1,500,000. As a result 41 accused were acquitted by the Special Court. CDR was shocked to learn of the family's decision to compromise, since the organisation was in contact with the family, and had engaged in a range of interventions.

The case reveals the effect of police impunity harassment and intimidation by non-dalits.

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victim and witnesses to police station
- Representations to executive and police

OUTCOMES

- Partial compensation
- Arrest of accused



CASE 4: Murder and Mass Attack

Outcome: Closed as Fake

Village: Gandhi Nagar

District: Pandit Pura, Rajasthan

FACT OF THE CASE AND INTERVENTION:

A dalit man was poisoned by a group of non-dalit men. The deceased victim was a construction worker and had a contract to build the house of a non-dalit in the village. The victim completed his contract and was due Rs. 22,270 in payment. The victim made repeated attempts to reclaim his wages for which the accused responded that he would pay. One of the accused called the victim to his home under the pretext of paying him his remaining wage, however when the victim arrived he was brutally attacked by a group of non-dalit men.

The victim and his family managed to file an FIR but the police did not conduct a proper investigation. A closure report was filed and the case was closed as fake. A protest petition was filed in response to the closure report and the Magistrate judge took cognizance of the issue. All of the accused were summoned to court by a non-bailable warrant. This resulted in increased harassment and pressure by the accused against the victim and his family to compromise.

At this time, the accused called the victim to talk over a drink. The accused then poisoned his drink with the intention to murder the victim. The victim fell seriously ill and the family took him to the hospital in Jaipur where he passed away.

The victim's elder brother went to CDR's office a few days after the incident, and a team including Advs. Satish and Tarachandji conducted a fact-finding of the incident. The CRD team assured the family that they would support them throughout the pendency of the case, and offered moral support in their fight for justice.

A second FIR was then registered, however the police conducted an improper investigation and a closure report was filed. The accused filed several bail applications, which were opposed by the petitioner with CDR's assistance. Following the closure report, the victim's family again filed a protest petition before the Magistrate judge with the assistance of CDR. However the judge did not take cognizance in the complaint case against the closure. CDR intervened and has filed an appeal before the HC Court on the Magistrate's decision. The criminal petition is now pending before the HC Court.

CDR has also made representations to NHRC on behalf of the family, with family members providing deposition at NHRC's public hearing. In 2012, because of CDR's consistent effort, the family received Rs. 150,000 in compensation from the state.

DRHD Tarachanji has been an integral support system for the victim's family. He has assisted in legal strategy and communicates regularly with the family. The family feels that without CDR's support, they would not have been able to get this far. They feel isolated and the po-

lice do not listen to their concerns. When asked what they hoped to achieve through this case, the family said justice. If the accused go free "then atrocities will continue against our community."

SUMMARY OF INTERVENTION

- Fact-finding
- Accompany victim and witnesses to police station
- Assist in filing of protest petition
- Representations to commissions and police
- Moral support to victim
- Media engagement

OUTCOMES

- Partial compensation
- Arrest of accused
- Victim and witnesses did not compromise despite severe threats

(iii) Analysis Of CSO Strategies And Challenges

Fighting against police impunity, unaccountability of State officials and lack of awareness over the PoA, CDR's strategies are centered on improving the justice administration system at all levels.

TIERED APPROACH

CDR undertakes a tiered approach to advocate for dalit victims' rights. Once the organization intervenes in a case of atrocity, the DHRD and the paralegal volunteers maintain constant communication with the victim through both visits and phone contact. At local level, the DHRD undertakes fact-findings and accompanies victims to Police authorities if necessary. If authorities fail to adequately intervene, the State office intervenes taking up the issue with higher-level authorities, as well as undertaking a number of representations with Com-

missions. Similar pressure is placed through the district and block level monitoring committees. In the case of the brutal murder of a dalit man, CDR facilitated the deposition of the victim's relatives a representation with the National Human Rights Commission, which resulted in the family obtaining compensation. CDR also makes regular representations to Welfare Department officers to ensure timely compensation and reliefs for victims.

HOLISTIC CASE MANAGEMENT

Similar to the other states, one of the biggest challenges experienced by CDR concerned the pressure for victims and witnesses to compromise. To address this mammoth challenge, CDR adopts a detailed and strategic case management process. The organization is committed to stand with victims throughout their pursuit of justice, providing support from filing of FIR to preparing witnesses' statements and seeking of convictions. They provide tangible and non-tangible support, ranging from the filing of FIR to prepping witnesses in court, to seeking conviction and providing moral support. This was seen in the conviction case where CDR is currently pressing for full compensation for the victim's family even after the judgment has been issued.

Core to this case strategy is also ensuring strong linkages between the government lawyers and the victims. Public Prosecutors are notoriously under-resourced, with full case dockets and limited geographic mobility. To overcome this challenge, CDR lawyers or private lawyers associated with the organisation support SPPs in cases of atrocities. CDR facilitates this process by covering court fees, providing research support and bridging gaps between victims and PPs.

The propensity to compromise is also thwarted with the building of paralegals across the State. The pool of paralegals serve as a community safeguard, building awareness among dalits and providing local support to the victim.

ENGAGEMENT WITH STATE OFFICIALS

Over the course of almost 20 years, CDR has gained credibility and authoritativeness to the eyes of State officials, with positive repercussions on the cases. As explained by the staff, it is now sufficient for the organization to communicate with police officers over the phone to ensure that procedural safeguards, such as filing of FIRs under the relevant sections, are met. The organization has also made engagement with State officials a fundamental piece of their strategy on the belief that cooperation with authorities is essential to ensure adequate implementation of the PoA. In turn, authorities recognize CDR as a credible organization because of its longstanding commitment to the Rule of Law.

CDR has also built solid relationships with State officials through public hearings and consultations. The organisation has been requested by State Commissions to submit information on specific cases and provide suggestions on key issues. CDR's efforts to make the system more sensitive towards Dalits issues has resulted in a series of changes at State level, such as expansion of budget allocated under the Schedule Caste Sub Plan,¹⁶ increase of conviction rates and FIR registration, and higher propensity to issue compensation for victims of atrocities.

BUILDING AND PROVIDING LEGAL CAPACITY

CDR has strengthened legal capacity of activists and supporters by facilitating access to formal and informal legal education programs and by supporting the work of grassroots lawyers who are engaged at State level through trainings and consultations.

16. Scheduled Castes (SCs) and Scheduled Tribes (STs) have historically suffered from an enormous disadvantage and development deficit as compared to the rest of the population. This was expressly recognized in the Constitution of India, which mandated special protections and provisions for SCs and STs. The Government of India initiated the concept of Tribal Sub-Plan (TSP) in Fifth Five Year Plan period and the Special Component Plan (SCP), now called Scheduled Caste Sub-plan (SCSP) in Sixth Five Year Plan. SCSP and TSP are seen as a critical initiative in closing the development gap between the Scheduled Castes/Scheduled Tribes when compared to others.

Uttar Pradesh



Dynamic Action Group



The people who are struggling should be leading the struggle

Dynamic Action Group (hereafter DAG) was born out of a concerted effort of dalit activists from Uttar Pradesh (UP) to bring about a dalit agenda within the larger NGO sector of the State. After the Babri Masjid demolition riots, the State-level human rights platform UP Voluntary Action Network launched a campaign against communalism. Through the campaign Ram Kumar, the founder and current director of DAG, traveled across the State where and witnessed the failure of local groups to address atrocities against dalit persons. Discrimination against dalits was deeply entrenched within the NGO sector, even though the NGOs were supposedly “immune” to castism.. These findings prompted Ram Kumar to initiate a consultation process with a number of smaller dalit NGOs and develop a network to advance a dalit agenda.

As a result of this two-year process, in 1999 DAG was set up, on the belief that “the people who are struggling should be leading that struggle.” Indeed, while inclusion of non-dalits is one of the strongholds of DAG, the network agreed that decision-making power should rest with the dalit community.

STRUCTURE OF THE ORGANISATION

The Organisation is Based on 5 Non-Negotiable Pillars

Atrocities against dalits:
A strong focus on monitoring cases of atrocities against Dalits and OBC.

Land: Access to land is critical for dalits to end marginalization and reclaim their rights. Therefore, DAG runs a land possession campaign in all areas of intervention.

Leadership: The organisation should build leadership among dalits, with particular attention to women within the movement.

Government schemes:
Monitoring the implementation and accessibility of government schemes for dalits.

Democracy: Through its activities, the organisation places particular attention at overcoming intra-community barriers and hierarchical structures within society.

DAG is a membership-based organisation composed of 65 members, around twenty-five percent of whom are women, spread across 23 districts and four regions of the state. In every district, members elect a District coordinator to supervise the work and represent them at regional level. District coordinators in turn elect their regional representative in their respective region. Fifteen regional representatives are then elected to form a State Committee, which meets once every three

months. The Committee is divided into working groups, each of whom focus on a specific issue and meet on a monthly basis.

While members at all levels are volunteers, a staff of seven persons work at the head office in Lucknow to provide technical and logistical support to the whole organisation.

TRAININGS

DAG offers three kinds of training to its staff and members: PoA Act, land rights and gender issues. Training sessions do not follow a fixed schedule and are delivered depending on the need and request of members.

Occasionally, staff and members are also sponsored to attend training and workshops run by other organisations. In the past DAG also organised programs with lawyers working at the High Court.



DAG's staff gathered at a State level meeting.

(i) Overview of Atrocity Cases

DAG's work is both strategic and reactive. Through its presence in 23 districts of the state, DAG learns of atrocities through the media or its field staff. Once a case arises, the local DHRD visits the victims and gather facts and information on the incident. Secondly, DAG attempts to approach the accused as well to gain a complete picture over the case. Thirdly, DAG's staff visit the local police station to understand whether and how authorities dealt with the case. And lastly, the DHRD engages with the community at large to gauge if a support structure for victims is already in place and how it should be built or strengthened. The DHRD then writes a report to the District or the Regional Coordinator assessing the incident through a dalit-rights perspective.

Ad-hoc intervention is subsequently planned on a short and long term. Short-term intervention usually entails ensuring the safety of victims and building a support network at community level that will be crucial in avoiding compromise (see below). Long-term interventions focus on ensuring procedural aspects such as proper filing of FIR and chargesheets. DAG assists in appointments of a private lawyer, accompanying the victim to court and offering moral and legal guidance thorough the pendency of the case. DAG also organises public actions and makes representations to state authorities, particularly police, executives and at times to commissions, including the national SC Commission (as the

State Commission is now defunct) and the State Women's Commission.

DAG prioritizes cases of heinous crimes, with a rule to intervene in all cases of rape and murder. In other cases, such as land grabbing, where the risk of compromise is higher, DAG ensures constant monitoring of the case, communication and counselling support to the victims.

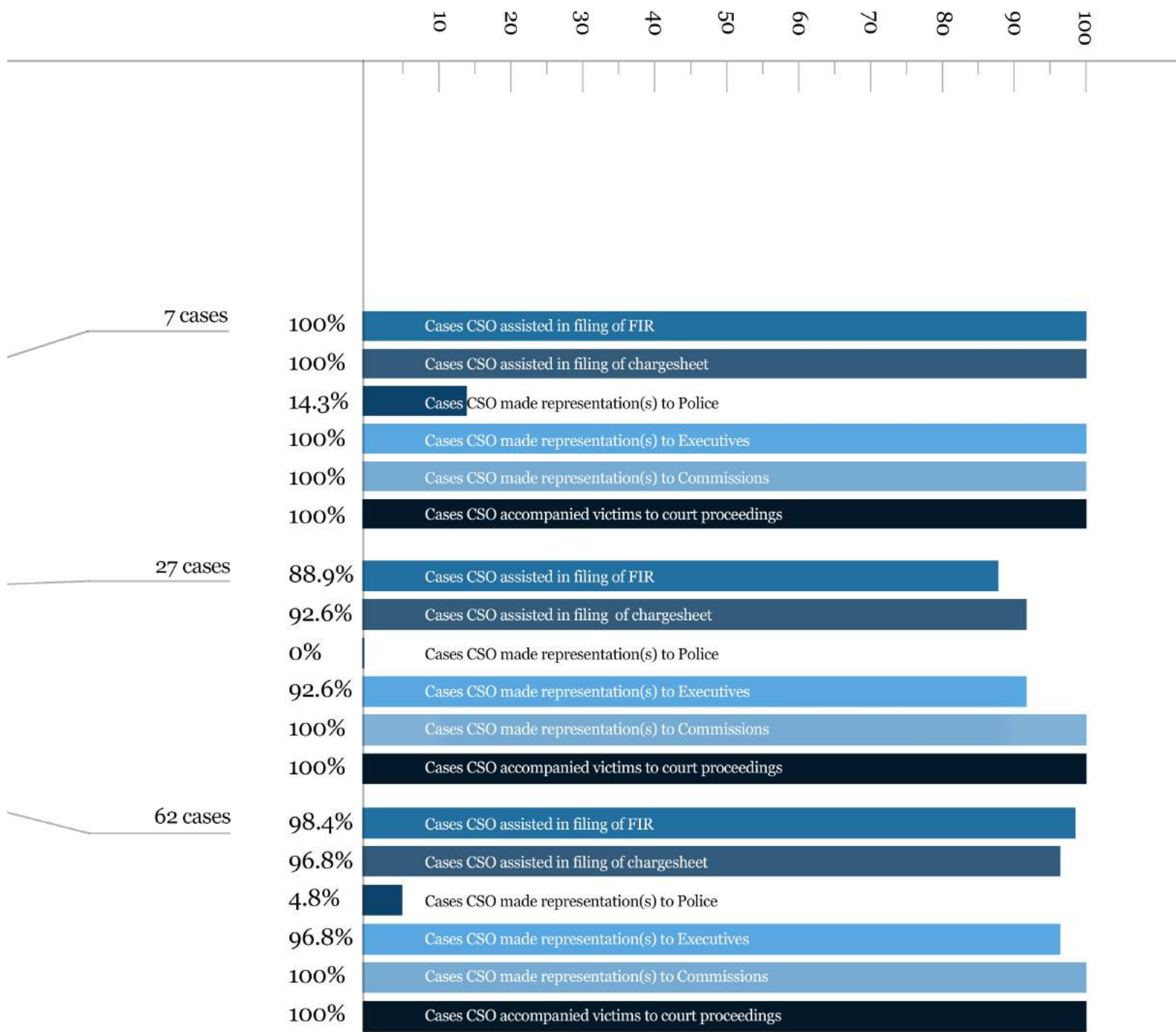
During the IPAP project period, DAG has intervened in 161 cases, resulting in 17 convictions, 18 compromises and eight acquittals, two of which have been appealed to the High Court. Around one third of the cases (50) regarded gender based violence, and another significant number (38) addressed physical assaults. Thanks to these interventions, DAG was able to secure around Rs. 5,606,000 in compensation for victims.

An analysis on a sample of 100 cases in the last four years shows DAG's consistent strategy to assist in FIR and chargesheet filing. As Ram Kumar explained, the space for intervention is greatly reduced once a case has passed the FIR stage as it becomes more challenging for the organisation to provide effective guidance if the FIR has not been adequately filed. Analysis also reveals that DAG adopts a systematic strategy for accompanying victims and witnesses to court hearings – a tactic to reduce propensity for compromise.

convictions

compromises

pending



(ii) Case Studies



CASE 1 : Rape of minor dalit girl

Outcome: Conviction

Village: Dughauda

District: Johanpur, U.P.

FACTS OF THE CASE AND INTERVENTION:

The case concerns the rape of a minor dalit girl by a member of the non-dalit community living in the same village. The victim, who was 15 years old at the time of the incident, belongs to a below poverty line dalit family. The crime took place in 2008 in the victim's village. After the incident the victim's family and ten people from the same community approached Motilal Bohetu, DAG's regional coordinator. Motilal has been within DAG since 2001, was a known activist within the district and had provided assistance to the community in the past. He immediately offered support, advising the victim's family to file an FIR.

When the family initially approached the police, they refused to lodge the complaint and pressured the family to compromise. As a result, Motilal mobilized around 150 people outside the police station, compelling the officials to act. The police visited the place of occurrence and undertook an investigation.

The next day, an FIR was filed with relevant sections of the PoA Act. DAG played an instrumental role in assisting in the FIR and obtaining adequate medical

examination for the victim. As the doctor had previously been pressured by the accused's family to dilute the findings in the medical report, DAG approached him with the help of University students who convinced him of the seriousness of the case.

After six months the chargesheet was filed and the accused was arrested. All applications for bail were denied. Throughout the pendency of the case the victim's family was threatened by the accused's family to withdraw the case. Initially money offers were made followed by threats to the victim's family's lives. Harassment was also directed to other members of the community who were supporting the victim's family. In further retaliation, the accused's relatives filed a counter case (still pending) against four people including the victim's father, on allegations of theft. However, as the victim's mother put it "if we would have compromised we would have been even more subjected to other atrocities. We had to stand strong."

To assist in legal representation, DAG aided in the procurement of a private lawyer, Adv. Ram Palat Choudry. Ram belongs to a forum of lawyers set up by DAG to take up SC/ST cases on a pro-bono basis when the PPs are ineffective. According to the victim's family, Adv. Choudry established a good relationship with them, prepared the victim and the witnesses before depositions, maintained regular communication with them and with the witnesses, and met all relevant stakeholders, including police and community members.

In March 2010, A District court judge sentenced the accused to life-term prison. The judgment has been appealed to the High Court by the accused.

Today the victim and her family are satisfied with the process and the judgment. The conviction served as deterrent against other cases of atrocity. As victim's father stated, "prior to this, no other case of atrocity has been taken with such seriousness. Incidents used to happen regularly, and it was normal practice to pay some amount as compensation. Since this conviction, no such incident has taken place." After this case the dalits living in the village still face threats by non-dalits but no crimes have been reported against them. The local police has also stopped harassing the dalit community, a practice in place before the conviction was issued.

SUMMARY OF INTERVENTION

- | | |
|--|---|
| ● Fact-finding | ● Appointment of private lawyer and payment of court fees |
| ● Accompany victim and witnesses to police station | ● Moral support |
| ● Assist in filing of chargesheet | ● Media engagement |
| ● Representations to Police and Executive | ● Establishment of community network |
| ● Coordination between victims, witnesses and PP | |

OUTCOME

- | | |
|---|---|
| ● Filing of FIR despite initial refusal by Police | ● Full compensation awarded to and obtained by the victim (Rs. 25,000 at filing and 25,000 at judgment) |
| ● Arrest of the accused; no bail granted | ● Victim's satisfaction with the outcome & strengthening of local network. |
| ● Life term conviction | |



CASE 2: Physical assault

Outcome: Conviction

Village: Sultanpur Chilkana

District: Saharanpur, U.P

FACT OF THE CASE AND INTERVENTION:

The victim, a 38 year old dalit man, is a 4th class public employee serving as tax collector in the township of Sultanpur Chilkana. He has been in this position for the last 16 years. In 2010 the victim was at his workplace when the accused, a non-dalit man, entered the office to get water. When the victim demanded the accused to pay the water tax, he began verbally abusing him in the name of caste and physically assaulted him. A colleague of the victim intervened and the accused left the premises.

After consulting other colleagues, and aware that the local police would resist registering the case, the victim went to Saharanpur District Court to lodge the complaint. An FIR was filed at the court premises and three days later, the accused was arrested and detained during the entire pendency of the case (3 years).

In court, the victim was approached by Dinesh Tejan, DAG's regional coordinator. Dinesh has been with DAG since its founding and oversees the organisation's programs in the Saharanpur district. Dinesh offered assistance and support to the victim, and subsequently set up monthly meetings with the SPP to monitor the case and ensure adequate representation of the victim in Court. The victim and

DAG expressed satisfaction with the SPP's handling of the case.

The victim faced numerous threats and pressure to compromise, with the accused's family going so far as to block his access to court. When asked how he managed to stay strong, the victim spoke emotionally, stating: "I am happy to have fought. No matter how long the accused has been in jail for, what matters is that I fought and did so with support from my friends and from DAG."

The district judge sentenced the accused to a three-year sentence. However the judgement was appealed to the High Court and the victim, a 38 year old dalit man, is a 4th class public employee serving as tax collector in the township of Sultanpur Chilkana. He has been in this position for the last 16 years. In 2010 the victim was at his workplace when the accused, a non-dalit man, entered the office to get water. When the victim asked the accused to pay the water tax, the accused began caste based verbal abuse and physically assaulted him. A colleague of the victim intervened and the accused left the premises.

After consulting with colleagues, and made aware that the local police would resist registering the case, the victim went to Saharanpur District Court to lodge the complaint. An FIR was filed at the court premises and three days later, the accused was arrested and detained during the entire pendency of the case (three years).

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The victim faced numerous threats and pressure to compromise with the accused's family going so far as to physically prevent him from accessing to court. When asked how he managed to stay strong, the victim spoke emotionally, stating: "I am happy to have fought. No matter how long the accused has been in jail for, what matters is that I fought and did so with support from my friends and from DAG."

The district judge sentenced the accused to a three-year sentence. However the judgment was appealed to the High Court and a stay was obtained.

SUMMARY OF INTERVENTION

- Coordination between victims, witnesses and PP
- Accompanying victim and witnesses to court
- Moral support

OUTCOME

- Case served as deterrent against further threats and harassment. Even though the accused has been released, he does not pose a threat to the victim's security
- Increased sensitivity by police
- 3-year conviction
- Full compensation awarded and obtained (Rs. 25,000)



CASE 3: Rape of minor dalit girl

Outcome: Acquittal

Village: Pudden

District: Saharanpur, U.P.

FACTS OF THE CASE AND INTERVENTION:

The case concerns a dalit minor girl who was raped by two non-dalit men. The accused was a wealthy landowner with a powerful presence in the village, and the victim a fourteen-year-old girl from a below poverty line family.

Dinesh Tejan, DAG's regional coordinator, learned about the case through a local newspaper. He rushed to the family's home, mobilized a group of women from the village and went with them to the police station. The police refused to file the FIR. Dinesh then headed to the Saharanpur District office (Circle Office), along with the victim and the local group of women. He also contacted several journalists who covered the victim's challenges in filing the FIR. The Circle Office issued a letter ordering the police to file the FIR. However, a second attempt to register the case failed as the local police officers pressed for compromise. DAG made another representation to the Circle Office. Once again, the media was involved and as a result the DSP finally instructed the local police station to register the case.

Three days later the accused were arrested. As the case gained attention among media and district level authori-

ties, the chargesheet was filed within 30 days under the appropriate sections of the PoA Act.

To assist in the adjudication of the case, DAG appointed a private lawyer, Adv. Suresh Gautam, to work along with the PP. Adv. Suresh has 26 years experience working at the District and Special Court and has litigated other cases of atrocities in the past. A self-proclaimed follower of Dr. Ambedkar, Suresh is dalit and feels a responsibility to serve his community.

Suresh assisted the victim and witnesses in preparing their depositions, drafted and submitted affidavits to court and maintained communication with the women's group to ensure constant support to the victim's family. The accused filed four applications for bail, but because of solid evidence proving harassment and threats by the accused's family, the High Court rejected all four applications. The victim's family faced repeated death threats by the accused's relatives, who offered up to Rs. 400,000 to withdraw the case. Adv. Suresh filed a second application under Section 506, seeking and obtaining the arrest of the accused's father and brother-in-law on grounds of harassment. They served one year and six months in jail respectively. The pressure to compromise continued with witnesses,

members of DAG’s team and Adv. Suresh offered money. Adv. Suresh was approached over ten times, with the accused’s relatives willing to pay any amount of money to withdraw the case. However none of these attempts were successful. The women’s network proved particularly crucial in standing against compromise. As one of the group leaders put it: “We would just tell [the family] that if they compromise today, tomorrow they may face the same, or someone else may. My daughter is your daughter, and we are ready to fight for her.”

However, due to threats against her life and intense social pressure the victim gave inconsistent testimony in court, which raised issues of credibility and culpability of the accused. Realizing the unlawful tactics of the accused, Adv. Gautam filed an application under Sect. 311 of Cr.PC (“recall the witness”) citing over 20 Supreme Court and High Court judgments in support of his posi-

tion. The Court entered the application in the victim’s favour, and the victim testified truthfully as to the facts of the case. A judge transfer occurred following the victim’s testimony and the accused was ultimately acquitted. According to the Adv. Suresh, the case was closed due to inconsistency in the victim’s testimony. The case has been appealed to the High Court.

Following the judgment, the accused’s family sold their own land and fled the area. While Dinesh and Adv. Suresh are not satisfied with the judgment, they see the ways in which the case has made a remarkable impact on the community. As the victim’s mother stated “We fought, and at the end they left and we are still here, stronger than before.”

SUMMARY OF INTERVENTION

- Fact-finding
- Appointment of pro-bono lawyer
- Accompanying victim and witnesses to court
- Coordination between victims, witnesses, women’s group and lawyer

- Moral support to victim
- Media engagement
- Establishment of women’s network to prevent from further violations.
- Women’s group has also been trained in Saharanpur office.

OUTCOME

- Accused arrested for 3 and half years and left the village; relatives of accused arrested for one year
- No compromise despite severe threats
- Partial compensation received

- Women’s network established during the case has been able to intervene in other cases
- Victim’s satisfaction with the case



CASE 4: Land grabbing and physical assault

Outcome: Compromise

Village: Ballapur

District: Johanpur, U.P.

FACTS AND INTERVENTION:

The victim is a dalit family of ten people with eight children ranging from six to eighteen years old. The family owns a small plot of land which belonged to their ancestors but it is now claimed by the Thakur community. Part of the land was allocated to a relative of the victims. The family's land was the only plot belonging to dalits. The victim's house is isolated from the rest of the dalit community. In 2011 a group of non-dalits broke into the victim's home and physically assaulted the entire family, beating all members including the eight children and the elder mother in law. Three months later the victim's mother-in-law died due to fractures on hand and head caused by the beating. The family suffered similar abuse on three other occasions, however the police refused to register the FIR. As explained by Usha, DAG's Women Network Coordinator, the surge of violence in the area is directly linked with the coming to power of a new government close to the non-dalit community.

The family approached DAG through the regional office, where an FIR application was drafted. DAG's staff also accompanied the victims to the police station to lodge the application, but the police decided to undertake an investigation before filing the FIR. During the

investigation period the accused approached the victims' relative and pressured him to convince the family to compromise. The victim's family was under constant death threats and the family found themselves physically and morally isolated from the rest of the community. Usha visited the family several times and maintained phone communication every time the family was being harassed. During the pendency of the case, DAG organised a large public meeting on the occasion of International Women's Day and marched outside the police station and the hospital.

However, the threats persisted, and when Usha was away from the village, a relative not close to the victims ultimately accepted an offer to compromise.

While the family is not satisfied with the case and still live in fear, they feel supported by DAG.

SUMMARY OF INTERVENTION

- Fact-finding
- Assist in drafting of FIR
- representations to police
- Moral support
- Public action
- Media engagement

OUTCOME

- Increased awareness of victims
- Victim maintained control over land
- Building of community network

(iii) Analysis Of CSO Strategies And Challenges

DAG's tiered organisational structure ensures that cases are identified, monitored and advocated at local, district and state levels.

A TIERED APPROACH TO ADVOCACY

Communication flows between local, district and state level through monthly state level meetings with regional coordinators at the head office, and twice a month meetings at the regional offices where district coordinators gather to discuss strategies for each case. A democratic decision making process occurs at all levels.

A similar approach is applied to representations to state actors, particularly the police and the executive, which are part of DAG's strategy to ensure that proper procedures are followed and victims obtain compensation or

rehabilitation. Such representations are made initially at local level by the field DHRD, who in turn communicates the outcomes to district level and state level DHRDs. Upon failure of local authorities to address a specific issue, such as filing of the FIR or issuance of compensation, the DHRD makes a representation to bring the issue to the attention of district level authorities. If no outcome is achieved, the same strategy will take place at state level. As a result, authorities recognize DAG's relentless commitment and feel compelled to act in favour of the case.

CASE STRATEGY

One of the main challenges, as emerged during interviews with DAG's staff and volunteers, is the lack of sensitivity by state officials. This stems from entrenched castism as well as extremely poor knowledge of the PoA Act provisions. As soon as the PoA Act came into force at national level, state authorities restricted police from implementing the Act. To address the need for sensitization, DAG organises public hearings where police and other state officials may learn about victims' stories of discrimination.

These structural challenges become all the more evident at time of FIR and chargesheet filing. In the large majority of cases police fail to take a stand against atrocities and act in favour of the accused, who gain police support through bribes or political protection. Victims are almost always prevented from lodging FIRs and are, at best, persuaded to compromise with the accused.

To overcome this challenge, DAG assists victims in drafting the FIR application and accompanies the vic-

tims to the police station. According to DAG's Women's Network leader Usha, this strategy is successful because the police are aware of DAG's involvement in ensuring that atrocities are reported and appropriately investigated. To address state impunity, DAG organises dharnas and seeks media coverage to pressurize authorities and raise public attention. For instance, in Case n. 3 both media coverage and mobilization of over 200 people were crucial in persuading the Circle Office to order registration of the crime at the local police station.

Another effective strategy to avoid police impunity involves lodging a FIR at the Special Court. This mechanism allows victims or DHRDs to directly approach Courts and avoid engagement with the police. Once the FIR is lodged, a similar challenge arises during the filing of the chargesheet. Here both media and public action have proven to be effective tools to expedite the process.

The same attention placed to sensitizing state authorities is also dedicated to the media. According to

Siddharth Kalhan – State General Secretary, U.P. Correspondent Committee of the Working Journalist Union, DAG represents an invaluable source of information for its unique perspective on dalit issues and its thorough monitoring of cases of atrocities. DAG has triggered a new understanding among media after working in this particular sector for about a decade, they have created a niche group of reporters whose motive is not only to write story and get it published, but to solve issues and work with victims to get justice. Another prominent journalist, Utkarsh Kr. Sinha, added that lack of interest in dalit issues results from a lack of exposure and engagement with dalit communities, as the media universe is dominated by non-dalits. In this sense, DAG's approach is to articulate dalit issues to non-dalit media in order to build a larger coalition. This strategy has been successful particularly with the English media.

COMMUNITY LEVEL NETWORKS

Recognizing the paramount role that support for victims and witnesses plays in countering threats and harassment to compromise, DAG makes community networks a pillar of their strategy. As Ram Kumar put it: "Conviction largely depends on the support given to witnesses and victims, especially psychological support to reject offers of compromise. If a witness is bought or breaks down there is no possibility of conviction." The cases clearly show the intense pressure, victims and witnesses feel to compromise at all stages, by the police, the accused, the accused's community or family. They are offered money to withdraw the case, they are harassed at home and at the workplace, they are threatened with death or a beating. On the other hand, the justice system lags behind, leaving victims alone to bear the situation for years.

As pointed out by the DHRDs interviewed, this is all the more difficult when victims and witnesses are landless and have no other option but to work as laborers for non-dalits. DAG tackles this major challenge through a number of long-term and short-term strategies. A long-term objective to change intra-community power dynamics is to ensure dalits are not economically dependent on the upper class. To achieve this, DAG works for dalits' access to government schemes provides land, jobs, health and educational services. For example, dur-

Appointment of PP represents another significant challenge for which DAG has crafted an effective solution. PPs are often disengaged with the case or accused of taking bribes from the accused and victims cannot afford a private lawyer. DAG has identified and approached dalit lawyers in various district courts of the state, sensitizing them on their "role and responsibility" towards their community, while at the same time offering exposure for their work. In doing so, DAG has been able to establish a forum of lawyers representing victims of atrocities on a pro-bono basis. DAG covers court fees and creates bridges between lawyers and victims, coordinating collection of evidence, testimonies, keeping victims updated on the legal proceedings and monitoring the work of lawyers. Moreover, as observed in Case n. 3, when a private lawyer is involved the PP is also more likely to be cooperative with the victim, albeit without assuming a central role in the proceedings.

ing the IPAP project period DAG ensured land benefits for over 2,700 families, while nearly 12,000 more obtained public jobs through the MGNREGA scheme. Overall, over 9,000 families received socioeconomic benefits under various government schemes.

When an atrocity occurs, DAG is able to mobilize the community at large by portraying that individual case as a larger issue. As a result, an attack against a dalit becomes an attack against a whole community. By politicizing the issue, communities learn that impunity through compromise is not effective to address discrimination, as a similar atrocity may take place again. Remarkably, in Case n. 1 opposition to compromise was largely community-driven. While the victim's family leaned towards compromise, network members intervened calling it a "dishonour" on the whole community. This mechanism not only ensures that the victim feels protected, and therefore less prone to compromise, but it also serve as effective monitoring tool. In Case n. 1, the DHRD noted that the local network was crucial because he could not be physically present at all times to provide support and guidance to the victim's family. In the cases analysed, regardless of the outcome of the intervention, a tangible result is that victims feel safer and more aware of their rights. Whenever DHRDs intervene, the likelihood of compromise drops as authorities

and accused acknowledge that the fight is against a larger group who has enough power and knowledge to counter their attempt of compromise. In Case n. 3, it is indeed a remarkable result that, despite the acquittal, a wealthy landowning family decided to sell his property and flee.

Mobilizing community support allows for a sustainable impact beyond the pendency of the case. Communities are more aware of their rights and find the courage to stand up against atrocities as they recognize that a larger structure can support them.

Structural And Social Challenges

PRESSURE TO COMPROMISE

As the cases show, victims and witnesses are under extraordinary pressure to compromise. From the moment the atrocity occurs, the threats begin. Victims and witnesses are routinely harassed by the accused with threats to their life to threats and livelihood. The accused are generally the landowners and the victims and witnesses landless farmers, dependent on community of accused for income. This power structure runs through every interaction and intervention, with the accused threatening physical injury, loss of income, and/or filing cross-complaints against the victims. These actions aim to scare the victims and witnesses into a deeper state of vulnerability, leaving them no option but to compromise or to leave the village. The cases also demonstrate the culpability and collusion between the police and the accused. FIRs are not filed, closure reports are submitted without proper investigations, and victims and witnesses are threatened into compromise for fear of police brutality. At the source of this pressure lies a sustained, pernicious effort to isolate the victims and witnesses from their community and from society at large.

Structural barriers within the criminal administrative system exacerbate these conditions. Overburdened case dockets, constant adjournments, and routine judge transfers result in victims and witnesses waiting years to have their claims adjudicated. This often places an excessive financial burden upon the victims and witnesses, with affected communities unable to afford costs associated with travelling to and from court.

An assessment of the compromise cases cited in the report reveals an important and disturbing trend. Almost all of the victims were landless and dependent on the accused and his/her family for income essential to survival. In the majority of cases, the police urged the victims to compromise, and in 50% of the cases a counter-case was filed against the victims to urge withdrawal of their claims.

The cases also reveal the adverse impact of corruption, procedural delays and persistent harassment. In all cases, delays in adjudication and economic threats weakened ties between victims and witnesses. The decision to compromise was rarely made because the victims wilfully sought that outcome. Victims often felt forced to compromise because the socioeconomic isolation was too great to sustain. Witnesses and family members (often external to the atrocity) conceded on the victims' behalf, with compromises tending to occur in areas where the CSOs presence was not as strong. The compromises resulted in quiet concessions, with some victims receiving compensation, others able to remain on their property, or use their land for community purposes. In none of the compromise cases did the accused receive punishment for their crimes, nor did the CSOs sanction the decision to compromise. Crucially, the cases underline the fact that once a community is divided, and the support structure weakened, the case is more likely to end without justice achieved.

Plights Of Human Rights Defenders

THREATS & HARASSMENT

The case research also highlighted the significant challenges DHRDs face in supporting victims in atrocity cases. Moving stories were documented from frontline activists, the majority of whom hail from the affected communities on instances of violence and harassment endured during their work.

Baghya Laxmi a DHRD from DSS spoke of the harassment she faced from the non-Dalit community and members of the police, with a high ranking official threatening her and her husband to withdraw the case or move to another location.

In Rajasthan, Adv. Mahavir spoke emotionally on the atrocities faced by his family and the challenges he has been facing as a lawyer/DHRD for CDR. After being excluded from entering a temple in his village, Mahavir's father built one on their personal property. Non-dalits were angered by the construction and made multiple attempts to demolish the temple. The issue was taken to court and CDR provided support to his family during the pendency of the case. Mahavir was inspired by CDR's work and joined the organisation as an office assistant. Over the course of his employment he was moved to pursue his law degree and assist in human

rights cases impacting dalits. Mahavir spoke of the fear he experiences when accessing atrocity prone areas such as the isolation and threats to his life and family because of the nature of his work. As the only DHRD working in the district, he often goes to meet victims and witnesses in atrocity prone villages without sufficient protection or support.

Manjula Pradeep, the Director of Navsarjan, spoke of the personal hardships associated with her work. She referenced a case of a young dalit boy who experienced abuse and intimidation and was thrown off a bus for refusing to give up his seat. Manjula decided to organise a mass gathering to raise awareness on the discrimination. A leader of the Congress party came to her office demanding Navsarjan to cancel the mass rally. She refused and despite multiple threats as a result of her defiance, her dedication to the pursuit of justice prevailed. Likewise, Devi Dayal, a DHRD from DAG, was forced to go into hiding for two months following a series of fact-findings he undertook on violence against the dalit community in Bundhil Khan district. He sought refuge in the organisation's Lucknow office until tensions subsided and it was safe for him to return.

TRAVEL AND SECURITY CONCERNS

DHRDs also discussed the issues they face in travelling to meet victims and witnesses. Shantirekha from DSS spoke of the challenges in accessing victims and community members. Due to lack of public transport, she often has to walk by herself to villages and to travel at odd hours (early mornings, late evenings) to accommodate with the victim's availability. This is particularly dangerous as she is a single dalit woman traveling in atrocity prone areas. In Rajasthan, DHRD Suresh shared stories of the difficulties in accessing certain areas where atrocities occur. In particular, he spoke of a case in which the

CDR team went to conduct a fact-finding and was blocked from entering the village. A crowd of people, including the accused and other non-dalits surrounded the team's car and began yelling derogatory statements. Fearful for their safety, the CDR team had no option but to leave without meeting the victim and his family.

Lastly DHRDs in all states spoke of the discrimination they experienced in their own lives. Most of the DHRDs are dalits or tribals, and their interactions with the accused and state officials are tainted by a history of dis-

crimination and violence. Indeed, activists from DAG, DSS and CDR shared difficult stories of state officials refusing to engage with them in a dignified manner. DHRDs forced to wait for hours in police stations or welfare offices with no acknowledgment of their presence. DHRDs forced to endure harassment, intima-

tion and humiliation by officials and the accused. DHRDs and their families ostracized within their towns and villages because of their dedication to human rights. The struggles span the physical to the emotional, and yet what remained was an unwavering determination to obtain justice against all odds.

Observations and Recommendations for Strengthening Interventions made by CSOs

A. ORGANISATIONAL STRATEGIES

ADOPT A TIERED APPROACH TO INTERVENTION (STATE, DISTRICT, VILLAGE)

The field research demonstrated the myriad ways in which a tiered approach strengthens CSO intervention. When CSOs such as Navsarjan, CDR and DSS incorporated macro and micro interventions to their case strategies, such as establishing a tiered organizational structure and making representations to officials at all levels (State, district, panchayat), outcomes improved. In all of the cases analyzed, a tiered approach placed sustained pressure on the responsible officials, which in turn limited a victim or witnesses' propensity towards compromise. When a CSO is anchored in the cities where state agencies reside as well as present at the district and village level, adopting a tiered approach to advocacy leads to:

- Timely and strategic response to atrocity
- Streamlined flow of information between local and state level teams
- Accelerated investigation process, registration of FIR, arrest of accused, & chargesheet
- Increased accountability of state officials
- Securing of procedural and substantive benefits for the victim
- Reduce chances of compromise due to personalised contact and accessibility to DHRDs

ADOPT A RIGOROUS CASE MONITORING PROCESS

The interviews demonstrated the importance of a rigorous case monitoring process. For e.g., DSS and Navsarjan maintain daily calls between the state office and DHRDs. All five CSOs hold monthly meetings with the entire staff to discuss open cases and explore future strategies. Navsarjan requires meetings with victims every three months, and all organisations hold unofficial, regular communication between field DHRDs and State offices. In addition, sustained communication with victims ensures that DHRDs can provide continuous support and guidance to victims, thereby countering the risk of compromise. A systematic approach to cases monitoring, is likely to result in:

- Consistent communication flow between all stakeholders
- More strategic and informed interventions across all levels of the CSO
- Victims apprised on the developments of their case
- Victims provided constant support, with decreased risk to compromise
- Increased accountability of state officials

- Improved documentation and case files of atrocity cases
- Compensation

B. CASE MANAGEMENT

CONDUCT EARLY FACT-FINDING AND SUSTAINED INTERVENTION THROUGHOUT PENDENCY OF CASE

Analysis of the cases illustrates that the earlier the intervention takes place, the more effective it is. Cases are generally more successful when CSO intervention has been consistent during the entire pendency of the case, with DHRDs working with victims as soon as the atrocity occurs. The research underscores the importance of conducting fact-findings and speaking to all stakeholders involved, including an attempt to engage the accused to gain a comprehensive picture of the situation. Early fact-finding and interventions are likely to result in:

- Better evidence collection and more comprehensive understanding of community dynamics for CSOs
- Increased trust between victims, witnesses and DHRD, decreased risk/compulsion of compromise
- Immediate relief to victims, such as facilitation of medical treatment or taking measures to ensure victims' safety
- FIRs with all relevant sections

PROVIDE MORAL SUPPORT THROUGH BUILDING OF COMMUNITY NETWORKS

All of the cases highlight the important role CSOs play in supporting victims to pursue their cases and resist compromise. Integral to this crucial intervention is providing moral support, counselling and guidance to victims and witnesses. Doing so bridges a gap unaddressed by the justice administration system. Central to CSOs interventions is the determination to break the social isolation in which the victims are left after incidents of atrocities. The establishment of support groups, either women's collectives or community networks, proved particularly effective. In some cases, the networks may already be active, or they may be established in the aftermath of atrocities by mobilizing dalit and tribal communities living in the area. A powerful way to build support around victims is to portray one instance of atrocity as an attack on the whole society, stressing that addressing impunity is a collective mission. As DHRDs are overburdened and often face geographic barriers to reach victims and witnesses, community networks become important when victims are threatened to compromise. This is especially true in cases where victims are landless and community support is essential to overcome economic and social domination. Moral support to victims by CSOs and community generally leads to:

- Reduced propensity of victims to compromise
- Reduced risk that witnesses turn hostile
- Better monitoring of cases through community network, which can replace role of DHRDs when they are not physically present
- Increased safety of victims and witnesses

- Communities become stronger and acquire tools and knowledge to assert their rights, making CSO interventions more sustainable
- Powerful deterrents against future atrocities

ASSIST IN FIR FILING

Ensuring CSOs are present at time of FIR filing is important because when victims seeks to lodge a complaint without assistance of CSOs, the police may be likely to refuse to registering the FIR or file an inadequate complaint lacking relevant PoA Act sections. As was seen in Jharkhand and U.P., authorities often discourage victims from seeking justice and instead pressure them to compromise or withdraw the case. An example of good practice is the process adopted by DAG and CDR where DHRDs usually draft the FIR at the organisations' office and accompany the victim to lodge it at the police station. In addition, CSO assistance in FIR filing is likely to result in:

- Successful filing of FIR
- FIR is filed under relevant sections of the PoA Act

ASSIST DURING INVESTIGATION AND TIMELY FILING OF CHARGESHEET

Similar to FIR filing, it is essential for CSOs to actively assist victims during the investigation phase. This includes assisting and providing support to victims while he/she is giving statements to the police. Active intervention of the CSO during investigation is likely to result in:

- A guarantee that the statement of the victims and witnesses are recorded per victim's narration.
- Reduced chances of corruption, intended omission or tempering of evidence
- Ensure that the accused are charged under relevant sections of the PoA

FACILITATE ACCESS TO LEGAL REPRESENTATION

All of the cases underlined the importance of effective legal representation to ensure justice for the victims of atrocities. Strengthened legal advocacy was made possible by the promotion of dalit and tribal advocates' forum as seen by DAG, and establishment of legal aid camps as adopted by CDR and Navsarjan. Adopting measures to increase access to legal representation for affected communities leads to:

- Victims and witnesses increasingly aware of their entitlements and grievance redressal options under the PoA
- Expanded access to justice for victims, with increased cases brought to Special Court via a pool of advocates capacitated and encouraged to assist in atrocity cases

- Communities become stronger and acquire tools and knowledge to assert their rights, making CSO interventions more sustainable
- Powerful deterrents against future atrocities

APPOINTMENT OF PRIVATE LAWYER IN SPECIAL COURT AS PER THE CHOICE OF THE VICTIM UNDER RULE 4(5) OF POA RULE 1995

Essential to a successful case strategy is ensuring strong linkages between the SPP and the victims. SPPs are notoriously overworked, under-resourced, and face geographic barriers in meeting the victims prior to the court hearings. For this reason, appointment of lawyers as per the choice of the victim as per PoA Rule 1995 can serve as a crucial link between the courts and victims. CSOs have found different solutions to ensure appointment of private lawyers: while Navsarjan and CDR have private advocates among their staff, DAG has established a forum of lawyers who work on cases of atrocities pro-bono in several District Courts of the state. Appointment of private lawyers often leads to:

- Adequate preparation of victims and witnesses throughout their case
- Better legal research and analysis
- Comprehensive evidence during court hearings
- Maintaining communication between the SPP and the victims
- Better documentation of case files and legal proceedings
- Stronger appellate interventions

DEMAND INFORMATION THROUGH RTI

The cases highlighted the efficacy of filing RTI applications to assist in the identification and monitoring of atrocity cases. Indeed, RTI applications can be used to obtain essential data and evidence in support of adjudication, and assist in identifying gaps in implementation of the PoA and Rules, particularly as to benefits and compensation mandated under the Act. Moreover, RTIs assist CSOs prepare status reports on the enforcement of the Act (see Rule 18 of PoA Rules 1995),¹⁷ and consolidate the reports on quarterly basis. A timely use of RTI applications can lead to:

- Stricter implementation of PoA and accompanying rules
- Better data and evidence to support conviction

17. As per Rule 18 of PoA Rules (1995), State Governments are expected to submit an annual report to the Central Government on the measures taken and plans framed to ensure implementation of the Act. However, States very often fail or delay to submit annual reports. Hence, it is proposed to prepare shadow reports on the status of enforcement of SCs and STs (PoA) to capture the ground reality of PoA Act implementation.

MEDIA ENGAGEMENT

As emerged in some of the cases, engagement with media can be a powerful tool for CSOs to raise public consciousness and address structural barriers that hinder access to justice. Engagement with media requires creating and maintaining contacts with journalists interested in covering dalit and tribal issues. Some CSOs, such as DAG and DSS, have made this an integral part of their strategy and over the years have successfully sensitized local media, created “a niche of journalists” to cover dalit rights issues. In the cases analysed media coverage has directly resulted in:

- Expediting FIR and chargesheet filing
- Raising attention among state officials to ensure that procedural safeguards are met
- Raising public awareness of dalit issues

FILE COMPLAINT CASES BEFORE MAGISTRATE COURT

While media engagement, public action and representations to police are important strategies to ensure filing of FIR or an adequate investigation process, CSOs efforts still may be unsuccessful. When police corruption and impunity make access to justice unattainable, CSOs have developed innovative ways to reach the Courts.

As was seen in cases of DAG, SGVK and CDR, victims may file a complaint under Sections 156(3) and 190 of CrPC with a Magistrate Judge asking the court to take cognizance of the allegations under the SC/ST PoA Act. Put another way, the Court is asked to assume the role of the Investigative Officer, taking statements from victims and witnesses and then deciding whether the evidence suggests violations under the SC/ST PoA Act. In these circumstances, CSOs can still inform the proceedings by submitting a list of victims and witnesses to be deposed. As pointed out, however, the determination of sufficiency rests solely with the Magistrate Judge. The case is then transferred to the Special Court, a SPP assigned and the trial commenced. This strategy allows for the following results:

- Cases are not unduly closed
- Police corruption is circumvented, with FIRs filed successfully and adequate investigation conducted
- Victims able to pursue their claims for justice

DEVELOP A STRATEGY ON APPEALS

The field research revealed a need to develop a strategy on appeals. CSOs are generally not involved in the appeal stage, regardless of whether the appeal is filed by the accused or the PP appeals an acquittal or a partial conviction. While this is an additional intervention for the organisations, the impact of a coordinated appeal strategy is significant. The strategy works toward ensuring that the positive outcomes achieved at the district level remain. It can also offer an additional opportunity to secure justice for the victims if a case was wrongly acquitted or closed as fake. Intervening during appeals can be done in different ways, and may be easier for CSOs with a presence in cities where High Courts are housed. For instance, CSOs can file a caveat on behalf of a victim requesting to be appraised if an appeal is filed by the accused, a scenario that occurs in the vast majority of cases of conviction. When a case ends in an acquittal or partial conviction, the CSO can advocate for the SPP to ensure that an appeal is filed. In both cases, the assisting lawyer who followed the case in its initial stage can meet the Public Prosecutor at High Court level to appraise him/her on the facts of the case. Indeed, as revealed by several SPPs interviewed, once a case reaches the High Court no efforts

made by SPPs to communicate with district level counsels who followed the case. Doing so would help ensure the followings:

- Victims are assisted with continuity throughout the appeal stage, and access to justice is expanded
- CSOs efforts are not frustrated at High Court level
- High Court PPs are better informed to argue cases, with convictions not overturned and acquittals potentially reversed in convictions

C. TRAININGS AND CONSULTATIONS

PROVIDE SKILLS AND KNOWLEDGE-BASED TRAININGS FOR STAFF MEMBERS

The ability of DHRDs to positively influence outcomes related to victims, witnesses and various State Officials is shaped by the type of training they receive. The most effective way to build CSOs capacity is to provide DHRDs not only with adequate knowledge of the relevant legal provisions, but also with the necessary tools to advocate effectively for dalit rights. Essential training programs include knowledge of the PoA Act, Constitutional law, land rights and Domestic Violence Act. CSOs have also made efforts to bring a gender focus to their work, hiring female staff, establishing women's groups and including gender issues in their training programs. Indeed, CSOs place a substantial attention to the aspect of identity, building collecting awareness over dalit and tribal issues. Some training programs, such as the ones in place in DSS, Navsarjan and CDR provide essential advocacy skills, including public speaking, how to approach public agencies and officials, engagement with media, drafting complaints and FIRs. Behavioural trainings proved essential in building DHRDs self-confidence as well as the ability to inspire such confidence in victims of atrocities. Overall, a thorough training program results in:

- DHRDs are more confident and able to inspire courage in victims and witnesses
- DHRDs are better equipped to make representations to State Officials
- DHRDs can manage work more efficiently and develop better monitoring systems
- DHRDs can mobilize community support and build strong community networks
- DHRDs have increased legal literacy and better understanding of the functioning of State Departments

ORGANISE CONSULTATIONS WITH PUBLIC OFFICIALS

Since the justice administration system lacks sensitivity towards dalit and tribal issues and a commitment to tackle discrimination against the community members, it is essential for CSOs to seek engagement with public officials. Consultations, public hearings or roundtables afford an opportunity for victims to raise their voices and for Public Officials to hear directly from the victims and CSOs on the challenges in addressing discrimination and violence. Unfortu-

nately, attempts to sensitize public officials, whether the police, judges or welfare department officers, are often shattered by vested interests or lack of commitment to justice and the rule of law. However, in states such as AP, where collaborations with police officers has been largely positive, direct interaction between state officials and victims may result in:

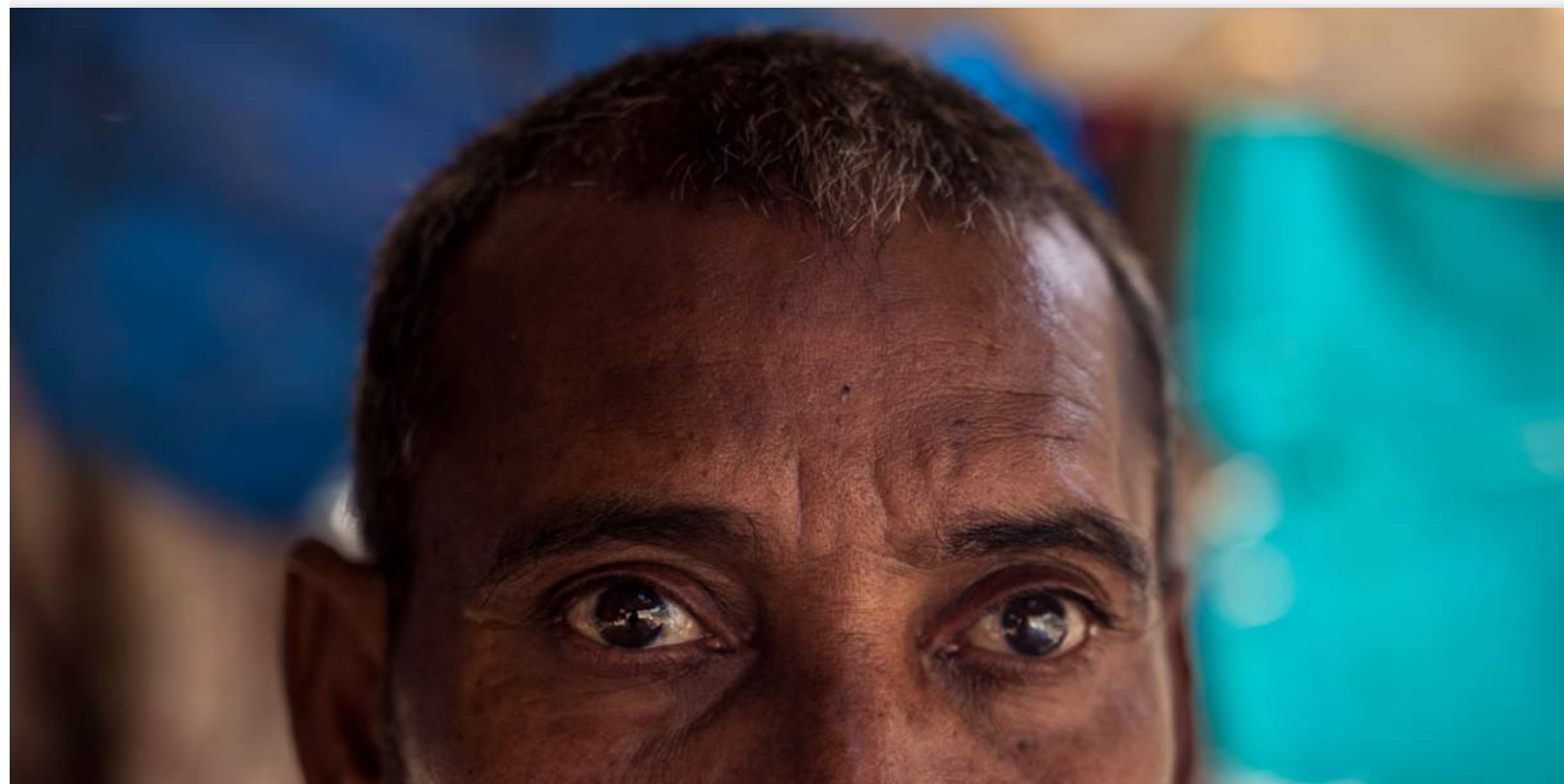
- Assurance that victims obtain timely relief
- Expedite pending cases
- More sustained collaboration with police forces at investigation level
- Overall sensitization of the justice administration system
- Greater collaboration with executive, police and commissions

Project Impact

The IPAP project sought to improve the social, economic and political conditions of dalit and tribal communities, and to do so by facilitating access to the criminal justice administration system. Despite 30 years since the passage of the PoA Act, countless atrocity cases went unaddressed and unaccounted for, with victims further marginalized and excluded. The project aimed to strengthen the network of CSOs working to advance dalit and tribal rights across the country, many of whom were working in literal and figurative isolation. By providing support to CSOs to effectively intervene in the adjudication of atrocity cases, victims would receive the support necessary to pursue their cases and obtain justice.

Four years later, the IPAP project has brought about profound changes in expanding access to justice for dalit and tribal communities across India. CSOs have intervened in 5656 cases, with 1141 fact-findings conducted and 131 convictions obtained. Beyond the numbers, affected community members have received unquantifiable moral and emotional support from CSOs. In every interview, victims poignantly spoke of the himmat (courage) they gained. As seen in this report, the social, economic and political pressures to compromise pervade all aspects of life, and the support of CSOs was crucial in sustaining victims' pursuit for justice.

Moreover, the IPAP project built a vibrant national network where CSOs actively share documentation, monitoring and advocacy strategies in atrocity cases. A cadre of highly skilled and courageous DHRDs have been trained, and who were instrumental in building volunteer village level networks across their respective States. The network has also elevated the issue of state impunity in the implementation of the PoA Act to the national level, and sought necessary reforms.



Conclusion

The IPAP project has established an important framework, one that warrants deepening at the community, district, state and national level. As the project period closes, it is essential that CSOs strengthen community and district level networks so that the struggle for justice continues, led by communities themselves. The report touched upon community support mechanisms in all states: DSS' women's collective, CDR and Navsarjan's paralegal programs, DAG's lawyer forum and village collectives, and initiatives to strengthen the state level network of panchayat institutions by SVGK. These interventions aim at increasing community engagement to identify violations and stand behind victims to challenge discrimination and violence. At state and national level, the CSOs network must continue to share challenges and strategies in addressing atrocity cases, and engage in collaborative advocacy to raise public awareness and state accountability.

The CSOs interventions have paved the way for millions of dalits and tribals to re-claim their rights and obtain justice, laying the groundwork for the path ahead.



Annexures

Quantitative data was collected through a template compiled by each partner to provide relevant details on all cases, including: (1) type of intervention, (2) compensation and rehabilitation obtained, (3) bail for the accused, and (4) outcome.

TEMPLATE FOR INTERVIEW WITH LAWYERS

PERSONAL:

1. Name:

2. Age:

3. Sex:

4. SC, ST or Other:

EDUCATION & EXPERIENCE:

5. Educational background:

6. Years of Practice:

7. Have you received trainings on?

a) Equality and non-discrimination

b) SC/ ST (PoA) Act

c) Human rights law

d) Women's rights

e) Any other human rights related training

8. a) If yes, who organised these trainings?

b) Were you given any toolkit or template or written materials?

c) Have you used these templates in your work?

9. How did you become engaged in human rights litigation?

10. What motivates you to represent victims in atrocity cases?

11. How many cases have you conducted under SC/ST (PoA) Act?

CASES

GENERAL:

12. How often do you work in collaboration with CSOs on cases of atrocities?

13. Which CSOs do you collaborate with?

14. How did you become connected to them?

15. How is your interaction with them?

16. On average how many atrocity cases do you conduct over a year?

17. Do you feel you have adequate resources to carry out your work?

If not, what else would you need/want?

18. How many acquittals and convictions have you obtained in SC/ST atrocity cases?

19. In how many cases have been able you obtain compensation and/or rehabilitation for the victims/ witnesses?

20. Did CSO intervention help you in conducting the cases more effectively?

If so, please describe how.

Eg: better co-ordination and communication with victim/witnesses, help in explaining court proceedings and orders to the victims/ witnesses etc...

CASE SPECIFIC:

21. How did you get engaged in the case?

22. What were the first steps you took?

23. At what stage did you intervene in the case?

24. Was a fact finding on the incident conducted?

If so, by who?

25. Interaction with the victim(s):

a) What was your interaction with the victim/s?

b) How did you first meet her/him?

c) What services did you provide?

d) Did you provide information on legal strategy, prep victim/witness, and explain court processes?

e) How many times did you meet her/him?

f) Was the CSO present during these meetings?

26. What was your interaction with witnesses/family of the victim/s?

27. How often were you in contact with the witnesses/family of the victim/s?

Did the CSO facilitate these meetings and were they present?

28. What was your interaction with the victim's community?

29. Did you interact with accused or the accused community?

30. Interaction with the CSO:

a) Have you worked with this CSO before?

b) How was your interaction with them?

c) How often were you in touch with the HRD?

d) What were the main challenges in coordinating the work with the CSO?

e) What were the main factors for effective collaboration?

f) Was the role of the CSO useful to your work? How?

g) What do you think could have improved your work?

PROCEDURAL :

31. Did you assist victim/family in filing the FIR or a complaint?

32. What challenges did you encounter during the court proceedings?

Any challenges in filing under SC/ST (PoA) Act?

33. Was a charge sheet filed? What were the charges and were you, victim & CSO satisfied?

34. What were the charges and were you, victim & HRD satisfied?

35. Did the CSO and the victim attend to the court proceedings?

36. If so, did you interact with the victim directly?

37. How did the CSO follow up on court requests, i.e. producing new documentation or evidence?

38. Was the Investigating Office (IO) designated?

39. Did the IO take prompt action in collecting evidence, arrests, and taking statement of victim/s & witnesses?

40. Was the investigation and report by IO conducted within 30 days?

41. Were there safety concerns for victim/s or witnesses?

Were they brought to the notice of the IO?

And if yes, then did he take any action?

42. How was your overall experience with the police?

43. Were you able to obtain interim reliefs for the victims/witnesses?

44. Did the CSO help you in getting interim reliefs for the victims/ witnesses?

45. Have you been able to get rehabilitation for the victims/ witnesses?

If yes, did CSO help in this regard?

46. Did you ask for special protection for the victim?

If yes, did CSO help you in this regard?

47. What was your overall experience in assisting victim during the trial?

48. What was the outcome of the case?

49. Was compensation provided?

50. Do you think justice has been served?

Please explain.

51. Would you collaborate with the CSO in another atrocity case?

52. Please give any other information you deem relevant for this study.

TEMPLATE FOR INTERVIEW WITH DALIT HUMAN RIGHT DEFENDER

PERSONAL

1. Name:

2. Age:

3. Sex:

4. SC, ST or Other:

EDUCATION & EXPERIENCE

5. Educational background:

6. Have you received trainings on?

a) Equality and non-discrimination

b) The Criminal Procedure Code

c) The SC/ST (PoA) Act

d) Women's rights

e) Any other relevant training

7. If yes:

a) Who did organize the training (NGO, University...)?

b) How the trainings improved the quality your work?

c) Were you given any toolkit or template or written materials?

8. Have you used these templates in your work?

9. How did you start working on atrocity cases?

10. How long have you been working with a CSO?

11. What motivates you to carry out this work?

12. How many cases have you intervened in regarding SC/ST?

ORGANISATION

13. Organization name:

14. Your Position Title:

15. What are your duties?

16. On average how many cases do you work on?

17. How many people there are in you team? Can you describe what they do.

18. How long have you been working for this organization?

19. What is the mission of this organization?

20. Are there any SC/ST members in this organization?

21. Has your organization worked on issues of atrocities before?
22. What is the objective or strategy for intervention in these cases?
23. How does your organization come to know about atrocity cases?
24. How does your organization determine which cases to intervene in?
25. Do you feel you have adequate resources (staff, funding, knowledge) to carry out your work?
- a) If not, what else would you need/want?

CASES GENERAL

26. How did you learn about the case?
27. Are you from the community where the atrocity took place?
28. How did you get involved in the case?
29. At what stage did you intervene in the case?
30. What were your short- term and long-term objectives in addressing the atrocity?

CASE SPECIFIC

Case details:

31. Was this a tried and tested strategy or a new/ innovative strategy?
32. What was your role in the case?
33. What was the role of the organization in the case?
34. Did you conduct any fact findings on the incident? If not, did someone else do it?
35. Interaction with the victim(s):
- a) How was your relation with the victim/s?
- b) How did you first meet her/him?
- c) How many times did you meet her/him?

d) Where did these meetings take place? Why?

36. What challenges did you face in communicating with the victim?

37. What challenges did you face in advocating for the rights of the victim?

Please describe.

38. How did you overcome some or all of these challenges?

39. How was your relation with witnesses/family of the victim/s?

40. How often were you in contact with the witnesses/ family of the victim/s?

41. What was your interaction with the victim's community?

42. Did you face any challenges interacting with the victim's community?

If yes, please describe.

43. Did you interact with the accused or the accused's community?

44. Collaboration with other partners:

a) Were there other organizations or actors involved in the case?

If yes, who/which ones?

b) How was your interaction with them?

c) Did you face any challenges collaborating with other partners?

If yes, please describe

d) Were these challenges overcome?

If yes, please describe.

45. Did you provide or facilitate in providing victim/ family/ witnesses or community other forms support (eg: counseling, food, shelter, housing etc...)

46. Was the strategy you adopted effective?

If yes, please describe short-term and long-term goals achieved.

PROCEDURAL :

47. Did you assist victim/family in filing the FIR or a complaint?

48. Was the report given to the police orally or verbally? If verbally did the police write it down and give you a copy?

49. Did you encounter any challenges in assisting the victim/family in filing the FIR/ complaint?

50. Did you encounter any challenges in getting FIR/ complaint filed under SC/ST (PoA) Act?

51. Was a charge sheet filed? What were the charges and were you and the victim satisfied?

52. Did you follow up on the FIR for the IO to take prompt action in collecting evidence, arrest & taking statement of victim/s & witnesses?

53. Do you think your intervention led to a positive impact in the arrest, collection of evidence, and documentation of statement of victims/witnesses?

54. Did you encounter any challenges in interacting with the IO?

If yes, please describe and how you overcame these challenges.

55. Do you think your intervention affected the overall investigation and charge sheet filed by IO?

56. Was a comprehensive framing of charges issued?

What were the charges and were you and the victim satisfied with the result?

57. Were intermediate reliefs provided to the victim?

If yes, please list and state whether you assisted in obtaining these reliefs

58. Were there safety concerns for victim/s or witnesses? Were they brought to the notice of the IO? And if yes, then did he take any action?

59. How was your overall with the police experience? Were you happy with the experience?

60. Were you involved in the drafting of the list of witnesses?

61. Did you push for special protection to be provided for the witnesses through the trial?

62. Did you find the legal representation adequate? If not what further steps did you recommend?

63. Did you assist the victim/family when he/she met with SPP to discuss legal strategy?

If yes, please discuss your role.

64. Did you accompany victim/family to the court? If yes, then how did you assist them during the trial?

65. Was further protection required for the victim?

If yes, did you assist in advocating for such protection?

66. How was your overall experience in assisting victim/family during the trial?

67. What was the outcome of the case?

68. Was compensation provided?

69. Were you satisfied with the outcome?

70. If no, why?

71. Please give any other information you deem relevant for this study

TEMPLATE FOR INTERVIEW WITH VICTIMS OF ATROCITIES

VICTIM

PERSONAL:

1. Name:
2. Age:
3. Sex:
4. SC, ST or Other:
5. Marital Status:
6. Religion:
7. BPL, APL, AAY:
8. Educational background:
9. Members of household
10. Profession of Victim and Spouse:
11. Residence:

CASE SPECIFIC:

12. Please describe the facts of the case
13. When and where did the atrocity occur?
14. What kind of suffering did you experience (financial, physical, emotional)?
15. Did you know the Accused(s)?
16. Had you interacted with the Accused before?
17. Is this the first time you experienced this form of violence?
18. Were there other people with you when the atrocity occurred? What role did they play in the incident?
19. Did you inform your family and/or community members about the incident?

If yes, who?

If no, why?

20. What was the reaction by family and/or community?

21. Why do you think the atrocity happened?

22. How did you feel after the atrocity?

23. Did you experience any harassment, intimidation, or violence after reporting the atrocity?

If yes, please describe.

24. What was your immediate need following the incident?

25. When did you first interact with the CSO?

26. How did you become connected to the CSO?

27. What kind of relationship does the CSO have with your community?

28. Who did you (or someone else) contact at the CSO?

29. What were the first steps taken by the CSO to assist you?

30. How did they communicate with you?

31. What was your first impression of them?

32. Did you feel comfortable and safe speaking to the CSO? Why?

33. How often were you in contact with the CSO about your case?

34. What kind of assistance did the CSO provide you?
For e.g.:

1) Did they conduct fact-findings?

2) Did they maintain your case files and records?

3) Did they find you a lawyer to represent your case?
Was representation free of cost?

4) Did they accompany you to Special Court?

5) Did they communicate your needs to the lawyer and other activists?

6) Did they share your story with the media?
7) Did they keep you updated on the status of your case?

8) Did they provide you background information on the SC/ST law and your entitlements?

35. Did you personally interact with the CSO or did someone else from your family meet with the CSO?

36. What did the CSO propose to do to help your case?

37. Was this achieved?

38. Did you face any challenges with the CSO?

If yes, please describe.

39. Were you able to overcome these challenges?

If yes, please describe how.

40. Did you pay for CSO's assistance?

41. Were you happy with their assistance?

42. Would you recommend the CSO for other victims?

43. Are you happy with the outcome?

44. Did you achieve what you had hoped by pursuing your case?

45. Did the CSO intervention make a difference to your life?

If so, why?

46. Is there anything you wish the CSO would have done differently?

PROCEDURAL:

47. Did you file a FIR/complaint with the police?

If yes, why and did someone assist you?

If no, why did you not?

48. If filed FIR/complaint, did someone assist you in filing the FIR/complaint?

If yes, please describe their role.

49. Did you encounter any challenges in filing the FIR/complaint under SC/ST (PoA) Act?

If yes, what kind and were these overcome?

50. Was this your first interaction with the police and criminal justice system?

51. If no, what was your past experience and how did the CSO involvement affect your experience?

52. Did anyone accompany you to the police department?

53. Who in the police department did you interact with?

54. How was the interaction with the police department?

If the CSO assisted during the visit, do you think the police treated more or less fairly because of their presence?

55. Did you feel supported or encouraged by the police officers?

56. Was an investigation and report filed within 30 days?

57. How much interaction did you have with the IO?

58. Did you face any challenges with the IO?

If yes, please describe and whether CSO assisted in overcoming these challenges

59. Was the CSO present during your meetings with the IO?

If yes, what effect did their presence have?

60. What charges were filed against the Accused?

61. Were the charges explained to you in a language you understand?

If yes, who explained this to you?

62. Were you satisfied with the charges?

63. How was your interaction with the SPP?

64. How much interaction did you have with the SPP?

65. What kind of services did the SPP provide to you?

For e.g., discussion of legal strategy, prepping of your testimony...

66. Was the CSO present during your meetings with the SPP?

If yes, what effect did their presence have?

67. Did you face any challenges with the SPP?

If yes, please describe and whether CSO assisted in overcoming these challenges.

68. Were there other lawyers assisting you in your case?

Do you feel that they adequately represented your needs?

69. How was your experience at the Special Court?

Did you feel safe?

70. Was the CSO present during your visits to the Special Court?

If yes, what effect did their presence have?

71. Did you have any interaction with the judge?

If yes, please describe.

72. Was there any interim relief granted by the judge?

If yes, please state.

73. Did you ask for special protection (if you think you needed it)?

Did CSO assist you in securing this protection?

74. How was your experience during the cross-examination?

75. Do you feel that your lawyers and CSO knew enough to adequately represent you?

76. What was the outcome of the case?

What reliefs (if any) did you obtain?

77. Were you satisfied with the outcome and the court proceeding?

78. Do you think justice has been served?

79. Would you recommend other victims to pursue this path to redress SC/ST atrocities?

If yes, please describe.

80. Would you recommend other victims to obtain assistance from this CSO?

If yes, why?

If no, why not?

81. Did you learn more about your rights by working with the CSO?

NAZDEEK

Bringing Justice Close

Nazdeek, meaning “to be close” in Urdu, is a legal capacity organization committed to bringing access to justice closer to marginalized communities in India. Through on-the ground legal support to grass-roots organizations and lawyers, Nazdeek develops strategic litigation and builds community legal networks to increase accountability in the advancement of human rights.

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NATIONAL DALIT MOVEMENT FOR JUSTICE

The National Dalit Movement for Justice (NDMJ) is a democratic, secular, non-party movement of Dalit survivors, defenders, academics and organisations headed by Dalits constituted under the National Campaign on Dalit Human Rights (NCDHR) to address the issues of caste based discrimination and violence, primarily untouchability and atrocities. Since 2009, NDMJ has brought together around 500 Dalit and Adivasi organisations from 18 states as the National Coalition for Strengthening the SCs & STs Prevention of Atrocities Act (NCSPA), with the aim to campaign for necessary amendments to the SC/ST (Prevention of Atrocities) Act and to strengthen its enforcement.



NDMJ - National Dalit Movement for Justice

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