



# **SPEAK!**

## **THE TRUTH IS STILL ALIVE**



### **LAND, CASTE AND SEXUAL VIOLENCE AGAINST DALIT GIRLS & WOMEN IN HARYANA**

**A Report by Women Against Sexual Violence and State Repression**





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**DALIT GIRLS & WOMEN IN HARYANA**  
**A Report by Women Against Sexual Violence and State Repression**

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**LAND, CASTE AND SEXUAL VIOLENCE  
AGAINST DALIT GIRLS & WOMEN IN HARYANA**



**A Report by Women Against Sexual Violence and State Repression**





**Their inhuman atrocities have carved caves  
in the rocks of my heart  
I must tread this forest with wary steps  
Eyes fixed on the changing times  
The tables have turned now  
Protests spark  
Now here now there  
I have been silent all these days  
Listening to the voices of right and wrong  
But now I will fan the flames  
of human rights  
How did we ever get to this place  
this land which was never mother to us  
Which never gave us even  
the life of ctas and dogs  
I hold their unpardonable sins as witness  
And turn, here and now  
A rebel**

**Caves, Jyoti Lanjewar**





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## **INTRODUCTION: WHY THIS REPORT**

This report is an attempt to expose and understand the ongoing onslaught of sexual violence against Dalit girls and women in the state of Haryana, and an acknowledgement of the movement against these atrocities. The relentless succession of rapes, gang rapes, murders and sexual assaults has escalated in recent years to a point where official attempts to dismiss them as “isolated incidents” seem ridiculous and callous. The latest in this series of violent cases came on 23 March 2014. Four Dalit girls from the village of Bhagana (Hisar district) were gang-raped by Jat youths as retaliation for Dalit resistance to the Jat takeover of village common lands. This is only the latest in a number of violent cases that this report will focus on.

Dalit organisations and Dalit women’s groups have been at the forefront of bringing these violations into public view. In October 2012, Dalit activists from media watch groups created a map of Haryana with the title ‘30 Days in a Rape State’ with locations and basic information on the rape of 19 Dalit girls that had been perpetrated in several districts during that month. This was followed by a list of 101 cases from across the country, gleaned from English newspapers and circulated on 30 August 2013. An updated version of this list was circulated two months later, with the number of cases at 180 – an increase by 80 percent in just two months.

The day that this updated list was published – 16 December 2013 – marked the first anniversary of the fatal gang rape in Delhi that shocked the nation and created ripples across the world. In sharp contrast to the anger and outrage over the Delhi tragedy, public and media reactions to the equally horrifying ordeals of Dalit girls and women have been muted. Their stories receive only a cursory mention in the media and are seldom followed up with any seriousness. The wider public has not shown any serious concern. Even women’s movements across the country have not been able to respond to this explosion of sexual violence in Haryana in any sustained manner.

This report is a small step towards attempting to break that silence.

## **A DECADE OF VIOLENCE AGAINST DALITS IN HARYANA**

Even a random scan of newspaper archives shows acts of violence against Dalits being reported practically every day in Haryana. Some instances being:

- Dulina, Jhajjar district. 15 October 2002. Five Dalit men brutally lynched by a Jat mob, on suspicion of cow slaughter. Investigations showed that the Dalits were merely transporting the carcass of a dead cow.

- Harsola, Kaithal district. 10 February 2003. Jats drive 275 Dalit families out of the village, in the presence of a large police force and the local MLA, who supported the attackers.
- Gohana, Sonapat district. 1 September 2005. Dalit (Valmiki) basti attacked by armed Jats after the murder of a Jat youth; 50 Dalit houses torched. Dalits forced to flee the village.
- Farmana, Rohtak district. March 2006. Jats erect a boundary wall around the Dalit basti to prevent them from entering the main village; police refuse to take action.
- Khairimasania, Jind district. 2007. Armed attacks by Jats on Dalit agricultural workers demanding wage increases during the harvest season. Police refuse to intervene.
- Ladhani, Bhiwani district. March 2010. Attack on Dalits by dominant castes following an altercation over the right of entry to the village; one Rajput youth killed; 150 Dalit families forced to leave the village.
- Mirchpur, Hisar district. 19 April, 2010. A Jat mob surrounds and torches 18 Dalit houses following a dispute about a dog, the pet of a Dalit boy that barked at some Jat youths. An 18-year old physically challenged girl and her father were burnt alive. The legal battle for justice in this case has been a watershed for the Dalit movement in the state.
- Batore, Panchkula district. March 2012. Dalits protesting against the gram panchayat's misappropriation of land revenue attacked and forced to flee the village.
- Bhagana, Hisar district. May 2012. Following Dalit protests against the appropriation of the village commons by the dominant castes, social boycott imposed on the entire Dalit community. Dalit families have been sitting on dharna outside the Hisar secretariat for two years, with no redressal. Four girls of this community were abducted and gang raped by Jat boys in March 2014. The Dalits are also sitting on dharna in Delhi. Only a few families remain in the village, where the social boycott remains in force.
- Pabnaba, Kaithal district. April 2013. A Dalit boy who married a girl from a dominant caste attacked and humiliated by having his face blackened. The entire Dalit community of 200 families is forced to flee the village.
- Medina, Rohtak district. 30 April 2013. Two Dalits (one of them a child of 10) are shot dead by Jat youths against whom the family had lodged cases for an earlier armed assault.
- Daulatpur, Hisar district. 15 February 2014. A Dalit youth, an agricultural labourer, has his hand cut off for having drunk water from a pitcher belonging to a Jat landowner in whose field he was working.

As this report will attest, Haryana is also the site of a growing Dalit resistance movement, with the issue of violence against the Dalit community, particularly Dalit women, as a central focus of mobilisation. This is all the more significant because Haryana has not been part of the wider history of anti-caste mobilisations until very recently. This evolving situation, with growing Dalit awareness and assertion of their rights to justice and dignity, has gripped our attention and demands our solidarity. The evidence

collected and documented by this emerging movement lends weight to the view that attacks against Dalits are a reaction by the dominant Jat community to the rising visibility, growing aspirations and assertion of rights by the Dalits in Haryana.

According to data from the National Crimes Records Bureau of the Home Ministry, Haryana is among the states that claim a low rate of crimes against women and Dalits. These low rates are engineered by low levels of reporting and the police's refusal to record crimes against Dalits. Despite this, there has been a remarkable increase in reported crimes against women and crimes against Scheduled Castes, noticeable from about 2006 onwards. The number of rapes increased from 398 in 2001, to 733 in 2011; crimes against SCs went up from 229 cases to 408 cases during the same period.

The manipulations behind these statistics are laid bare by the figures for cases registered under the Scheduled Castes and Scheduled Tribes (PoA) Act (hereafter referred to as the PoA Act). From a mere 33 cases registered in 2001, the figure soars to 150 in 2011, but drops to 15 in 2012 – the year in which several incidents of violence against Dalits were taken up by movements and even attracted some media attention. The conclusion is inescapable: the fall in the number of cases does not reflect a decline in atrocities, but rather a more determined effort by the authorities to obfuscate the reality by blocking the registration of cases under the PoA Act.<sup>1</sup>

WSS holds that it is incumbent on feminists, women's movements and democratic rights movements to join the Dalit movements and Dalit feminists in confronting and questioning the apathy and silence that shroud the issue of sexual violence against Dalit women in Haryana. This report seeks to bring some of the most recent of these violations under scrutiny so as to expose the institutional mechanisms that provide immunity and impunity to the perpetrators, and even collude with them to attack and intimidate those who are struggling for justice.

This report is based on a series of visits by WSS members to locations in Rohtak, Hisar, Jind, Karnal and Kurukshetra districts where we met and interviewed some of the survivors and families who are fighting for justice. These visits were mediated by meetings and intensive discussions with a team of young Dalit lawyers and activists who provided valuable insights and analyses of the cases of sexual violence and the difficulties of pursuing justice for the survivors of the violence.

The report is also a testimony to the growing movement among Dalit activists and the wider Dalit public to expose and resist these atrocities. We are grateful to all those who spoke to us and shared their ordeals and their inspiring stories of survival and resistance.<sup>2</sup>

We stand with the Dalit activists, survivors and families who are fighting the combined force of state, caste and patriarchy in Haryana, and reaffirm our commitment to strengthening the solidarities between women's movements and Dalit struggles in Haryana.

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1 See Table 1 Appendix I for more details.

2 See Acknowledgements for a complete list.





## **RESISTING SEXUAL VIOLENCE: DALIT WOMEN SPEAK OUT**

From the time of its formation, WSS has been systematically drawing attention to the steep rise in violence, particularly sexual violence, in the wake of India's wholesale adoption of the neo-liberal ethos. The adjustments and readjustments of power among those who occupy the upper echelons of caste and class hierarchies have created a fertile field for the free expression of patriarchal violence against women, particularly Dalit and Adivasi women, across the country.

The state is a major perpetrator and beneficiary of this violence. WSS has been among those who have exposed, questioned and challenged the systemic use of sexual violence in conflict areas by the military and paramilitary forces with the objective of keeping entire communities in a perpetual state of terror. Even during "normal" times and in "undisturbed" parts of the country, the administrative normalisation of sexual violence is gaining increasing currency among state governments across the political spectrum. Haryana is no exception.

The growing violence against Dalits by the dominant castes has all the hallmarks of a backlash against the increasing political assertion and upward mobility of Dalits, which the Jats recognise as a threat to their hitherto unquestioned exercise of economic, social and political power in Haryana. The entry of Dalits into elected panchayats through reservations has sharpened this perception. There is open resentment at the fact that some sections of the educated Dalit youth (albeit only from a few sub-castes) have also been able to take advantage of reservations in government jobs and thus capitalise on emerging opportunities in the urban manufacturing and service sectors. Access to education and support under affirmative action schemes such as scholarships and allowances for parents of girls (the so-called "girl child schemes" of the Government of India that seek to neutralise preference for sons) are seen by Jats as undue benefits given to the Dalit community.

The increasing visibility of Dalit girls in schools, colleges and public spaces is being read as a challenge to the established order, heralding the breaking away of the landless Dalit "*naukar*"<sup>3</sup> from economic and social dependence and subservience to the Jat "*malik*".<sup>4</sup> Today, as in the past, sexual violence against Dalit women is the punishment for this assertion. A National Tribunal on Violence against Dalit Women was held on 30 September and 1 October 2013 in New Delhi that was organised by the AIDMAM (All India Dalit Mahila

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3 servant

4 master

Adhikar Manch). Of the 45 depositions, 17 cases were of sexual violence. The highest number was from Haryana followed by Rajasthan and Uttar Pradesh. Testimonies were recorded of a number of minor girls.

At a workshop on “Issues Before the Women’s Movement” held at CWDS (Centre for Women’s Development Studies) in Delhi in May 2013, AIDWA (All India Democratic Women’s Association) activists from Haryana spoke of how young women whose dress and demeanour are read to reflect these aspirations of upward mobility, have been singled out for sexual attacks as a way of “showing them their place”. Gangs of young Jat boys roam around the villages on motorcycles, stalking Dalit girls. Sometimes, the girls are drawn into romantic relationships and sexual liaisons, which end in gang rapes by the lover and his friends.

In cases where the incident becomes public or where the girl names the rapists, the matter is brought before the local panchayat – often indistinguishable from a khap meeting – where the family is threatened with social boycott if they do not “forgive” the accused and sign a *razinama* (agreement). Those who refuse are subjected to physical violence and harassment. False cases are filed against the men of the family, who are arrested and told that they will be released only if they withdraw the case. The girl and other women in her family are subjected to the most vicious verbal and physical abuse each time they venture out of the house. Dalit girls who face hostility from teachers and fellow students at the best of times, are targeted and hounded if they dare to return to school after being assaulted, more so if they make a complaint.

For Dalit artisans and landless agricultural labourers who work for Jat families, the loss of employment is immediate. In most cases, the family is forced to leave the village. Although compensation and rehabilitation for Dalit litigants who are forced out of their homes is provided for under the law, this has been implemented (that too, partially) only in a few of the cases we came across.

The cases we have documented in this report speak for themselves. Even though they open only a small window to the situation on the ground, they highlight the reality of Dalit women who are located at the cusp of interlocking systems of power and oppression. At the same time they are also a testimony to the struggles and mobilisations under way in Haryana.

All the narrations in the rest of this section, presented in reverse chronological order, are based on meetings and interactions by WSS members with Dalit activists, survivors and families.

## **I. ABDUCTION AND RAPE OF FOUR GIRLS FROM BHAGANA, HISAR DISTRICT, MARCH 2014**

Four young Dalit girls from the Dhanuk sub-caste – all minors and all daughters of landless agricultural workers – from Bhagana village were abducted by five Jat boys from the same village who had been stalking them for some time. The girls were attacked when they had gone out to relieve themselves on the night of 23 March, thrown into a car, sedated, gang raped and abandoned at the Bhatinda railway station.

The morning after their disappearance, the girls’ families approached the sarpanch of the village, who is also the head of an extended Jat family that controls the village. After being initially laughed off and taunted with comments about the girls having run away with their boyfriends, the sarpanch finally took the fathers and brothers of the girls to Bhatinda on 25 March to rescue the girls.

The girls were taken back to Bhagana in a car with the sarpanch while the relatives were asked to go back in a public bus, since there was no space in the car. On the way to the village, the girls were threatened by the sarpanch, who told them that they and their families would suffer if they pursued the case.

Despite the threats, the girls went ahead and identified all five of the rapists, one of whom turned out to be a cousin of the sarpanch. The families took the help of local Dalit activists to file FIRs, and all five of the accused were arrested.

This was the latest episode in a long-running Jat offensive against the Dalits of Bhagana that began in 2012. In May 2012, the Dalits of Bhagana village had mobilised to protest against the forcible appropriation and fencing of their village commons (*shamilat* lands) by the Jats of the village. In response, they were subjected to “*nakabandi*” (social boycott), a frequently employed method of subduing protest and enforcing subservience to Jat power. The boycott was complete and total and included cutting off access to water (by breaking the public water taps in the Dalit basti) and denial of entry to common places like the village playing fields, cremation grounds and land used for the disposal of dead animals. Dalits were barred from grazing their cattle on gochar lands and even relieving themselves on common land. Doctors (all of whom were Jats) either refused to treat Dalits or demanded impossible amounts as fees. Dalits were also prevented from using public transport and debarred from buying and selling in the village market.

Despite several complaints to the village panchayat, police officials and the administration, the Dalits did not get a hearing. Instead, the police arrested 45 Dalit protestors of whom six were charged with sedition (these charges were later dropped).

In May 2012, the entire Dalit community of the village came to the Hisar Secretariat with their families and cattle, and started an indefinite *dharna* in front of the District Collector’s office. This protest still continues (with the location shifted to Jantar Mantar in Delhi). A few families have returned to the village and remain there even though they are completely isolated. These families have been forced to sell their cattle to the Jats since they no longer have access to grazing lands and cannot sell milk in the local market. They were initially surviving on charity from one particular Jat landowner who stood by them, but that support has since been withdrawn. The rest of the Jat community continues to dismiss the rape allegations as unfounded, and defends the *nakabandi*.

Sometime in February 2014, the father of one of the survivors, a *siri* (bonded labourer) to the *sarpanch* was beaten by him, and he threatened to complain about it. The abduction and rape of this man’s daughter and three other Dhanuk girls took place within a month of this altercation.

In spite of the threats and intimidation from the sarpanch and his family, the families went ahead with the legal process. FIRs were registered on 25 March and the girls underwent a medical examination, including the banned “two-finger test”. The experience was shocking and humiliating for the already traumatised girls. All the accused have been arrested.

At present, all the four girls (the youngest of whom is 13 and the oldest 17 years of age) and their families are camping at Jantar Mantar in Delhi. These four girls, as well as the other children in the group, dropped out of school in 2012 when the community left the village.

Given the situation of conflict in the village since two years, under the PoA Act, the area should have been declared as an atrocity prone area and measures to prevent further violence ensured. In not doing so, the administration is entirely responsible for all acts of atrocity and violence that have taken place in the area. Therefore, the concerned officials should also be booked under Section 4 of the PoA Act for negligence of duty apart from other sections of the IPC.

Since the arrival of the girls and their families in Delhi on April 16, a broad-based coalition of organisations, groups and individuals under the banner of Bhagana Kaand Sangharsh Samiti (Bhagana Atrocity Struggle Committee), which includes the WSS, have launched a coordinated campaign to support their demands. Several protests have been organised, representations made and support given to survivors.

The families have petitioned the National Commission for Women, (NCW) the National Commission for Scheduled Castes (SC Commission) and the National Human Rights Commission (NHRC). On 2 June the SC Commission demanded a response from the District Magistrate and Superintendent of Police (SP) of Hisar; there has been no response till the time of going to print.

Meanwhile, two cases have been filed in the Chandigarh High Court – a criminal case of rape and sexual assault, as well as a civil case demanding compensation and rehabilitation for the social boycott and displacement from the village.

At the break of dawn on 4 June, the Delhi Police and the New Delhi Municipal Corporation attempted to evict the Bhagana families (along with other protestors) from their dharna site at Jantar Mantar, ostensibly on grounds of the “red alert” during the Parliament session. The families themselves, along with several other organisations including WSS, protested at the Parliament Street police station and faced violence from the police – the mothers of the survivors and some women activists were physically assaulted by policemen. However, another 10 days’ extension has been given, after which they will once again be under threat of eviction. The future of this struggle is now at stake.

*(Based on conversations with the survivors and their families, discussions with the Dalit activists leading the protests in Delhi, the local sarpanch, and Dalit families and their supporters in Bhagana village and at the protest site).*

## **2. SEXUAL ASSAULT AND MURDER OF A COLLEGE STUDENT IN BANIYAKHEDA VILLAGE, JIND DISTRICT, AUGUST 2013**



On 24 August 2013, a young Dalit woman, 20 years old, left her home in Baniyakheda village to take a bus to Jind town, where she was to write an exam. Several hours later, someone phoned her father to say that he had found a plastic bag with some papers, including the girl’s identity card with her father’s contact number. The parents rushed to the local police station to get help to trace their daughter, but were told that they would have to register a “missing person” complaint with the police station in Jind town. When they went there, the parents were told to wait for a day or two and see if the girl returned on her own.

The next day, the girl’s body was found in a field adjoining an irrigation canal, a few kilometres away from the spot where witnesses had seen her alighting the bus and getting into an auto. The body had several injuries and the clothes were blood-stained. The body was taken to the Jind hospital where

a post-mortem was conducted. The relatives were told that there was no medical evidence of rape, and a case of suicide was registered.

The aggrieved relatives – led by the women who had seen the injuries on the body when it was recovered – sat on a *dharna* with the body and refused to allow it to be cremated until a case was filed. The police carried out a lathi-charge on the protestors in which several people, including the girl's father, were injured.

Following this, six young Dalit men were arrested on charges of hooliganism. The lathi-charge on the peaceful dharna attracted media attention and was covered by national channels. The administration was forced to have a second post-mortem carried out by the civil surgeon, but the results were again said to be inconclusive. By this time, Dalit women's organisations had also taken up the case, and demanded a third post-mortem, this time at AIIMS. The police claimed that the third post-mortem also did not confirm rape, but that traces of insecticide had been found in the viscera. A case of suicide was registered on these grounds. The report of the post-mortem was not provided to the family despite an RTI application and a court plea. A young Dalit boy, a relative of the victim, was arrested and kept in custody for a few days on the charge of abetment to suicide. His release was secured only after sustained pressure from the activists. He, as well as the boys arrested during the dharna, have stated that they were beaten and mistreated in jail.

The immunity enjoyed by the perpetrators and the dubious role of the police and administration is evident in the refusal to include relevant sections that were prima facie evidence. Instead, there was a judgement already made in declaring it to be a case of suicide only. The complicity of the police is also revealed in the refusal to carry out proper investigation in terms of securing evidence like clothes, blood samples found on the clothes and around the area where the body was found is shocking. No redressal has been sought for the injuries inflicted during lathi charge when peaceful protestors were attacked by the police.

The case was extensively covered by the media. AIDMAM played a pivotal role in organising rallies and demonstrations in Delhi. However, neither the NCW nor the SC Commission made any serious intervention. The case has now been officially closed, with the girl's death being declared 'a suicide after a failed love affair'. The family has been given the closure report and the post-mortem report of the case. The father seems to have been silenced by promises of compensation, and is now reluctant to support the demand for a reinvestigation.

*(Based on interviews with the family and with district officials.)*

### **3. SEXUAL ASSAULTS ON DALIT GIRLS IN KURUKSHETRA DISTRICT, OCTOBER 2013**

The young girl in the first case was returning from a religious function on the outskirts of the village with her mother and sister late in the evening of 17 October 2013, when some boys dragged her into a car and drove away. She was taken to a nearby place where she was raped. The boys dropped her back near her house around midnight, after warning her that she would be killed if she spoke about the incident or revealed their identity. The traumatised girl went completely silent and did not speak a word for two whole days. When she finally broke down and revealed the truth to her parents and grandmother, she was insistent that the boys be arrested right away.

The girl was able to identify the culprits, two of whom are from the Rodh community, while the third is from the Bajigar community. All the three accused have been arrested.

The girl's father is about 45 years of age. The family belongs to the Oda sub-caste and is landless. The father has been unable to ply his usual trade (vending goods these too in a cart in the nearby villages), resulting in a loss of income of about Rs 28,000. He has also spent an additional Rs 10,000 on his daughter's case. The family is committed to continuing their fight for justice, but the father is under considerable pressure to accept a compromise and withdraw the case.

According to the girl's mother, there have been other incidents of violence against Dalit girls by men from the Rodh community: one some 15 years ago, and a more recent case 3-4 years ago. Two sisters of the third accused in the present case (who is from the Bajigar community) are said to have been sexually assaulted in the past by men from the Rodh community. All these cases have been hushed up.

The second case is that of a 16-year-old Dalit girl who was sexually assaulted in May 2013. She is one of three children of a woman agricultural labourer. The mother was initially reluctant to speak to the WSS team, but gradually opened up. She said she feels completely alone and unsupported even by her own community, and is finding it impossible to pursue the legal case. As a single parent, her priority was to arrange a marriage for her daughter and "send her away" as soon as possible. She hinted that the people from her own community who persuaded her to drop the case were acting under the influence of the upper castes.

*(The report of the first case is based on conversations with the parents and family of the survivors, and a student activist from Kurukshetra University who introduced us to the family. The survivor could not speak to the WSS team as she was unwell. The information on the second case comes from a conversation with the mother of the survivor. The survivor was present but silent during our conversation with her mother, except for intervening with clarifications on the exact dates of the incident, which she obviously remembered very clearly.)*

#### **4. SEXUAL ASSAULT AND MURDER OF A MINOR GIRL IN SARSANA VILLAGE, HISAR DISTRICT, FEBRUARY 2013**

This 13-year-old girl stepped out of her house to relieve herself on the night of 19 February 2013. She never returned. Her body was found floating in a water tank the next day. Her body was taken to Hisar hospital where a post-mortem was conducted. Semen from a vaginal swab was found to match stains in the accused boy's underwear. Even though no water was found in the lungs, indicating that the body had been thrown into the water after she had been killed, the doctor recorded drowning as the cause of death.

The girl's father and uncle filed a complaint of rape and murder against a 21-year-old boy, the son of a prominent Jat family of the village, who had been stalking her for some time. Some witnesses also gave statements that they had seen the accused riding away on a motorcycle with the girl.

The accused was arrested from his uncle's house four days after the girl's death, but was soon released on bail. He admitted before the khap panchayat to having sex with the girl. The khap elders came to speak to the girl's father to persuade him to withdraw the case. Since the girl had died as the result of a "mistake", they asked the father to forgive the boy. They also offered compensation, saying "Hamari

*bhi beti thi, galat kaam ho gaya, ab maaf kar do taaki aage se aur koi nuksan na hoye.*<sup>5</sup> When the family refused to withdraw the complaint, the police colluded with the accused and his family to concoct a “confessional statement” saying that the boy was in love with her and had consensual sex with her.

The police have now discounted the charges of rape and murder and have registered a case of abetment to suicide, even though the post-mortem findings ruled out the suicide theory. The police report also does not mention the fact that motorcycle tracks and signs of a struggle were found at the site of the crime, indicating that more than one person was involved.

The girl’s father has come under tremendous pressure to withdraw the case. The accused and his friends have been openly threatening revenge: “*Jaise teri ladki ko mara, vaise hi ab tujhe marenge.*”<sup>6</sup> Other Dalit families in the village have also been trying to get the father to withdraw the case, since they, too, are being pressurised by the Jats. The distraught father has made several appeals to the SSP, Hisar, to get justice for his daughter. The SSP has been hostile, even to the extent of telling him that he would be charged with honour killing if he did not stop pestering the police.

The girl’s family has been forced to leave the village and move to Fatehabad district, where her father has set up a small cattle-feed shop. Her two young brothers are in school. Her mother has been depressed ever since losing her daughter, and is now bedridden.

The report of the Forensic Science Laboratory confirms the presence of semen, which indicates sexual assault. At the time of writing, the case was at the stage of recording the evidence. Charges have been filed under IPC sections on sexual assault as well as under the PoA Act and Protection of Children from Sexual Offences Act (POCSO). The father of the girl has now filed for the previous charges to be amended.

*(Based on conversations with the father of the victim and the lawyer who has taken up the case.)*

## 5. **SEXUAL ASSAULT OF A SCHOOLGIRL IN DABRA VILLAGE, HISAR DISTRICT, SEPTEMBER 2012**

This 15-year-old girl was on her way to visit her grandmother when she was abducted and raped by a gang of eight Jat boys. The rapes were filmed on a mobile phone, and she was told that the clip would be circulated if she spoke about what had happened. She was effectively silenced, but the clip was soon being widely circulated. On 18 September, her father, a gardener in a private house, was shown the clip by one of his co-workers. The traumatised father hanged himself.

Local activists who came to know of the story mobilised the Dalit community from across the district for a dharna in Dabra on 19 September. The angry crowd refused to allow the body to be cremated until a case was filed. It was only after the DC and SSP gave an assurance that the case would be pursued and the perpetrators brought to book that the dharna was lifted. By the time a complaint of rape and abetment to suicide was filed, the accused had disappeared from the village.

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5 “She was our daughter too, what happened was wrong but now you should forgive so that no more harm is done.”

6 “We will kill you just like we killed your daughter.”

Despite the continuous pressure from Dalit groups, the police did everything they could to delay the arrests, intimidate the family and harass the girl. They would pick up young men at random and ask the girl to come to the station to identify them. When she refused to make an identification, she would be taunted with remarks like “*Yeh nahi hai to ab tum hi pakad lo*”.<sup>7</sup> The police also tried to intimidate her into saying that she had willingly gone with the boys, as claimed in the statement prepared by the police.

The police tried to avoid filing charges under the PoA Act by removing every mention of the caste of the accused in the recorded complaint. They also tried several times to implicate Dalit boys, including the girl's brother, in the crime. It took a dharna and four days of protests by Dalit activists to get the police to destroy the so-called “charge sheet” against her brother. The Jat-dominated *panchayat* and some local politicians from the Indian National Lok Dal (INLD) also intimidated and threatened the family, trying to make them withdraw the case and agree to a “compromise”.

More than a fortnight after the incident, and following sustained media coverage and public pressure, the police finally arrested eight of the accused from places in Uttarakhand and Rajasthan, and charged them under Sections 376 (rape) and Section 306 (abetment to suicide). Following an intervention from the National Commission for Scheduled Castes, the case of rape was tried in a fast-track court which completed its proceedings in May 2013. Four of the accused were convicted, while the other four (who have connections with the INLD) were acquitted on grounds of shoddy investigation. The four convicted men have appealed in the High Court and now are out on bail.

Following their release, the accused and their families stepped up their campaign of threat and intimidation. The girl was approached and threatened by the wives of two of the accused men, and by the local INLD leader. She and her family have been given police protection and have been shifted to a tiny government flat in Hisar town. Her mother has been given a temporary job as an office assistant in the local Red Cross, but her small salary is insufficient to meet the needs of the family. The girl has been awarded a compensation of Rs 2.6 lakhs by the Central government, but the money is yet to be transferred to her account.

The girl is now almost 18 and has enrolled in a local girls' college in Hisar town. Her identity has been made public by the sister of one of the accused who is also studying in the same college. In a letter the girl wrote to the National Commission for Scheduled Castes recently, she described the taunts and harassment she has been subjected to in college by her classmates and teachers, most of whom are Jats.

Her situation took a turn for the worse after she was interviewed by reporters from an Australian TV channel. Some local newspapers carried the interview in which she spoke out about being harassed in college and by the doctors in the hospital. The district collector, the college principal and the chief medical officer came to her house to persuade her to sign a statement disowning the interview. They wanted her to tell that she gave the interview while she was in a mentally disturbed state. When she refused, she was told that the CMO was going to declare her mentally ill.

When we met her in late 2013, the girl told us that she has been feeling unwell and running a fever for the last several months. She has spells of depression and is often withdrawn and silent. Although she has been assured of free treatment in the Hisar government hospital, she is always asked to pay,

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<sup>7</sup> “If this is not the right guy, you can go catch him yourself.”



and whenever she visits the hospital, she is ignored and humiliated. She has also not been offered any counselling. The accused and their families know where she lives, and have even turned up in town to threaten her and the family, undeterred by the presence of an armed guard.

Her brother's life has also changed course after these events, leaving him bitter and depressed. He was doing a computer course from the local ITI but dropped out, unable to cope with the taunts and harassment he faced in the aftermath of the rape and his father's death. He has been promised a government job, but is not sure if this will ever materialise. He lives in fear of the video clip of his sister's rape being uploaded on the Internet, bringing more grief to the family. He feels that rapid urbanisation and increased access to new technology like mobiles and the Internet has made the Jats even more powerful and oppressive than they were.

With constant support and encouragement from her lawyer and other Dalit activists, the girl, who told us when we first met her of her determination to complete her education and become a lawyer, has made extraordinary progress in recent months. She is volunteering as an activist with an NGO and is helping and supporting other rape survivors.

Responding to a plea by the girl's lawyer, the High Court has now issued notices to all the persons who had been earlier acquitted in this case.

*(Based on conversations with the survivor, her lawyer, mother and brother.)*

## **6. GANG RAPE OF A SCHOOLGIRL IN DAYA VILLAGE, HISAR DISTRICT, 3 NOVEMBER 2012**

At the time of the incident, the girl was 16 years old and was studying in the Daya government school. On 3 November, she returned home as usual at lunchtime for her meal. She was alone at home, her father (a labourer at a sand mine) having gone to work and her mother having died 12 years ago. As she sat down to eat, four Jat boys entered the house. All four were from the same village and known to her by sight. They tied her up and raped her one after the other, then left the place after threatening to kill her if she told anyone about what had happened.

She was ashamed and terrified, and did not disclose the matter to anyone. She became depressed and stopped going to school. Her father finally got the truth out of her. She told him the story and named the four boys. Her father told his brother and others in the community, and the matter soon became public in the village. The Jats of the village called a panchayat on 8 November and tried to get her and her father to accept an apology from the boys and some money from their families as compensation. She and her family refused to accept these terms and left the meeting.

A local Dalit advocate was informed about the case by the girl's uncle. The lawyer met and spoke to her and her family on 9 November. She made a statement naming the rapists. On 11 November, her father went to the local police station to register a complaint. The police threatened and intimidated him, and forced him to sign a statement that said that the girl had been beaten up. The complaint was recorded in the daily diary wherein neither rape nor the perpetrators' names were mentioned. As soon as they

came to know about the case, various members of the boy's family began coming to the girl's house to intimidate the family and force them to withdraw the complaint. They were also abused and threatened with social boycott and expulsion from the village. The father was finally coerced into signing a statement saying a compromise had been reached and the case should not be pursued.

Unhappy with this surrender, the uncle once again approached the advocate who mobilised Dalit groups and students' unions to accompany the girl to the SP. The SP first said that the case had been closed but the girl spoke up and related her story. The SP immediately had her statement recorded (under Sec 164) and a medical examination was done. The four boys were arrested on the basis of the complaint. The arrests infuriated the powerful Jats of the village. Meetings of the khap panchayat were held on the 15th (in a public park in Hisar town) and on the 16th (in the village). The girl's father was called before the meeting and again threatened with expulsion from the village if he did not withdraw the complaint. Although these threats were made at public meetings, the police and district administration did not take any action.

One month after the arrests, the accused were released on bail. When the lawyer went to follow up on the case, he found that the police had destroyed the copy of the girl's statement that was filed with them. They were now claiming that the case had been reinvestigated by a Deputy Superintendent of Police (DSP) in response to an application from the accused. The report says that the boys entered the house and physically attacked the girl, but makes no mention of any motive for these actions. Rape and intention to rape are not mentioned. The report includes identically-worded affidavits in support of the accused from the Jats of the village, and states that charges under the PoA Act were not corroborated by the villagers. The report also claims that the accused were subjected to a polygraph test which they cleared.

The final charge sheet filed by the police was based on the father's initial complaint, and mentions only trespass, simple hurt and threat. The girl's statement of rape was discounted as not being supported by the medical report (which was done six days after the rape, on the intervention of the SP).

The girl's lawyer immediately filed a complaint with the court against this reinvestigation, since reopening an investigation into a case where an FIR has already been filed requires a court order and cannot be done simply on an application from the accused. He has also contested the dropping of charges under the PoA Act. In retaliation, the police have now filed charges against him under the PoA Act on the grounds that the investigating officer (DSP Vinod Kumar) whom he has accused of falsifying the investigation is himself a Dalit.

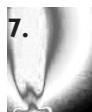
The girl's family is paying a high price for their insistence on justice for her. They are under extreme pressure from the Jat community and the police to withdraw the case – Jat elders and the families of the accused boys visit almost daily to threaten and abuse them. An economic boycott has also been imposed on her father, who no longer gets work at the sand mine where he was employed earlier; none of the Jat families will give him work on their land, and he now walks 8 km to another village for wage work. The girl's uncles and cousins have also been slapped with a false case alleging that they kidnapped a Jat boy. The uncle says the family has lived in the village for generations and has nowhere else to go – they continue to stay there despite the likelihood of being attacked.

The girl left the village after the accused boys were released on bail. She lived with her aunt in Hisar town for a year or two and has now moved back with her father and brothers. She has dropped out of

regular school because of taunts and harassment, but still hopes to complete her schooling through the Open School.

A private complaint is being filed for sexual assault under the IPC as well as under the PoA Act. At the time of writing this report, preliminary evidence was being recorded but charges were yet to be framed.

*(Based on conversations with the survivor, her lawyer, her uncle and volunteers from Ambedkar Students' Union.)*



## **7. SEXUAL ASSAULT OF A MINOR GIRL AND THE RAPE AND MURDER OF HER MOTHER IN KALSIVILLAGE, KARNAL DISTRICT, AUGUST-SEPTEMBER, 2012.**

This young girl, around 14 or 15 years old, was waylaid on her way to school on 6 August 2012 by two men from the Rodh community who took her away in a car. She was threatened and intimidated into keeping quiet about the attack for some time. A woman neighbour of the family appears to have been associated with the crime – she took the clothes that the girl was wearing and washed them so that the evidence was destroyed.

A month later, her mother who had been steadfast in supporting her (despite opposition from her own community) was sexually assaulted and killed by the same men, who also threw acid on her face to disfigure her. The girl was able to identify both men who have been arrested. She has also named the woman neighbour, who, too, has been arrested.

When the girl and her father had tried to lodge a complaint, the Sub Inspector (SI), Ram Prakash, tore it up and threw it away. The FIR was filed only after the SP intervened. The police refused to take the clothes she had worn at the time of the assault which she was carrying with her, saying that they were of no use since they had been washed. Instead, they asked her to give them the clothes she was wearing when she went to make the complaint – these have been tagged as ‘evidence’.

When the WSS team met the girl, almost half of the compensation the family had been given by the government (Rs 60,000 for the sexual assault and Rs 3.75 lakhs for the murder) had been spent on expenses connected with the case. The father said that following up on the case was becoming very difficult for them. He is an agricultural labourer and depends on the daily wages (around Rs 270 per day) that he gets from working in the fields. He said that the families of the accused had tried to buy his silence by offering Rs 60 lakhs and 2 acres of land, but he refused since he was determined to pursue the case.

This is a small village of 500 households, out of which 150 are Dalit households. The family is being ostracised, including by the rest of the Dalit community – either because the woman who has been arrested is herself a Dalit, or because the other Dalit families are coming under pressure from the Rodh landowners. The accused are threatening to kill both father and daughter when they come out of jail. The local panchayat is also putting pressure on them to withdraw the case.

The father is sticking to his decision to follow through with the case, but is fearful of his safety. He has been traumatised by the loss of his wife and spoke about how painful it was for him to go and

collect his wife's body from the morgue five days after her death, and how the police pressurised him to cremate it quickly. He is also worried about earning his living and bringing up his children in such a hostile environment, especially when he is dependent for work on the Rodh community. He says that the SC Commissioner had offered him a job – he is hoping that this will come through. He had two buffaloes but had to sell one to meet the expenses.

The girl has also been seriously traumatised by her experience and by her mother's death. She no longer goes to school. When we spoke to her, the girl had just returned from the Think Fest in Goa where she had been on a panel with other rape survivors. Ironically, the founder of Tehelka, the organiser of the Think Fest, had just been arrested for alleged sexual assault on a young female colleague.

At the time of writing, all three accused have been acquitted in the sexual assault case of the girl. The family is approaching the High Court. The accused continue to remain in detention in the murder case. The family is extremely apprehensive of the accused securing bail and causing harm to the family.

*(Based on interactions with the survivor and her father.)*



## **THE RESPONSE OF THE STATE**

The pressure created by Dalit activists, as well as the increased media focus on violence against women following the Delhi gang rape case in December 2012, has put the Haryana government in an uncomfortable position. The Haryana CM, a Jat leader, has been pulled up by the Congress high command and asked to ensure that violence against Dalit girls and women is controlled. In a typically callous response, the district-level authorities have been asked to make sure that the numbers of rape cases registered under the PoA Act are brought down. In effect, this order incentivises police inaction in rape cases brought by Dalit girls against Jats. This explains the National Crime Records Bureau (NCRB) figures discussed above which showed a sudden inexplicable decline in cases of violence against Dalit women registered under the PoA Act from 2011 to 2012.

In every single case that we have documented, complaints were lodged and investigations initiated only because of sustained pressure from Dalit activists.

Even in cases directly monitored by activists, the police keep up the pressure and intimidation of survivors and their families in order to force them to withdraw the case. The accounts of survivors and their families show the same strategies being deployed again and again to subvert their attempts to get justice in cases of sexual violence by Jats against Dalit girls. Parents who go to the police station to report that

their daughter is missing are usually told that she must have run away with some boy, and lodging a case will only make things more difficult for the family. In cases where the survivor's statement is the basis of the complaint, she is subjected to casteist abuse and insensitive questioning by male police officers and accused of trying to corrupt "innocent Jat boys".

References to the caste of the accused are not recorded in the complaint, even when they are specifically named by the survivor and witnesses. Witness statements implicating Jat boys are either removed from the records, or countered with signed affidavits from Jats vouching for the boys' character and casting aspersions on the girl's "character". Dalit activists have now begun responding to this strategy by collecting counter-affidavits from members of the Dalit community in support of the complainant.

There is a consistent pattern of complaints of rape and murder being recast as consensual sex and suicide on the basis of "medical evidence". The banned "two-finger test" continues to be conducted (including during post-mortems) and cited as evidence of regular sexual activity, even in cases where the girl is barely in her teens. Post-mortems (usually conducted by morgue attendants) do not follow recognised procedures, and reports are generally either inconclusive or slanted in favour of the accused. A Dalit doctor who is posted in the Hisar District Hospital told us that while Jat doctors are reluctant to treat Dalit patients, they are always deputed for conducting post-mortems on Dalit girls.

In several cases, families have rejected the initial post-mortem report and have refused to cremate the body of the victim until a second post-mortem is conducted. This strategy does not always yield results – by the time the demand is conceded, the body is likely to have deteriorated to a point where even the most rigorous examination cannot yield any credible results. Official records from the SP's office show that as many as 11 out of 15 cases of rape of Dalit girls have been closed after investigation, simply on the basis of a noting on the file by the SP. Dalit boys have been named as the accused in all the closed cases.

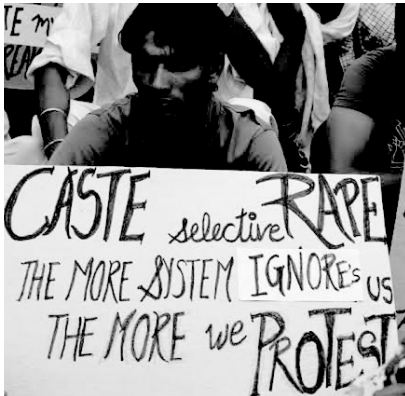
Following several cases where Dalit activists have been able to get investigations reopened on the grounds of caste bias, it has now become the practice to assign Dalit officers to investigate cases of violence against Dalit girls. In every district one police officer is Dalit; Dalit lawyers and activists pursuing cases say this is a calculated move on the part of the state to counter the filing of these rapes under the PoA Act. These activists also cite several instances where powerful Jats have complained against government officers who have followed the normal course of duty undeterred by social pressures, as a result of which they have been transferred and posted in departments where they do not have direct public dealings.

The state is immune to any concern for the economic plight of the families. Although rape is a capital crime and the state is supposed to pursue justice, the fact is that families – already affected by loss of work in the aftermath of rape – are forced to spend their own money for legal expenses. Often, the meagre compensation they receive evaporates in the process of litigation.

The state's duty to ensure education to every child apparently does not extend to these girls. Survivors inevitably drop out, and then other girls from the community are kept at home by parents who fear repercussions after each incident. There are very few cases where the survivor has braved hostility and humiliation to continue her studies.

In fact, schools at the best of times are sites for violence against Dalit girls. We were told that one of the schoolteachers in Behbalpur village has been accused of rape by several Dalit girls. He is a Jat and is being protected by the khap – no action has been taken by the police on these complaints. In protest, the Dalit parents have all withdrawn their daughters from the school. The situation is even worse in private schools, many of which are run by religious trusts and caste organisations. Given the perception that private schools are better than government ones and the determination to educate their children against all odds, Dalit parents continue to send their children to these substandard and child-unfriendly establishments.

These families are taking on the might of the state at each step – whether in registering complaints and pursuing cases, or in speaking out in public forums and coming out on the streets to press their demands for justice. The silence that had shrouded caste violence in Haryana is now being shattered. Many more women and girls are now stepping forward to speak about their ordeals and struggles. Their courage and confidence, and the determination of their families and communities to pursue justice is a new and welcome development – an inspiring reflection of the strength of the emerging Dalit movement.



## **THE PREVENTION OF ATROCITIES ACT MILES TO GO ON A ROUGH ROAD**

One of the more significant aspects of the fight for justice in these cases of sexual violence is that they have been filed under of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (PoA). This historic legislation came into existence in 1989 as a belated response to the pressure by Dalit organisations and parliamentarians. Under this law, specific crimes have been designated as ‘atrocities’ – infliction of intolerable harm upon individuals – thus acknowledging the structural nature of acts of caste violence such as murder, looting and arson, as well as physical attacks and rape perpetrated upon Dalits by the dominant castes. With reference to sexual assault of women from SC/ST communities, the law distinguishes between ‘rape’ and ‘rape as atrocity’. Under this new law, an atrocity refers to offences under the IPC committed against Dalits by non-Dalits (or against STs by non-STs), and is explicitly meant to draw attention to the shocking, cruel and inhumane nature of the crime. It is based on the assumption that where victims of a crime are Dalits and the offenders are not, caste considerations are a root cause of the crime, even though caste considerations may not be the most visible or only motive for the crime. The practice of untouchability was thus made into a cognizable, non-bailable and non-compoundable offence.

The Act itself can be broadly divided into three sections: the first establishes criminal liability for a number of specifically defined atrocities; the second contains provisions for relief and compensation for victims of atrocities; and the third contains provisions that establish special authorities for the implementation and monitoring of the Act, such as Special Courts. Dereliction of duty on the part of government officials in implementing or monitoring the Act is also therefore a crime.

The PoA Act thus extends the constitutional ideal of substantive equality to the stigmatised bodies of Dalits, conferring on them legal recognition as rights-bearers, and enjoining that they be treated as such by government institutions. The PoA Act constitutes a legal challenge to the structures of immunity and impunity that had denied justice to Dalits.

However, in its actual operation, the PoA Act denies the very existence of the oppression of the SCs and STs that it was designed to address and counter. This is done primarily through a recourse to technicalities

and a refusal to concede that a specific case of violation actually constitutes an atrocity. For instance, courts have dismissed charges of rape under the PoA Act on the grounds that the assaulters did not know that the raped woman was a Dalit; that the assaulters were acting out of lust or sexual desire, and therefore the case was of 'mere' rape and not a deliberate atrocity; or by refusing to acknowledge the experiential social context of the aggrieved woman.

The most shocking instance of this deliberate obfuscation of justice was seen in the Khairlanji rape and murders in Maharashtra. The situation is not very different in Haryana.

## **THE MIRCHPUR CASE: A WATERSHED IN THE APPLICATION OF THE PoA ACT**

In a major incident of caste violence in the village of Mirchpur in Hisar district, a large group of Jats torched the house of Tara Chand, a 70-year-old Dalit (Valmiki) man, on 21 April 2010. Tara Chand and his physically challenged young daughter were burnt alive in the fire.

The trigger for this attack took place two days earlier, when a pet dog belonging to a Dalit boy barked at a couple of Jat boys who were passing through the basti. The Dalit boy protested when the Jats threw stones at his pet. The altercation escalated and culminated in an attack by armed Jats on the homes of the Dalits.

The Valmiki community refused to cremate the bodies of Tara Chand and his daughter, and organised roadblocks and chakka jam protests until the administration promised a fresh probe into the killings. That finally led to more than 100 Jat men being arrested and charged. The accused were charged under the PoA Act as well as under the relevant sections of the IPC for murder, rioting, unlawful assembly, promoting enmity between different communities, physical assault, creating mischief and damaging public property. The legal process was protracted and difficult. The victims successfully petitioned for the case to be moved to the Supreme Court on the grounds that they would not receive a fair trial in a Haryana court.

Significantly, the case that was transferred to Delhi on 8 December, 2011 effectively started in March 2012 and was over in 6 months as it went on a day-to-day basis. The judgment was pronounced by the Supreme Court on 24 September 2012 (more than two years after the incident), with 15 people being held guilty while 82 others were let off due to want of evidence. A sentence of life imprisonment was given to three of the accused and five others were given varying jail terms of up to five years. It was the first time in the history of Haryana that three Jat men were sentenced to life for a dalit atrocity. Seven of the accused were released on probation for one year. The witnesses along with their families were provided housing and complete protection during the period of the trial.

The Mirchpur case attracted national attention and local hostility in equal measure. Every provision of the PoA Act was invoked and tested during the long court battle. Orders were sought from the Supreme Court for each step – arrest of the accused, witness protection, payment of compensation, and rehabilitation of survivors and witnesses who had been forced out of the village. The Mirchpur case has been a breakthrough because it shattered the myth of Jat invulnerability. It is perhaps the first instance in



Haryana where Dalit witnesses did not turn hostile, and stood by their statements against the powerful Jat accused.

The convictions of such a large number of Jats also had some ripple effects – it has revived a degree of faith in the judicial process (particularly the Supreme Court) and encouraged other Dalit survivors and their families to take their cases to court under the PoA Act.

At present, there are three appeals pending before the Delhi High Court, one filed by the victim community against the acquittals and on the sentencing part for the convicts, one by the state on the same grounds and by the convicts against their conviction. In all, 55 persons were given notice by the Delhi High Court. The next hearing is on 22 July.

The successful convictions in the Mirchpur case have also been the trigger for increased hostility against Dalit lawyers who appear in the trial courts. Moreover, despite the national attention given to the case, the state government has refused to implement Supreme Court orders on rehabilitation and compensation. The families who fled the village are still living in the open air in makeshift camps. Nor have the 15 convicted men been tried on charges of murder.

## **CASTE DISCRIMINATION IN THE HARYANA JUSTICE SYSTEM**

We have drawn attention at the very beginning of this report to the surprising increase in the number of cases that have been registered under the PoA Act in Haryana based on the NCRB data collected by the police over the last decade, and within this of the rise specifically in cases of rape. A huge battle is being currently fought out across this state in relation to this Act. According to advocates and activists currently fighting cases under the PoA Act, the power of the Act to expose cases of structural violence against Dalits, comes up against the very forces – including within the judiciary, not to speak of the bureaucracy, police or *khap panchayats* – that are going all out to make this law ineffective.

Typically, when a Dalit in Haryana goes to the police to report a case of violence, the officers pressurise the victim not to record terms of caste abuse or caste insults. Therefore, most complaints of anti-Dalit atrocities are not registered as such. In cases of the rape of Dalit girls and women, the age column is not filled in even when she is a minor, nor is her caste cited. Complainants are not shown the written complaint and often find what is produced in court goes against them and favours the accused.

Section 15 of the PoA Act provides for the victim to engage a reputed (senior) lawyer at state expense. The prosecution deliberately delays the process, so that the victim is forced to accept regular government-appointed lawyers. The police have additional powers of investigation which they misuse to undermine the PoA Act.

In the Daya gang rape case in Hisar in November 2012, the police removed the sections related to rape and PoA Act, based on sworn affidavits given by *khap panchayat* members. In the same way, in the Dabra case of September 2012, the police did not include the victim's statements about caste-based enmity, and deliberately compromised the investigation so that not a single accused was charged under the PoA

Act. Again, in the Sarsana rape and murder case of February 2013, no charge of gang rape was registered even though the forensic lab report confirmed the rape.

Furthermore, the accused are deliberately cleared of charges based only on a lie detector test even though the Supreme Court has declared this to be invalid. On the other hand, when a Dalit happens to be the accused, a very careful and complete investigation is conducted and a strong case built to ensure a long jail term. Where rapes of Dalits are concerned, the upper castes and the state propagate the myth that Dalits register false cases in order to get hold of the compensation money. The police also deliberately fail to book the accused under the PoA Act so that they can get bail.

As most, if not all, judges in trial courts of Haryana are Jats – who make no attempt to hide their caste bias – Dalit lawyers routinely face hostility from the bench. According to a Dalit human rights lawyer and activist working in Haryana, filing a case under the PoA Act, bringing it to court and obtaining a conviction is like “a blind and lame man climbing Everest”.

In June 2011, when the police carried out a brutal lathi-charge to disperse a peaceful demonstration at the mini-secretariat in Hisar demanding implementation of the Supreme Court orders in the Mirchpur case, one woman died as a result of injuries suffered during the stampede. The police arrested a Dalit leader and charged him with her murder. A Dalit lawyer took the case to the High Court, where the judge – a Jat – taunted him: “*Tune eksau tees Jaton ko andar kar diya, aur kya chahta hai?*”<sup>8</sup>

There are very few lawyers in the state who agree to take on cases under the PoA Act – most refuse to get involved fearing professional repercussions or even physical attacks by the Jats who are accused in such cases. When cases under the PoA Act come up for hearing, judges find excuses and ameliorating factors even if the accused themselves are not contesting the charges. Delaying tactics such as repeated postponement of hearings and petty technical objections to the sections under which the charges are filed, are common. Judges have also been seen to be reluctant to award the tough sentences provided for under the PoA Act. Various other provisions of the law are routinely flouted, such as Section 18 which debars anticipatory bail in cases under the PoA Act. Judges in sessions courts ignore this provision and invoke their discretionary powers to grant bail to the accused. The High Court also grants anticipatory bail under Section 438 of the CrPC, which is expressly disallowed under the PoA Act.<sup>9</sup>

Dalit petitioners are also humiliated and intimidated by judges, who warn them against going to the Supreme Court and tell them that if they cannot prove their case, they will be charged under Section 182 of the CrPC (for filing a false case). The brother of the survivor in the Daya case recounts the humiliation of being treated as a helpless object of pity by the “Judge Madam”, who kept referring to them as “*bechara*”, “*Yeh bechare garib log mayoos hokar baithe hain – becharon ko pani pilao*”.<sup>10</sup>

These experiences of years of struggle in the police stations and courts of Haryana mirror the trends noted by the National Human Rights Commission in its report on the implementation of the PoA Act:

- Technicalities often take priority over the intent of the Act and the merits of the case.

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8 “You have locked up 130 Jats, what more do you want?”

9 For more details of gaps in the implementation of the PoA Act, please see Appendix II.

10 “Give some water to these poor people, they are in despair.”

- Prosecutions are quashed on the ground that the offence was not committed on account of victim being an SC or an ST but on other grounds – such as lust for sex or illicit intimacy in case of rape; political rivalry or enmity in case of murder, grievous hurt, etc.
- Tendency to reject evidence given by witnesses belonging to the Scheduled Castes and Scheduled Tribes.
- A study by the SC Commission looked at 56 cases filed under the PoA Act and reported that in all these cases, the judge held that evidence from SC/ST witnesses is not valid because they are the 'interested parties'.
- Personal beliefs and prejudices determine appreciation of evidence, determination of guilt and award of judgment. These beliefs have the unmistakable print of social biases, both caste and gender. A glaring instance is a judgment of the Gujarat High Court – not only did the “honourable judge” dismiss the state’s appeal against the acquittal by the trial court of four men for gang raping a Dalit woman but he also, *suo moto*, acquitted the fifth co-accused who had been convicted by the trial court but had not filed any appeal against the judgment. The judge also went on to pronounce that the prosecutrix had framed these five hapless men in order to claim the compensation under the Act – the princely sum of Rs 10,000!

Nonetheless, this PoA Act continues to hold out some hope for Dalit movements in their quest for justice.



## HARYANA: A STATE IN TRANSITION

This extraordinary – and terrifying – explosion of sexual violence against Dalit girls in contemporary Haryana must be analysed against the backdrop of the complex changes in social relations across groups and communities in the wake of the neo-liberal economic boom of the last decade.

The traditional prosperity of the most dominant caste group – the Jats – is rooted in the ownership of land and control of agricultural production. This control has been corroded not only by the stagnation in the agriculture sector but also by the increasing class stratification among the various Jat sub-castes. The movement demanding job reservations for Jats is the direct outcome of Jat resentment against Dalits and other oppressed castes that are seen as “cornering” the benefits of state policies and constitutional provisions such as reservations. In many of our conversations with Jats, Dalits were sarcastically referred to as the pampered “*jamais*” (sons-in-law) of the government.

Caste violence and sexual violence against Dalit women have always been the *modus operandi* to beat down the Dalit community and keep them in their allotted place at the bottom of the caste ladder. An oft-quoted saying at *Jat chaupals* is: “A Jat who has not tasted his *siri*’s wife and daughter is not a true Jat.”

But where do women and Dalits stand in the bigger narrative of growth and development that is today flaunted by the state and extolled by the media?

In this section, we attempt to unpack the consequences of the economic transition for people at different points on the various axes of power.

## THE POLITICAL ECONOMY OF LAND AND THE AGRARIAN CRISIS IN HARYANA

Created in 1966 to accommodate the demands of the non-Sikh and non-Punjabi-speaking population of Punjab, Haryana was at the leading edge of the Green Revolution in the 1980s. Today, the state has emerged as a prime location for manufacturing industries, business process outsourcing and organised retail, and scores high on economic indicators such as per capita income, per capita investment, per capita plan expenditure and resource mobilisation, as well as on social indicators such as girls' access to education, decline in family size and child mortality. Districts bordering Delhi (such as Ambala, Rohtak and Kurukshetra) score higher on socio-economic indicators than those bordering Rajasthan (such as Sirsa, Jind and Hisar).

At 24 percent of the population, Jats constitute the single largest caste group. Dalits are the next largest group at around 20 percent. The Jat population is more concentrated in the districts of Bhiwandi, Jind, Sonapat, Rohtak, Jhajjar and Hisar – constituting what is known as the Jat “heartland”. The social superiority of the Jats rests on their ownership and control of the major portion of land in the state, which, in turn, has allowed them to control the labour of those who are subordinate to them in the caste hierarchy. The British, too, contributed to the myth of Jat superiority by valorising them as a “martial race” and recruiting them in large numbers for active service during World War I. Jats are today at the pinnacle of practically every formal and informal institution in Haryana, which has never had a non-Jat Chief Minister.

Although Haryana is still predominantly rural, the state is urbanising much faster than the rest of the country, with the urban population going up from less than 25 percent in 1991 to 29 percent in 2001 and nearly 35 percent in 2011. However, this shift is not so much the result of an internal economic transition as of an entrepreneurial partnership between politicians and real estate developers who were able to convert proximity to Delhi and the National Capital Region into a business opportunity. While real estate companies (led by DLF, India's largest real estate firm) bought up huge tracts of agricultural land in the peri-urban belt, the Haryana government facilitated their operations by loosening up the legal framework to allow easy conversion of agricultural lands for non-agricultural uses, and allowing the entry of private firms into land development. Several cases now in the courts have exposed the way in which senior politicians have benefited from promoting this distorted model of “urban growth”.

Urbanisation has had a devastating impact on the rural economy of the state. For instance, in Gurgaon tehsil, as many as 35 villages have been incorporated in the Gurgaon Municipal Corporation. An estimated 48 percent of arable land has been converted to non-agricultural use. Vast tracts of land in the areas covered by the Gurgaon Master Plan (which incorporates Sohna and Manesar) have been purchased by private developers and are lying fallow.

Women across castes have been particularly and severely affected by the present crisis in agriculture. Women in peasant households have traditionally been visible and acknowledged as active cultivators in Haryana, and are the dominant workforce in animal husbandry, especially dairying. The severity of the current agrarian crisis leading to a steady decline in labour absorption since the 1990s, combined with limited avenues of non-farm employment, has led to an overall decline in women's employment in Haryana in the last decade, for both Jats and other castes.



## THE EVERYDAY HUMILIATIONS OF SCHOOLING

Vaish Primary School (established in 1920) is a government-aided school and gets a grant for free education to children from BPL families. These schools are not supposed to charge fees, since the government aid covers salaries, mid-day meals, books and uniforms for the children.

On entering the school, we were greeted suspiciously by the three young women teachers present and there was some uncertainty when we asked to see the principal. It was clear that these teachers did not lay much in store by the school or the children.

When mention was made of the incident of October 2013 they denied everything. According to them, one girl had not done any homework and so was scolded by the teacher, nothing more – a big fuss was created for no reason. “Children don’t know anything and their parents even less” was what they had to say.

We were told that the child had come back to the school – the parents had apologised and asked that the girl be taken back. A small girl was brought to us along with an older one and we were told that we could question her. The children seemed frightened and tongue-tied and we asked that they be excused.

We were told that the teacher responsible had left in order to do her B.Ed. The teachers were vociferous that they would never do such a thing as strip the children.

When we met with the two mothers who live in the neighbourhood, they did not want to tell us their names for fear that this would lead to further problems for their children in the school. Their husbands were daily-wage workers earning about Rs 5000 per month. They recalled that the children had come home on that particular day saying that the teacher had pulled down their underpants. According to a news report in the *Tribune*, they were forced to withdraw their complaint against the school by the Station House Officer (SHO) under threat of being arrested and jailed.

Local Dalit activists talked about the larger problem of corruption in the school system. Even though schools get government grants and money meant to cover expenses and grant stipends to the children from BPL families (Below Poverty Line), schools are known to charge fees and pocket the stipends. There are also many such “stipend scams” in technical education, which is in high demand.

As in other states, land-reform legislation enacted after Independence has had little impact on actual land ownership in Haryana. Jat landlords were able to use their political and social muscle to exploit legal loopholes and retain their huge landholdings. Ironically for measures that were designed to give land to the tiller, the implementation of land ceiling laws in Haryana resulted in the dispossession of Dalit tenants. Negligible proportions of surplus land have been made available for redistribution, but even these are denied through threats, litigation or simply by blocking physical access to the plot. Today, as much as 86 percent of arable land in the state is under Jat ownership, while Dalits – who constitute nearly 20 percent of the population – hold less than 2 percent of land.

Jats also control access to the common (*shamilat*) lands of the village, which are legally open for use by a member of any community: for grazing cattle, as a playground, for festivals and for defecation. There has been a steady appropriation of these common lands by the landowners, which is visible on the ground although invisible in official records. Fencing off of the *shamilat* land is a standard tactic resorted to by Jat-controlled panchayats, either as part of a social boycott or as a means to evict the entire Dalit community from a village. As described in an earlier section of this report, this issue is at the heart of the dispute between Jats and Dalits in Bhagana village.

Apart from *khuli mazdoori* (free, or unattached, labour), traditional forms of *naukri* (agricultural debt bondage) continue to exist in Haryana. Naukars are usually landless Dalit cultivators who have taken a cash loan from the landowner and are bonded to work for him until the loan is repaid. The usual interest rate for such loans is 2-3 percent per month, collected every six months. There is no written contract and the nature of the work is not defined. Since the advance amount has already been given – the *naukar* is forced to put his entire family to work for the landowner simply to keep up with the interest payments.

The wife and daughters of the *naukar* are expected to perform household chores for the landowner; some small in-kind payments may be made to them at random intervals, such as during festivals. This proprietary right over the self and self-hood of Dalits that traditionally meant the sexual exploitation of women by the big landlords continues to be manifest in the sexual assault of Dalit girls even if the edifice of the agrarian relations is changing rapidly. It is the increasing Dalit resistance and the ability of Dalits to step up the social and economic ladder – with or without reservation – that is incurring the wrath of the hitherto powerful sections.

## **ADVERSE SEX RATIOS**

Census data on sex ratios (presented in Appendix II) reflects the long history of the issue in Haryana: low sex ratios are prevalent across caste groups (albeit to a lesser extent in the case of Scheduled Castes) and thereby the overall population. This is the pattern as reflected in the more recent fall in child sex ratios.

Micro studies show that sex selection is happening among all castes if to different degrees. There has been only a very slight improvement in the sex ratios in the most recent 2011 Census for all groups in Haryana. Indeed, several micro-level studies show that Scheduled Caste populations in several Haryana districts have particularly skewed child sex ratios, caught as they are between poverty and a desire for upward mobility, resulting in the neglect of daughters and sex-selective abortions.

Jats, with the longest documented history of female infanticide, have been dealing with the shortage of marriageable women through practices such as regulating and maintaining “bachelor sons” within larger households, permitting marriages or alliances with women from so-called lower castes, and bringing in women from other states as “purchased brides”.

The presence of a large pool of unmarried men in Haryana is not a new phenomenon. However, the emergence of smaller nuclear (monogamous) families has increased the visibility of unmarried and often jobless young men in their twenties.

Although researchers remain cautious in drawing direct connections between falling sex ratios and increased violence, stories from the field suggest otherwise. A recent paper recounts some telling instances. A local woman NGO worker from Jind district told researchers that young, unemployed, unmarried men from villages boarded trains early in the morning to go to universities in the larger towns – not to study, but to escape from the oppressive family atmosphere where they were taunted for being “*malang*” (chronic bachelors). According to her, such men made a nuisance of themselves in colleges, bullying male students and harassing the women. However, the long-term impacts of adverse sex ratios on levels of violence in the caste-based patriarchal society of Haryana needs deeper study and analysis.

## **EDUCATION: DALIT GIRLS PAY A HIGHER PRICE**

The explosion in educational institutions in Haryana in recent years – from schools to colleges and various professional institutes – cannot be missed by even a casual observer. Huge billboards advertising these establishments – ranging from the “Jat Education Society” and the “Gaur Brahmin School” to the more high-end “Sushant School of Urban Arts” – dot the highways even in the rural areas, pointing to huge compounds surrounding imposing and ornate buildings. Education is the major site of entrepreneurial investment in Haryana today. Haryana now has 622 AICTE-certified institutes of technical learning, apart from one central university, 10 state universities, 28 deemed and private universities, and one Regional Centre of IGNOU (Indira Gandhi National Open University). Of the 10 state universities, six have been set up by prominent real estate firms such as Apeejay, Ansals, Gaur and Jindal.

The increase in enrolment at all levels of the education system – from primary and secondary schooling to colleges and professional institutes – began in the 1990s. Particularly noteworthy is the huge increase in enrolment among girls and women. The disparity in Gross Enrolment Ratios (GERs) of boys and girls (with girls usually lagging behind) is lower in Haryana than in the rest of the country. Moreover, proportionately, more children complete their secondary education in Haryana than the all-India average. The GERs for Dalits in Haryana are equally impressive. The proportion of Dalit girls enrolled in secondary and senior-secondary levels is higher than the all-India average, while Dalit boys lag behind. However, Dalit girls do not outnumber Dalit boys in higher education. Several studies have noted the extent to which young girls who complete high school go on to some kind of college or institute in states like Haryana, while their brothers discontinue their studies. Others have noted the extent to which first-generation learners from Dalit families are now accessing schooling and even some form of higher education (albeit in smaller numbers) in rural as well as urban Haryana, perhaps as a result of government schemes for educational support to BPL families.



However, several recent studies (including a recent review commissioned by the Government of India) have highlighted the fact that schools are a prime site for caste discrimination and caste violence against children.

This fact was once again brought home to us in the course of a recent visit to Rohtak to follow up on a news report<sup>11</sup> regarding a case of stripping of six minor students by a teacher in a private school in the Shorakothi area of the city. Two local Dalit activists in Rohtak who had been the source for the *Tribune* story facilitated our investigation of this incident.

Haryana has several schemes for girls from BPL families, including some that offer cash incentives to families with daughters so as to financially offset the expenditures in health, schooling, etc., which would otherwise be seen as a burden by the family. The first such scheme was a conditional cash-transfer arrangement, “*Apni Beti Apni Dhan*”<sup>12</sup> designed with the explicit aim of curbing child marriage and encouraging schooling. The scheme transfers small sums of money (Rs 500) into a bank account at different stages, against the accomplishment of specific benchmarks, beginning with birth registration and immunisation, followed by schooling. The total amount of Rs 25,000 is paid to the family when the girl reaches the age of 18, provided she is not married.

More such schemes were launched in 2005, including “*Ladli*” that aimed at countering the decline in child sex ratios. Again, these schemes targeted BPL families and involved several conditionalities, including the passing of 10th class and being unmarried till 18. According to government figures, there were about 50,000 beneficiaries of the *Ladli* scheme in Haryana in 2007-08 which rose to over 1 lakh in 2009-10.

These schemes, as well as other educational support programmes, have added to the perception that Dalits – especially Dalit girls – are being pampered by the government.

A recent study<sup>13</sup> conducted by the International Council for Research on Women (ICRW) surveyed the beneficiaries of the “*Apni Beti Apni Dhan*” scheme. The survey finds the beneficiary girls doing better in school as compared to the girls who were not enrolled in the scheme. However, parents had mixed feelings about the value of sending their girls to school. On the one hand, they felt that education was a necessity today; many mothers were illiterate themselves and worked as labourers in the fields of the landowning Jats who were clearly economically better off; and Dalit families were happy to see their daughters going up to high school. But there was also a general anxiety which was frequently expressed as “*mahaul kharab ho gaya hai*”, meaning that times had changed for the worse, because of new influences such as TV and mobile phones; they were also worried about co-education.

Parents were particularly anxious and fearful of the safety of their daughters. This fear of sexual violence was shared by both Dalit and Jat families, but Jats were in a better position to “protect” their daughters, especially if they had to travel some distance to school or college, while the poor families felt unable to do so. Even everyday needs such as answering the call of nature could expose girls to sexual violence, and boys of different castes appeared to be aware of this.

In a meeting of the WSS team with around 70 students of Kurukshetra University, girls spoke of their desperate struggle against parental authority and conventional expectations, in order to

11 The Tribune, Chandigarh, 28 October 2013

12 Our Daughter is Our Wealth

13 International Centre for Research on Women. 2014. “Qualitative Case Study: Recent Trends in Gender, Education and Marriage of Girls in Haryana”. ICRW, New Delhi, 2014.



## BITTER MEMORIES OF SCHOOL DAYS

Our conversations with Dalit activists from the Ambedkar Students' Union highlighted the daily reality of caste oppression in rural Haryana.

One young man talked about his experiences in the Daya village school. He has bitter memories of his school days, especially of being punished by his teacher when he topped an English test. It was simply because he, a Chamar, had the audacity to do better than the Jat boys.

He recalled that Dalit children were forced to clean the principal's room and their own classrooms even though there were three peons who were supposed to do this work. His science teacher would call out his name and ask him to do the cleaning. If his friends tried to help, the teacher would say, "*Tera kaam nahi hai, woh hi karega.*" (It's not your job, he has to do it.) One day, unable to bear this daily humiliation, he collected the garbage and threw it in front of the principal's room. He also threatened to beat up the teacher. This show of anger brought an end to the harassment. But he continued to face discrimination even after leaving school and going on to study textile engineering and natural medicine in Jodhpur and Delhi. He says his classmates would refuse to socialise with him on the plea that their teacher had told them to keep away from Chamars. He confronted the teacher and filed a complaint – again, his ability to confront his harassers made them leave him alone. Today, he has a naturopathy clinic but says that the Jats resent his success and continue to harass him. He was recently called before the panchayat and was made to apologise for daring to wear a coat.

Another activist shared how a handful of Dalit students in a class in Maharshi Dayanand University in Rohtak were systematically victimised by the teachers who did not bother to hide their caste biases. For instance, even though all the Dalit students were eligible to get a government stipend, they never managed to avail of this benefit because the application forms were never given out on time. This activist's determined pursuit of cases of violence against Dalits and the invocation of the PoA Act has made him a target of the government. The Senior SP of Hisar has been quoted in local newspapers as having accused him of "inciting caste hatred". The Haryana Chief Minister has stated in public that he is a threat to the traditional amity between Jats and Dalits: "*Tera to kaam hi hai yahan ka bhaichara bigadna, tere se sakhti se pesh aayenge.*" ("All you do is to destroy the spirit of brotherhood here, we will deal sternly with you.")

pursue a college education. The young people told us that the older generation of Jats feared that girls who go to college would get involved with and married to boys from other castes, especially Dalits. One young man, a Rajput by caste said that when one such marriage takes place, the whole village of the girl gets boycotted by other prospective grooms. This is why *khap panchayats* put restrictions on the mobility and education of girls. The students also talked about how boys harass the girls and make it difficult for them to get to college by taking over buses going from the villages to the university, and forcing the driver to leave before the girls get on board. A student in the women's studies course said that while the parents realised that education was an asset equivalent to property, they hesitated to send girls out to study because of their fears of inter-caste marriages. A law student said that poor parents have a genuine problem since they can't give both dowry and education fees. On the other hand, educated brides are desired – in fact, families now specify that the girl should have had a private school education.

### **POLICING CASTE AND GENDER BOUNDARIES IN A CHANGING WORLD: KHAP PANCHAYATS**

The *khap panchayats* are the visible face of institutionalised Jat power and patriarchy in Haryana. These traditional bodies of the landowning Jat community claim control over large clusters of Jat-dominated villages, all the inhabitants of which are deemed to be siblings even if they are not related by blood. They also keeping exploitative relations of caste and labour intact. Although the *khap* is a Jat institution, it enjoys the support of all dominant caste groups, which are willing to bury social and political differences in the interests of Jat solidarity against assertions by Dalits and other claimants to political space.

Considerable feminist attention has already been devoted to the maintenance of caste endogamy among the Jats through the ban on inter-caste marriages enforced and policed by the *khap panchayats*. This policing of marriage and sexuality is directly linked to the fear of loss of control over land in a society where ownership and control over land is the instrument for maintenance of both class and caste segregation.

Jat masculinity is clearly in crisis today. Rapid urbanisation and economic growth in traditional *khap* strongholds in Haryana has created sharp social and economic contradictions. On the one hand, the tradition of upper-caste women marrying into families of a higher social class has resulted in a surplus of brides at the top of the social order and a pronounced deficit further down. On the other, urbanisation, access to education and exposure to a wider world through the media has generated new aspirations in young women who are increasingly reluctant to confine themselves to the traditional female domains of kitchens and cattle-sheds. Given the diminishing pool of marriageable girls in the Jat community, these assertions of independence have generated a high level of anxiety within families and have led to the tightening of patriarchal controls on women's sexuality. The perceived need to control daughters has revalidated the traditional *khap* function of ensuring caste endogamy and clan exogamy.

The same *khap panchayats* who police inter-caste marriages also play a key role in protecting the accused in cases of violence against Dalit girls. Caste brotherhood is on open display as upper-caste men stand together against Dalit families who are seeking justice. The role of the district administration and state-level political institutions, where the Jats are more than well represented, reflect the same caste solidarity.

## DALIT MOBILISATION IN HARYANA: HISTORY AND CHALLENGES

Unlike in other North Indian states, there have been few social reform movements in Haryana. The exception was the Arya Samaj, which found popularity since it advocated the discarding of brahmanical ceremonies, thus further bolstering Jat dominance and relegating the small population of Haryanvi Brahmins to the sidelines. Haryana also does not have a substantial presence of other traditional upper castes like the Rajputs, Kayasthas and Baniyas. Despite the substantial population of oppressed castes, a political movement for unification did not develop and sub-castes remained fragmented, even in the post-Mandal period.

The historical ambiguities in the position of Jats in the *chaturvarna* hierarchy have once again become a political issue, with the Jats now shifting from their earlier claims of being a sub-caste of the Kshatriyas, to arguing that they are part of the Backward Classes.

Anti-caste organisations have become visible comparatively recently, but their direct political role is still limited. On the other hand, the Jat *khaps* are highly organised and structured, and exercise tremendous social and political influence and power. Thus, even though the Dalit population is higher (19.7 percent) in Haryana than the national average (16.2 percent), this has not translated into political advantage.

In the mid-1980s, AIDWA started working in Haryana on issues of caste domination and women's oppression. In the late 1980s, some radical left student and cultural organisations also began mobilising Dalits and women. It was only around 5 years ago that a few NGOs began to work with Dalits in Haryana. The growing presence, visibility and voice of these democratic and anti-caste mobilisations today hold the promise of building solidarity with and strengthening the nascent movements of resistance to caste and sexual violence.

In the course of this study, we were able to meet and connect with several young activists – students, lawyers, doctors, government functionaries; they impressed and humbled us with their political convictions and their commitment to struggles for justice despite enormous personal difficulties.



## **CONCLUSIONS AND REFLECTIONS**

This report provides evidence of the interlinked operation of caste, patriarchy and neo-liberal policies, each of them steeped in violence. The economic and cultural transformation triggered by the neo-liberal boom in Haryana has created new avenues for violence against Dalit women, located as they are at the confluence of multiple systems of marginalisation and oppression.

Haryana is no different from other parts of India in being home to a “rape culture” perpetuated through the use of casteist and misogynistic language; the dehumanisation and objectification of Dalit women’s bodies; the glamorisation of violence and macho masculinity; and the justification of caste, class and gender hierarchies as right, proper and necessary for the preservation of order and stability.

The early 1990s saw a major policy shift away from agriculture, towards construction and real-estate. Land legislations were loosened and a single-window system put in place to allow agricultural land to be used for non-agricultural purposes. Jat landowners benefited from land sales to corporates and private developers, fuelling a cash boom. Increased consumption by the landed classes, was paralleled by rapid immiserisation of the land-poor and landless groups, primarily Dalits.

The failure of land reforms in the state, a consequence of the overwhelming hold of Jats over political power, has served to further consolidate their economic and social dominance. As the owners of more than 80 percent of all land in the state, the Jats are the only caste group to have cornered the benefits of both, the Green Revolution of the 1970s and the current phase of urbanisation/industrialisation.

However, these benefits have not percolated to those at the bottom of the Jat hierarchy, many of whom remain landless, and continue to work under exploitative conditions.

Although they are now demanding recognition as a Backward Caste to avail of the benefits reserved for OBCs, Jats are at the pinnacle of the caste hierarchy in Haryana. Unlike in other states, where a group of dominant castes vie for control over political and economic power, Jats here dominate and control all formal and informal institutions, and have therefore been able to exercise their caste power with impunity.

The Jats, like landowning castes in other parts of the country, have traditionally exercised control over the bodies, labour, possessions and choices of their Dalit labourers. The sexual exploitation of Dalit women and girls is still regarded by the Jat men as a privilege they can easily exercise. Apart from near-total ownership of productive lands, Jat dominance is expressed through control over the village commons such as grazing lands, wastelands used for defecation and burial of dead animals, sacred groves, scrublands and forests, and lands developed with public funds such as playgrounds and *chaupals* (used for community meetings). The lack of independent access to resources has led Dalits to be economically dependent on Jat landowners. Economic and social boycotts are therefore being increasingly used against Dalits who assert their rights to common land, causing greater hardship to the community.

It is from this unlikely space, characterised by the prevalence of traditional forms of economic, social and cultural exploitation, that a small but stubbornly persistent opposition to this way of life is making its voice heard, demanding a response not only from the state machinery but also from women's movements and all those who claim to stand for democratic values and human rights.

We have focused on only a few of the numerous cases brought to the fore by these voices. In all these incidents, Dalit girls and their families – most of whom are landless agricultural labourers or artisans who are economically dependent on their aggressors – have shown incredible courage and determination in resisting intimidation and threats to pursue their struggle for justice.

The impact of these cases reinforces existing hierarchies of power and powerlessness. In each case that we have documented, there is a consistent pattern of consequences that spread outward from each individual girl to impact the lives of her parents and siblings, her extended family and then the entire community:

- **The survivor herself.** The assault is usually only the beginning of her ordeal. At every step of the legal process, from recording a statement to undergoing a medical examination, she is forced to relive her trauma and humiliation. She is treated as an offender rather than as a victim. Her caste status is continually highlighted and used to question the veracity of the complaint. She does not receive any kind of medical or psycho-social support to help her heal and return to some degree of normalcy in her life. Her education is interrupted, possibly permanently. Her entitlement to compensation and rehabilitation under law are withheld, or given so late and so grudgingly that the intention is nullified. She is forced to live in fear, confronted as she is by her aggressors and their supporters at every turn.
- **The parents.** Apart from the shock, trauma and pain of seeing their child suffer, they are also humiliated at every step of the way if they decide to speak up and seek justice. Apart from physical violence and intimidation, they come under both economic and social pressure from

dominant castes, often losing their livelihoods. Notions of family and community “honour” and prestige are also invoked by their own families and community to pressurise them into backing off from demanding justice and making the details of the case public. Mothers, in particular, are deeply affected, tormented by concerns about the future and the diminishing chances of a return to “normal” life for the daughter. In more than one of the cases we have documented, the mother has been seriously emotionally scarred in the long term.

- **The siblings.** Apart from being traumatised by the ordeal of their sister, the siblings are also fearful of their own safety. The girls are usually withdrawn from school because of the fear of taunts or physical attacks in school. The boys, too, face taunts and attacks from their classmates and teachers, and drop out if they are unable to cope.
- **The family.** In cases where the aggressors belong to a powerful family, they are able to push the survivor and her family out of the village, isolating them from the rest of the community and forcing them to struggle to survive in some new and unfamiliar place. The meagre assets left behind by the family are then appropriated or destroyed by the aggressors and their supporters in order to ensure that they do not return. The family is reduced to using the money they have received as compensation for their daily survival.
- **Young Dalit boys.** As highlighted in earlier sections of this report, the standard official response to a report of a Dalit girl having been abducted is to dismiss it as a case of elopement. If Jat boys are named by the family or by witnesses, the response is to arrest some Dalit boys from the girl’s community on the basis of concocted witness statements accusing them of being seen with the girl just before she disappeared. In most cases, the boys are subjected to beatings or worse in order to force them to sign confessions. They also suffer by having their education disrupted – exams are missed, and they also find that they are not able to go back to their colleges because of the “offender” label.
- **The community.** In cases where the Dalit community is organised or where political activists are able to mobilise support for the girl and her family, the entire community may face violence and various forms of social boycott.

This report is a testimony to the tenacity of the survivors in their struggles against overwhelming odds. We found that these pressures, intended to break their resistance, are actually helping to consolidate the solidarity among survivors, their families and Dalit activists.

Resistance to caste oppression and caste violence is increasingly visible at many levels across the state, as young people from Dalit communities begin to assert their rights to education and express their aspirations for a dignified life. On the one hand, the growing visibility and confidence of these young people, especially Dalit girls, has fuelled resentments and stoked various conspiracy theories and rumours that are used to justify false cases or even murderous assaults against Dalit boys who are considered “over-smart” or too assertive; on the other hand, these acts, such as instances of sexual violence against girls, are no longer taken silently by Dalit families. Each FIR registered in these cases represents a significant act of resistance in the face of generations of caste oppression.

Our engagement with these survivors and their families has opened up many new questions for WSS. What can we do to expose and challenge these institutionalised mechanisms of patriarchal dominance and control?

Those who are struggling on the ground are well aware that resisting the caste system and working towards its annihilation necessitates going beyond protests against caste atrocities. The myriad ways in which caste is tied up to marriage, family and property, and the cultural and social tyranny it brings in its wake are compounded today by the deepening social and economic inequalities. This complex dynamic cannot be tackled without the forging of a common front and concerted action by all democratic groups and social movements.

Violence against Dalit women and girls in Haryana has a unique face, but equally, Haryana is not unique in its brutality towards women. As we close this report, the country is once again the focus of international condemnation for the rape and killing of two minor cousin sisters in Badaun, Uttar Pradesh, whose bodies were found strung up on a tree near their home. There is a depressing familiarity to the state's response. The Chief Minister of Uttar Pradesh claimed that his government was being unfairly targeted even though such incidents are not rare; some of his party colleagues went a step further and claimed that violence against women is a "matter of mindsets" and can never be completely eliminated. Our newly elected Prime Minister has so far maintained a studied silence on the issue, despite the fact that an end to attacks on women was one of the loudest slogans of his election campaign.

News has also just come in of the eviction of the Bhagana protestors, along with other groups camping at Jantar Mantar, the only space left in the national capital where citizens can gather for peaceful democratic protests. Although ostensibly done because of "security concerns" during the upcoming Parliament session, this move is rightly being read as a clear signal of the lengths to which the new government is prepared to go to project an investor-friendly image of the country.

The process of preparing this report has made us even more sharply aware of the need to take our analysis of these dynamics to a deeper level in our effort to stand in solidarity with these struggles on the ground. We do not see this report as an end, but as a means to an end: that of breaking the silence and ripping the veils that shroud the issue of sexual violence against Dalit girls and women. It is a starting point for our own effort to expand our struggle against violence and to build connections between WSS and other platforms. It is a means to inform and seek support in fighting and ending the casteist discrimination and oppression that infests every aspect of our society, yet remains invisible precisely because it is so pervasive.



## SOME IMMEDIATE MEASURES

The PoA Act and its protective clauses which are aimed at redressing the unequal place occupied by the Scheduled Castes and Tribes has been seriously and systematically undermined by the workings of the criminal justice system. **The state must act speedily to ensure the application of the PoA Act in terms of its original intent.**

**The state must also ensure action against non-complying policemen and administrative officials** who are actively obstructing the implementation of this Act.

**A judicial commission to evaluate the implementation of the PoA Act** would send out a signal to those who are thwarting its implementation.

Given the nature of the trauma faced by the survivors and the families, and the ostracism and economic boycott they are subjected to at the hands of the dominant forces in the village, **the state must be obliged by law to make provisions for medical treatment, psychological counselling, safe shelter, and livelihood options for the survivors.**

**The state must also ensure the continuation of education** when it gets disrupted and aid the training process for future livelihood so that the survivors of sexual assaults can meaningfully rebuild their lives. These restorative provisions should not be linked to the criminal trial and successful prosecution of the case.

In all the cases we investigated, continuing attempts are being made to enforce a compromise upon those who have had the courage to pursue a criminal case. **Protection of the victims/survivors and witnesses must be ensured by the state** based on the Law Commission's report of 2006.

# APPENDIX I

**National Crime Records Bureau Data on Crimes against Women and SC/ST, 2001-2012**

Heads	STATE	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Rapes of Women	HARYANA	398	361	353	386	461	608	488	631	603	720	733	668
	ALL INDIA	16075	16373	15847	18233	18359	19348	20737	21467	21397	22172	24206	24923
Rapes of SCs	HARYANA	25	26	24	33	35	31	21	60	32	37	56	67
	ALL INDIA	1316	1331	1089	1157	1172	1217	1349	1453	1350	1350	1557	1576
Crimes under SC/ST Atrocities Act	HARYANA	33	32	36	31	73	86	75	99	91	131	150	15
	ALL INDIA	13113	10770	8048	8891	8497	8581	9819	11465	11037	10419	11342	12576
All Crimes against SCs	HARYANA	229	243	195	217	288	283	227	341	303	380	408	252
	ALL INDIA	33501	33507	26252	26887	26127	27070	30031	33430	33412	32643	33719	33655

Source: Crime in India, NCRB, Ministry of Home Affairs



**TABLE 2**

**Overall and Child Sex Ratios Haryana and All India, Scheduled Castes and Others, Census 2001, 2011**

Overall Population	Sex -Ratio (Census 2011)			Sex -Ratio (Census 2001)		
	All	SC	Others	All	SC	Others
<b>HARYANA</b>	879	887	876	861	869	859
<b>ALL INDIA</b>	943	945	942	933	936	932
0-6 Years	Sex -Ratio (Census 2011)			Sex -Ratio (Census 2001)		
	All	SC	Others	All	SC	Others
<b>HARYANA</b>	834	876	822	819	865	807
<b>ALL INDIA</b>	919	933	915	927	938	925

Source: Census of India 2011

## APPENDIX II

### GAPS IN THE IMPLEMENTATION OF THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

In 1989, the Government of India passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which delineates specific crimes against Scheduled Castes and Scheduled Tribes as atrocities, and describes strategies and prescribes punishments to counter these acts. The Act attempts to curb and punish violence against Dalits through three broad means. Firstly, it identifies what acts constitute “atrocities.” Secondly, the Act calls upon all the states to convert an existing sessions court in each district into a Special Court to try cases registered under the PoA Act. Thirdly, the Act creates provisions for states to declare areas with high levels of caste violence to be “atrocities-prone” and to appoint qualified officers to monitor and maintain law and order.

The reason for legislating the PoA Act, 1989 was the inadequacy of existing laws such as the Anti-Untouchability Act of 1955 (renamed as Civil Rights Act in 1979) and the Indian Penal Code. These laws, in spite of their deterrent penal and punitive provisions, proved unable to curb atrocities, especially offences committed on caste grounds.

Ironically however, the implementation of the new law has been hampered by the very same system of caste bias that it seeks to neutralise.

**I. Under-reporting of the cases under the Act.** This is a very common phenomenon. According to a 2002 report by the NHRC (National Human Rights Commission) “even in respect of heinous crimes the police machinery in many States has been deliberately avoiding the PoA Act, 1989”. The report further accuses the police of “resorting to various machinations to discourage Scheduled Castes/Scheduled Tribes from registering cases, to dilute the seriousness of the violence, to shield the accused persons from arrest and prosecution... and, in some cases, the police themselves inflict violence”.

The non-registration of cases, apart from reflecting caste bias and corruption, has also been attributed to the pressure on the police to keep reported crime rates low in their jurisdiction. Section 4 of the Act provides that willful neglect by any non-SC/ST public servant should be punished and Rule 5(3) of the SC/ST Rules provides that on the refusal by any lower rank police officer to register an FIR, the victims can approach the Superintendent of Police but these two provisions have been reduced to being ornamental.

This seems to be the norm in the sexual harassment cases in Haryana where, we were told that the Chief Minister himself has instructed the police force not to file charges under the SC & ST Act where the victims are Dalits. Section 4 of the Act provides for punishment for willful neglect by any non-SC/ST public servant and Rule 5(3) of the SC/ST Rules stipulates that on the refusal by any lower rank police officer to register an FIR, the victims can approach the Superintendent of Police. These two provisions have hardly ever been applied.

**2. Deliberate mis-registration of cases under inappropriate sections of the Act.** It was observed from the reports of NHRC and State Human Rights Commissions that FIRs are registered without reference to proper sections of the Act. According to NCRB reports, 67% of cases during 1992-2000 and 64.9% during 2001-2007 were not registered under SC and ST (PoA) Act. In 84.4% of the cases where police do register a case under the Act, they purposely cite improper sections. For instance, serious crimes such as murder, rape, destruction of property, dispossession of land and contamination of drinking water sources, the police usually only cite section 3(1)(x) of the Act, which relates to insulting or intimidating a SC/ST person with intent to humiliate him or her in public view. This is the most minor offense under the Act and generally attracts the least punishment.

**3. Delays in Filing Charge Sheet:** Charge sheets in atrocity and sexual harassment cases are invariably filed late. Besides non-registration of cases, there were delays in investigation, collusion with offenders and manipulation of witnesses and evidence, all of which contributed to reduce the effectiveness of legislation on atrocities.

**4. Filing false and counter cases against Dalit victims' complainants.** Police often collude with accused persons in filing false counter cases against the victims and their families.

**5. Compensation prescribed under the Act is not paid:** The NHRC Report (2002) observes that the Civil Administration evades its duties under the PoA Act by not conducting an enquiry, thereby evading duty to give relief and compensation; making false promises to give compensation and delaying the distribution of cash compensation; not providing allowances, such as travel allowance relating to trial and investigation for witnesses and victims; not providing maintenance expenses and daily allowance, medical expenses. The report also points out that "the administration also ignores the social boycott of Scheduled Castes which leads to denial of employment and access to basic necessities like ration shop, refusal to buy or sell any goods in the village and other actions meant to force complainants into withdrawing their complaints and cause intense suffering to them, though no physical violence may take place in the process. The attitude of District Administration in such situations usually ranges from indifference to negligence".

It is pertinent to point out that in addition to the provision for compensation under the Act, the victims of sexual assault are also entitled to compensation for getting counseling and rehabilitation as mandated by the Supreme Court in the case of Delhi Domestic Working Women's Forum vs. Union of India & Ors 1995 SCC (1) 14. Needless to say, this provision is usually ignored.

**6. No access to legal aid.** The report of the National Commission for Scheduled Castes and Scheduled Tribes has found that special legal assistance as envisaged by the Act of 1989 was not extended to SC and ST complainants in a single one of the thousands of cases that they examined. The report observes that "Legal aid becomes even more important for the prosecutrix who has to face socio-economic boycott as a result of filing complaint against the dominant caste assailants."

Apart from the above, various official reports have observed that the accused are invariably released on bail even in cases of serious crimes and have concluded that judicial delay and dilution of the scope and applicability of the Act of 1989 has resulted in denial of justice to the Scheduled Castes.

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Some of those who helped us chose to remain unnamed because of the risks they are living with in their local areas. We thank them all.

**My friends**

**My rights are rising like the rising sun**

**Will you deny this sunrise?**

**from *White Paper*, Sharankumar Limbale**



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**“SPEAK! THE TRUTH IS STILL ALIVE”** is an effort to expose and analyse the continuing onslaught of sexual violence against Dalit girls and women in the state of Haryana in North India. This report is based on a series of visits by WSS members to villages in the districts of Rohtak, Hisar, Jind, Karnal and Kurukshetra, and interviews with some survivors and their families. WSS holds that it is incumbent on feminists, women’s movements and democratic rights movements to join Dalit movements and Dalit feminists in confronting and questioning the apathy and silence that shrouds the issue of sexual violence against Dalit women in Haryana. This report seeks to bring some of the most recent of these violations under scrutiny, to expose the institutional mechanisms that provide immunity and impunity to perpetrators, and collude with them to attack and intimidate those who are struggling for justice.



**Women Against Sexual Violence and State Repression (WSS)**, initiated in November 2009, is a non funded grassroots effort, to challenge and put an end to the sexual violence against women that has become a regular feature of the sustained and unchecked state repression that is being unleashed across the country today. We are a nationwide network of women from diverse political and social movements comprising women’s organisations, civil liberties groups, student and youth organizations, mass movements and individuals. We unequivocally condemn state repression, and sexual violence on women and girls by both, state and non-state actor(s).

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