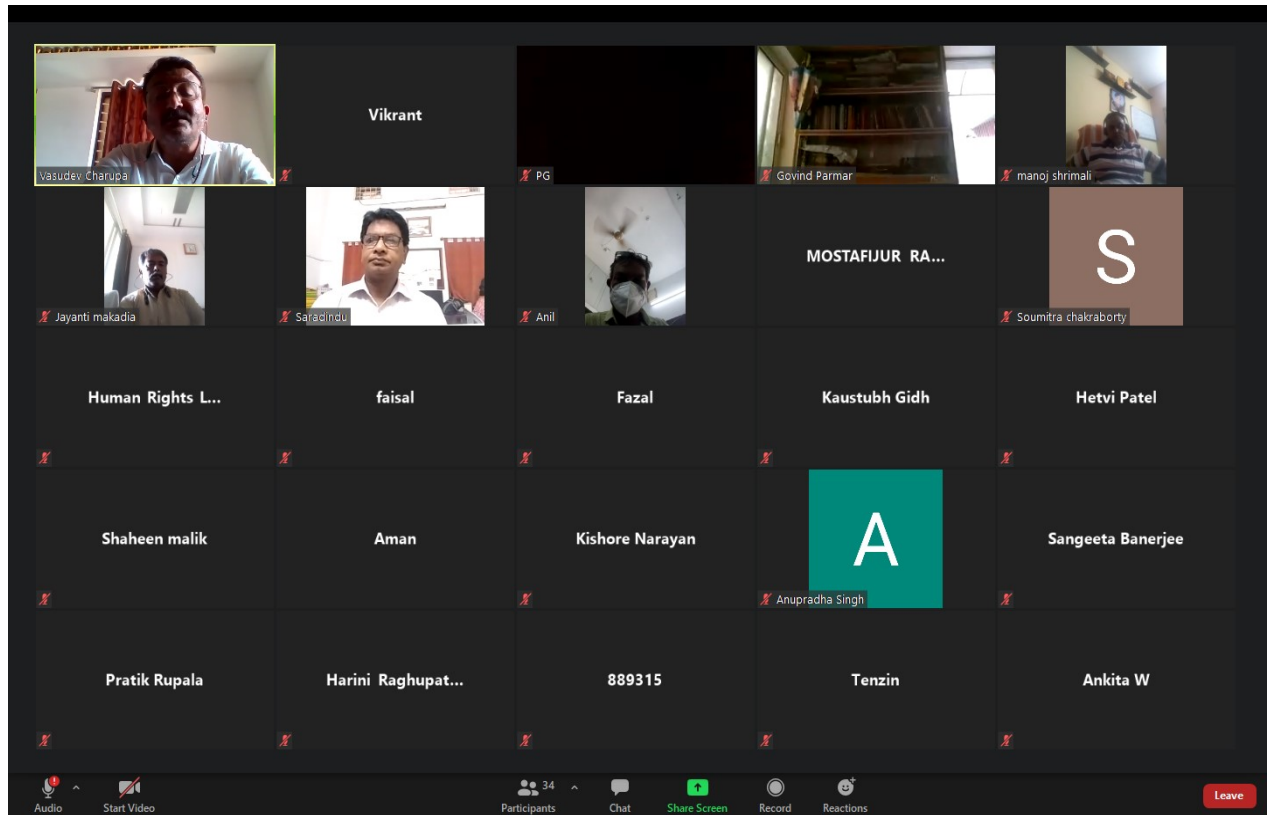


DALIT RIGHTS & LAW IN GUJARAT

DATE 20.6.2020

TIME: 9.30 TO 12.30



Schedule for the Webinar

Time	Session	Speaker
9.30-9.35	Welcome Note	Govind Bhai Parmar (Advocate)
9.35-9.45	Discrimination in Dalit rights Cases in Gujarat	Mr. Manoj Shrimali (Advocate Gujarat High Court)
	10 mins for questions/discussion	
10-10.15	Historic and Present situation of Dalit Rights	Dr. Jainti Mankdiya (Ex-President of Gujarat Dalit Sangthan/Social Activist)
	10 mins for questions/discussion	
10.30-10.45	Atrocities on Schedule caste and tribe in Gujarat	Dr. Mukesh Lakum (Project Manager, HDRC)
	10 mins for questions/discussion	
11.00-11.15	Dalit Women's Rights	Ms. Bhanu Parmar (Social Activist Annand District)
	10 mins for questions/discussion	
11.30-11.45	Effect on Dalit Rights due to Covid-19	Mr. Vasu Charupa (Coordinator, DHRD NET)
	10 mins for questions/discussion	
12-12.30	Action Plan	

In the wake of Covid 19, a group of researchers and lawyers from HRLN began the process of organising a series of webinars, to begin the collective conversation around emergent issues. In series of such webinars organized by different units of HRLN all across the country, Gujarat Unit organized one such webinar meeting on the issue of Dalit Rights and Law in Gujarat on 20th June, 2020, from 9.30 Am to 12.30 Pm. Speakers in the meeting are working at grassroots level for social and economic upliftment of Dalit Rights in Gujarat.

- **Discrimination in Dalit Rights Cases in Gujarat**

Speaker: Advocate Manoj Shrimali

In the first session of the meeting Advocate Manoj Shrimali spoke on various kinds of atrocities faced by the Dalit people in the state and discrimination faced during the judicial process. While taking the discussion further Advocate Manoj discussed the discriminatory experience faced by the Dalit people in the cases of atrocities in trial courts as well as High court in Gujarat. More often cases pertaining to the atrocities on Dalit people, no proper investigations are made by the police.

One such case discussed by Advocate Manoj was “Akolali case” where in the district of Gir Somnath Dalit boy was burned alive by the villagers for being the only Dalit in the village. However, after the murder of the young boy for almost a year no FIR was lodged but even after the FIR was lodged offence was registered only against 11 people where in entire village was involved in killing of the boy. This explains the lack of proper investigation by the police in cases of caste discrimination. In this case, later on reinvestigation was demanded by the lawyers of HRLN and Advocate Manoj but that was denied by the court. However, despite discrimination by the Judiciary and police this case was fought and 11 accused were sentenced to life imprisonment.

Furthermore, Advocate Manoj shared the incident from Kutch District where in young Dalit girl on being ill was not provided proper medical help by the Hostel and died. This explain that caste discrimination is still very much prevalent and leading to killings of young people in the state. Advocate Manoj also emphasized on the issue of pressure faced by the Dalit people to withdrew cases of atrocities filled on the upper caste people. As many times cases are filled against rich and influenced people. In such case pressure from the police is also other issue. Speaker also discussed that many times accused in atrocities cases pursue the quashing of bail in higher court and in maximum cases bail is being granted and FIRs are being quashed by the High Court truing blind eye to the poor Dalit victims.

At the end of the session Advocate Manoj explained the constitutional rights and law regarding abolishing untouchability and rights of Dalit people guaranteed under law. He also pointed out that even though there are written laws to protect caste based discrimination atrocities faced by the Dalit people are still present in the society as in practice, implementation of the law and law enforcing agencies are not pro-active in protecting Dalit rights. This is leading to continuous oppression and injustice faced by the Dalit community in the state. Advocate Manoj emphasized the importance of role of police and proper investigation in cases relating to Dalit rights to ensure justice.

- **Atrocities on Schedule caste and tribe in Gujarat**

Speaker: Dr. Mukesh Lakum

Dr. Mukesh Lakum who is working in Human Development and Research have discussed in detail on discrimination and atrocities faced by the Schedule caste and Tribe in Gujarat. Dr. Lakum acquainted the participants with two forms of discrimination faced by Schedule Caste and tribe that is Publicly and Privately. While discussing further he stated that privately Schedule Caste and tribe are

being discriminated since a long time stating examples like, not providing them with land to cremate their dead bodies, not allowing them to fetch water from the same well, giving me them less wages than minimum standards and verbally abusing them as they belong to a certain community and caste.

On the other side in terms of Public Discrimination Dr. Lakum explained that on public platform there is a lot of development for the marginalized people however, in that there is no specific implementation towards development of the Schedule caste and tribe. There are laws and amendments as well in order to provide protection to the marginalized community but there are certain issues in that. For example, with regards to Land rights Schedule caste and tribe as well as Adivasi People are facing issue of their land encroachment and since they are double marginalized they lack awareness and thus, their rights are violated. As a result of this Dr. Lakum stated that various study and reports suggest that over the years even though there is law, discrimination and atrocities towards schedule caste and tribe have increased.

Dr. Lakum discussed in detail on various causes of such discrimination and atrocities. First he discussed that police fails to protect marginalized people as in matters relating to atrocities on schedule caste and tribe Police doesn't register FIR same was noted in case land encroachment case in Porbandar district in Gujarat where 24-year-old young boy was killed and Police did not take any action. Second reason he stated was regarding lack of pro-activeness by the paralegal bodies in order to protect interests and rights of schedule caste and tribe. Third reason is corruption by the higher caste people in the system where in people from schedule caste and tribe are discriminated when they come forward to file the case against atrocities and illegal encroachment of their land. Fourth reason he explained was response of state in caste based discrimination is very low thus, enforcement of law is an issue.

At the end of the session Dr. Lakum discussed the importance of local level leadership to give voice to marginalized people, district level teams of lawyers to be made in order provide legal aid and awareness programs within the community as way forward to the issues states above.

- **Historic and Present situation of Dalit Rights**

Speaker: Dr. Jayanti Mankadia

Dr. Jayanti Mankadia during his session in the meeting gave a very detailed historic view on Dalit rights and law in India and its present situation. At the beginning of the session Dr. Mankadia discussed idea of rights came in to existence with British rule of law. Dalit rights in India is a result of “Simon commission” and “Godmeji Parishad”. As a result of it after long struggle it come in to knowledge and acceptance that in India on various levels caste discrimination exists leading to violation of human rights. Thus, in order to protect rights of such people and community strict law enforcement is needed.

Dr. Mankadia discussed the importance of Article 17 of Indian Constitution and movement of Dalit Rights lead by Dr. Babasaheb Ambedkar. As it impacted in order to create awareness among the Dalit community regarding their rights. He also discussed the role of Dr. Ambedkar in order to secure social and economic rights for the Dalit community. Thereafter, he gave enlightened the participants regarding Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 as first major law enacted in order to abolish untouchability and discrimination towards the Dalit community. However, rules on this act were made in 1991 as a result of which for almost 3 years’ proper practical implementation of the act was not seen.

Furthermore, Dr. Mankadia stated that even though as per the Indian Constitution, several fundamental rights are guaranteed to Dalit people they are still very much far away from enforcing those rights in Practice. Dr. Makadia narrated various form of discrimination prevalent in currant times such a not allowing Dalit people to build houses in upper caste areas, allowing them only to work in low incoming business like skinning of cows, Sexual exploitation of Dalit Women, Social boycott, Honor Killings. These incidents explain that how upper caste society and existing law enforcing agencies are failing to protect Dalit Community's rights. He also drew attention to the fact that atrocities on Dalit people are not only physical but it is also mental and that has not been take care by the law. As a result of it many times courts doesn't take allegation of atrocities very seriously and bail is being granted to the accused. Dr. Mankadia also discussed that inequality and discrimination towards Dalits cannot be abolished only on via legal actions but capacity building and awareness among the society is equally important. As even though act of 1989 and stricter amendment in 2015 against the atrocities act came in to existence but adherence to the law by upper cate is still lacking. He also raised concerned on the atrocities and brutality committed by the police on Dalit people, no proper investigation in atrocities matters, restraining Dalit Right Protesters to hold rally and dharnas.

Dr. Mankadia at the end of his session stated that "Dalit rights are human rights" and it should be protected. Capacity building of young minds as well as awareness amongst the people for Dalit rights should be created at various level for smooth implementation and protection of Dalit rights by Government, Police and judiciary.

- **Dalit Women's Rights**

Speaker: Bhanu Parmar

Bhanu Parmar gave us a brief insight on the discrimination faced by the Dalit women and violation of their rights by the society. Speaker spoke on sexual and mental harassment faced by the Dalit women in the government jobs, rape and sexual exploitation in labour sector faced by Dalit women. She also discussed the lack of support from the police when Dalit women wishes to file cases against sexual harassment and exploitation face by them by upper caste men in the society. She also raised concerned regarding discriminatory behavior with Dalit Sarpanch woman. As many times in due to election mandate Dalit women are made sarpanch however, it is only on the paper and in practice, their rights are being violated and they are threatened when they are willing to perform their duties as a Sarpanch of the village. Many Dalit women who works in Anganwadi centers also faces lot of discrimination due to their caste.

- **Relief work and Effect of Covid-19 on Dalit Rights**

Speaker: Vasudev Charupa

Mr. Charupa discussed two main issues during his session. One was relating to effects of Covid-19 on Dalit community and their rights, second was relief work during the time of Covid-19 and ground realities pertaining to that. While discussing on the above mention issues one common reason for abuse of Dalit rights was double marginalization due to caste discrimination as well as poverty. Due to which big part of the community was an aware about the relief schemes announced by the government during the Covid-19 lockdown. Mr. Charupa also explained that due to discrimination on the basis of caste Dalit people are forced to live in a certain way and Coronavirus pandemic made the

situation worst as people living in remote places were out of their jobs as well as ration to feed their families.

On the other hand, discussing about the relief work Mr. Charupa stated that with the help from NCDRC in state of Gujarat in 11 district relief work was done. Due to this relief work, almost 1500 people in different villages were benefited. With the relief package awareness materials regarding economic/food packages announced by the government were also distributed and consultation was provided. Moreover, monitoring system is also developed in order to track weather relief packages are distributed or not. The above-mentioned system has been placed in 9 districts in state of Gujarat covering almost 400 small villages in the state. In order reach more people to provide relief packages and awareness regarding various schemes with help from NCDRC electronic app has been developed and many volunteers were also trained for the same purposes.

Furthermore, more Mr. Charupa discussed some incidents of discrimination took place during the Covid-19 on Dalit community and failure of police to protect them in times of crisis. To explain it more Mr. Charupa stated that in the district of Botad people from Dalit community were beaten up by the police while looking for food and survival. He also stated some incidents where in due to caste discrimination people were not given relief packages. Mr. Charupa at the end of the session discussed that Lockdown caused due to Covid-19 has taken several jobs and limited function of courts has added to the misery of the Dalit community. While suggesting way forward he stated that role of government needs to be more proactive and awareness with capacity building is much needed.

- **Action Plan**

At the end of each session via question and answer session few main points to strengthen the law and implementation with regards to Dalit community and their rights were discussed. They are as follows:

1. Representation to State and Central Government regarding pendency of cases and inactive role of police in atrocity cases should be made.
2. State and District level lawyers team should be made to reach out to people in need to for better implementation of the law.
3. Local leadership from within the community should be given more importance in order to understand situation and discrimination better.
4. State level representation committee should be made to ensure protection of Dalit rights guaranteed by the law.
5. Capacity building via programs and workshop should be done in villages.
6. Police and Judges should be provided training especially on how to deal with cases relating to Dalit atrocities.
7. State Government should ensure effective implementation of law and order via supportive response in matters relating to Dalit Rights.

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