



*In Association with,
Indian Social Institute, Samvada Badhku Community college
Mukthi Karnataka Alliance to End Trafficking and Bonded labour.*

*Karnataka state level one-day consultation on,
“Legal Empowerment of the Marginalized Communities in Karnataka.”
Date: 21st September 2019*

Venue: Indian Social Institute, Bangalore

The consultation Programme was inaugurated in Indian Social Institute, by chief guest and speaker Mr. Bakthavachala, Adv. President, All India Advocates Association, Mr. Mavalli Shanakaar, DSS, Mr. Rajendran, Representative from Mukthi Alliance, Mr. Ranjendra Prabhakar Marga Executive Director, Mrs. Aditi Sexana, Adv., HRLN, Mrs. Manoranjini Adv. HRLN, and representatives of marginalised communities along with the participants. The program started with beating the Tahmatte (drums) and singing the inspirational songs of Babasaheb Ambedkar and Bagawan Buddha.

Session 1. Indian constitution and participation of marginalised people nationalism and democratic state.

Speaker: Ms. Malvika, Adv. NALSAR

Malvika spoke about constitutional importance in the present life of marginalised people and their participation (democracy) in changes of the nation. Her main points of speech was Democracy, reservation and how the marginalised peoples voice forms the government and the importance to raise the voices in the local level governments and judiciary. She mentioned the gaps of dealing with the rural and marginalised people problems in high courts and

supreme courts. She has explained these points with their experiences in the workplace, specially focusing on the election method of electronic voting machines and how people participate in the voting system in rural areas to form the government. Malavika also mentioned that the reservation system is not an effective tool in our country as the system is not implemented in higher judiciaries like supreme court and high court in parliaments due to lack of marginalised representatives in top level positions. She mentioned the need for further reservation in higher positions of the administration and spoke about the reality of vague and unclear verdicts which provides little support to protect the human rights of marginalised people in the country. She cited the examples of some of the prime judgements and orders of the judiciary while she mentioned the lack of administrative measures in seeking relief for the community. From her experience, she mentioned that the higher administrative bodies lack basic minimum information and understand the ground level problems; they take decisions which never reach the necessity of a backward community. She emphasised the very importance of marginalised people to come together and participate in a voting system effectively, to elect the right person who would represent the voices of marginalised communities.

Speaker: Mr. Bhakthavachal, Adv. President All India Advocates Association.

Mr Bhakthavachal started his speech by sharing his advocacy experience and talking about the true sense and responsibility of a democratic state. He cited the case of Advocate Dharini's institutional murder, whereby she was pushed to commit suicide by corporates who tortured and instigated her to give away her small piece of land. He also cited the case Chimachanahalli - Devanahalli taluk's dalit school teacher, Naryanaswamy, who was brutally beaten and murdered by hanging from a tree, by the upper caste residents. He discussed these cases to illustrate the fact that no matter how hard people strive to achieve success and dignity in their lives, the ruling dispensation always never leaves a chance to humiliate and disrespect people from the marginalised communities. Further he stated that even in the 21st century, the true sense of democracy is not practised in the country as large numbers of marginalised communities still strive to achieve justice for the immense amount of humiliation and disrespect faced, on a daily basis. Continuing the speech, he spoke on how the reservation system in India has been misused by their allocation of budget in their welfare schemes of the government in India.

SESSION NO. 02

Changing form of Caste System and the Role of Movements in Protection of Human Rights in Karnataka.

Speaker: Mr. Mavalli Shankar, DSS, Bangalore

Mr Shankar stated his speech with a question to the participants. He said, “Dr. B.R Ambedkar’s aim was to build democracy without bloodshed. Has it been achieved, yet?”

He gave an instant of Rohit Vemula, a student of Hyderabad university, who was forced to commit suicide by the caste motivated pressures of administration of the university. Rohith led a student organisation in the university and he was being threatened for doing the same. His death investigation led to caste investigation where he never got justice and their family and the society is still fighting for justice. Shankar stated how casteism has become a culture and tradition in rural India and how the educated population is crystallising the system in urban areas of the country. Further, he stated that the caste system is not only prevailing in rural areas but it is alive in every part of the country from village tea- stall to top educational institutions like IIT’s and IIM’s.

Speaker: Mr. Rajendran Prabhakar, Executive Director, Maarga

Mr Prabhakar spoke regarding representation and resource availability for the depressed classes by stating the interview of Dr. B. R. Ambedkar in 1919 in round table conference, where Baba Saheb said ‘you do not consider us as Hindus because we dalits are suppressed in the hands of Hindus, we have mainly three reasons for being separated ourselves from Hindus that is one we do not have citizenship, second we do not have representation and thirdly we do not have resource, do we truly have these in present day and do we rightly represented by our so called elected members’.

There were many questions from the participants. One of the students suggested that eradication of caste knowledge should be taught in school and be incorporated in the academic curriculum. Our education system should give more value based education rather than job oriented education which will result in reduced crime rates, on marginalised communities specially on Dalit’s.

Session -3 Land Rights of Dalits and Adivasis in Karnataka

Speaker :- Mr. Channappa, Chinthana Foundation, Karnataka Forum for Land Rights, Chikkamangalore.

The spokesperson on the land rights spoke regarding their distribution of land to the Adivasis and dalits from the government. In 1978 the government of Karnataka passed a Bill called Karnataka Land Rights Act. The Act gives provision to give lands to the land less people on this basis and provisional powers to Chinthana Foundation, Karnataka Forum for Land Rights Chikkamagalore to take an initiative to file 75000 thousand applications in favour of land less people, but 90% of the applications were rejected by the government of Karnataka. In regard to that they are still fighting and they have been ready to file a writ petition in the High Court of Karnataka. He also praised the works of the Shri Vinobha Bhave who started Bhudhan movement in India and in Karnataka's context. He referred to Kagaoddu Thimmappa, who worked a lot to give hakku partra to landless tribals and adivasis in Karnataka. He gave the call to every Dalits and Adivasi to take inspiration from such people and work accordingly.

Speaker: Mr. Uma Shankar, Advocate Bengaluru

The respondent to the topic Mr Uma Shankar spoke on legal rights available have land from the government and he described about the PTCL Act 1978 (Prohibition of Transfer of Certain lands) according to the Act any land given by the government to land less is for purpose of their livelihood and not for the sale if any person sells it without the knowledge the same land came be returned to the family of the grantee. He also said about the present judgement passed by the supreme court of India which says if any person sells the property granted under PTCL act should file petition for recovery of the land with in 20 years of the sale and he described this judgement as on of unethical and unjustifiable because our people had no knowledge about the PTCL Act till 2000 and 2001 range and only few percentage of the people started filing petition and in recent times our people got some knowledge regarding the Act and started to file petitions but at the same time the judgement passed by the supreme court verdict of eviting tribals from the forest has given big shock to the people that they could not get relief from this

Lastly he said that they have requested the government of Karnataka to not to consider this judgement to PTCL Act because it does not come under the jurisdiction of the supreme court and the state government has discretionary power to make decisions. Finally, he informed that the government of Karnataka has given assurance to stand in favour of the PTCL Act.

There were many legal questions in this issues, like many people has not get the Hakku patra and government official torture the Adivasi's to evict the forest and they put false case against them in such a time what should they do was discussed in the session. Other advocates who participants were explained experiences to sort out the such problems

Session -4 New Challenges faced by women in contemporary era

Speaker :- Smt. Prathibha, President Garment and Textile Workers Union

Smt. Prathibha spoke mainly on the problems of unorganised sector workers of women such as garments textile industries, accordingly the unorganised sector women workers has no life security and they have been paid very less salary for their work and she emphatically pointed that the attitude of the males and company owners think that the working women income is the additional income to the family and giving low wages is absolutely fine for them, so we need to critically analysis such statements and attitude and should protest against it. From their agitations they empower the women to demand their basic needs like minimum wages and other facilities in their workplace . it is very common when the leaders raise their voice against the injustice then they will be thrown out of the factories, in such a case we should support the victim with our legal and moral support to re-join in her work without any harassment.

The garment workers get only 7500 per month as salary which is not sufficient for their livelihood. She informed us that their foundation has been fighting for their rights and they have given a memorandum to the government of Karnataka to increase the salary of the garment workers from 7500 to 26000.

Speaker: Smt. Kiranakumari, Activist Samvadha Badhuku Community College

Ms Kiranakumari spoke on gender discrimination and the importance of gender sensitization in male members of the family. Complete Women empowerment

in patriarchal dominant society is a daydream. Women in this society are still being tortured, abused mentally and physically and violence against the woman runs a serious structure. Her ability to think will be destroyed by doing moral policing by the male society. She gave some recent examples on her working areas of Karnataka and she also explained how girl children have been missing and sexually abused. Women and child atrocity in the family and society are alarmingly dangerous signs for our development, in Andhra Pradesh where a 3 months' baby girl child was raped and murdered shows what a shameless society we are living in .

Speaker: Mrs. Geetha, Activist Hasiru Dala

Ms Geeta, who works on rag pickers issues shared her experience how rag picking women are treated in Bangalore. She explained how ragpickers get targeted by the people they have been treating as thieves in society. She also informed that the government even not recognised their work as an occupation and they don't even have any identity cards such as Aadhaar, BPL cards etc. but their contribution to the society is unforgettable that they save 82 crores per annum for the government. Finally, she notified them that their foundation has been working in favour of rag pickers and they have given 7000 identity cards and they are able to provide Aadhaar and BPL cards to many.

There was a lot of understanding on women and many male members were reacting how we should respect the women in our family and in the society. This sensitization should start in our families and schools and society.

Session – 5 Defenders Defence

Speaker :- Mrs. Aditi Sexana Advocate HRLN, Mumbai

Ms. Aditi, Advocate from Mumbai spoke on how to protect the human Rights of the human rights activists. She gave her own experience when in Maharashtra government has arrested a university professor for keeping the books in his house , his house was seized and searched and filed on sedition case on him in this case the challenges in countering the case was valuable to protect human rights of the activities and thinkers. She also explained about the Gogregon case how Chandrasekhar Azad was arrested, she strongly explained that the case may be booked at any time on anybody in the current government, she also gave some legal tips to protect their rights by questioning the case in the court. In this session participants were more active and they were sharing Gouri lankesh case from Karnataka context

Session -6 Dignity life of sexual minorities

Speaker: Mrs. Ratna Sadhana Mahila sanga, Director Payana Organisation,

Mrs Sadhana shared her experience when they come for sex work in the street how the society and police will initiate charges on them and how difficult is their survival and live hood in Bangalore. A lot of case will be filled on these people when they deny to have sex with police, they have been tortured on the basis of public nonsense and theft case will be booked on them since ITPAct section 8(B) is removed. The violence on their communities is vulnerable so they have come as a group to protect her human dignity and rights. Chandhini was explaining the transgender identity, how important for them their family acceptance to feel their dignity of life.

Participants were more interested to know about this issue. There were a lot of questions relating to sexual minorities were raised from the participants, the resource persons were answered and finally the participants were assured to support their dignity of life in their working areas.

Session -7: Education policies on children future

Speaker - Mr. Y. Mariswamy, Former Chairperson, Karnataka Child Rights Protection Commission

He spoke on different educational policies in India and explained the present proposed New Education Policy which has a malice intention to make education system as corporate sector as business hub where the marginalised communities will not reach it , especially the policy will more negative impact on the children like taking board exams in lower primary classes etc, the proposed educational policy is against basic principles of the constitution of India and the drafting committee of National Educational Policy 2019 committee is headed by RSS members who are against the constitutional values.

He gave a call to people to fight against the proposed National Educational Policy and he also gave importance of English education in the present times. He completed his speech by quoting “Education is tool for development of human capital in the country”

Session 8: Child trafficking, child bonded labour issue

Speaker - Mrs. Prathima, Social Activist, Mukthi Karnataka Alliance and Mrs, Acca Vargesh, Advocate

Prathima started her speech by noting legal provisions available for abolition of human trafficking and bonded labour that is it has been abolished under Human Trafficking and Bonded Labour Abolition Act 1976. It is also prohibited through Article 23 of constitution of India. She said that bonded labour still exist in India and it is mainly practiced in bricks factories, quarries and mines etc and she also shared some of the cases in Devanahalli and also informed about Pandavapura and Honaganahalli case how they solved legally realised the bonded child labours .

In addition to that, Mrs. Acca Varghese, advocate explained the legal provisions how she works in such cases to get legal justice for the trafficking bonded labour. She explained to the participants it is not only their duty to find and giving information to the concern department to take action against the perpetrators and they as spectator, instead they can file a application under 301 R/W 248 of CRPC and IPC on behalf of the victims to keep track on the case to get justice.

Reacting to this MRs. Aditi added the compensations that victims can get from the government that a victim who is a man can get compensation up to 1 lakh and female and child victims can get compensation up to 2 lakhs.

The participants understood how important it is to know the laws to protect children's Rights .

Session-8 : Public Interest Litigation and Roles and responsibilities Advocates and Human Rights Activists in protecting the marginalised Communities Human Rights

Speaker :- Mrs. Manoranjini Advocate, Mrs. Aditi Seksena Advocate

Both the speakers spoke on the importance of filing Public Interest litigation. How this litigation will help to resolve the problems of the concerned communities she explained how the Right Food PIL has become the Right to Food Act and explained how the HRLN is giving more importance to file PIL in each case and their successes in these cases. She also encouraged the activists to file more and more in Karnataka. In filing PILS how the Activists and Advocates can come tighter in collecting the concerned documents in every problematic issue.

Roles and responsibilities of the advocates

Speaker – Mr. Manohar executive Director CARE

He explained how serious responsibilities lies on the advocates and human Rights activists and what are threats we are going in present scenario, the main legal tips he gave to the participants when the crimes happen in their working areas

- Fact finding
- Registering FIR
- Follow up the police investigation
- Using media to publish the issue widely
- Registering the complaints in concern State and National Commissions
- Public hearing
- PILS

Feedback from the participants: - more legal workshops should be conducted for the activists to use the law in their work. The one-day time is not sufficient to discuss all the issues so need more days to workshops in future. The facilities given in the workshop were good and the resource persons were well experienced and informative on their topic. So it was a very good programme for knowing legal knowledge and making use of it.