



SISTERS
FOR CHANGE



A CALL FOR JUSTICE. A TIME FOR CHANGE.

Addressing caste and gender based violence
against Dalit women and girls in India

A CALL FOR JUSTICE. A TIME FOR CHANGE. ADDRESSING CASTE AND GENDER BASED VIOLENCE AGAINST DALIT WOMEN AND GIRLS IN INDIA

CONTENTS

01 ABOUT THIS REPORT

- 02 Report authors
- 03 Programme on combating discrimination and violence against Dalit women
- 03 Structure of report

04 CHAPTER 1 CASTE IN INDIA

- 06 Crimes against Dalits in India
- 06 Violence against Dalit women and girls
- 07 Inter-caste conflict as the context for violence against Dalit women

10 CHAPTER 2 INTERNATIONAL STANDARDS ON VIOLENCE AGAINST WOMEN

- 12 General obligation to eliminate discrimination and gender-based violence against women
- 13 Due diligence obligations
- 13 Obligation to address intersectional discrimination

14 CHAPTER 3 DOMESTIC LAWS TO COMBAT VIOLENCE AGAINST DALIT WOMEN

- 14 Constitutional right to equality
- 15 Domestic laws on violence against women
- 15 Specific legal framework for the protection of Dalit women
- 18 Weak implementation of the PoA Act

20 CHAPTER 4 CASE EVIDENCE

- 22 **Theme 1:** Sexual assault and rape of Dalit girls
- 25 **Theme 2:** Public humiliation and violence against Dalit women
- 27 **Theme 3:** Targeting of single, abandoned, widowed Dalit women
- 30 **Theme 4:** Discrimination and abuse of power by public officials
- 33 **Theme 5:** Police collusion and denial of access to justice
- 35 Findings

38 CHAPTER 5 RECOMMENDATIONS

THIS REPORT

This report assesses State authority responses to violence against Dalit women and girls in Uttar Pradesh, Bihar, Maharashtra, Andhra Pradesh and Telangana. It comes at a timely moment, given the current social context of increasing inter-caste violence across India, stronger mobilisation of Dalit communities to protest continuing caste discrimination, and the recent Union Government's budget announcement pledging increased support for the welfare of Dalits and Adivasis.

This report has been produced by Sisters For Change (SFC), the National Dalit Movement for Justice (NDMJ) and Dalit Sthree Sakthi (DSS), three independent NGOs that use law as a tool for social change and as a means to hold state authorities to account. Through in-depth legal case evidence and analysis of hundreds of cases of violence against Dalit women and girls that we have supported and monitored between 2016-2018, the findings in this report highlight the multiple obstacles that Dalit women face to access justice and persistent and systemic violations of Dalit women's human rights, including their fundamental rights to equal protection of the law.

Dalit women and girls, autonomous and empowered agents of change, have a long history of challenging these violations of their rights and mobilising to speak truth to power on a collective basis. In one of the most recent examples, hundreds of young Dalit women leaders, activists, practitioners and students gathered in Pune, Maharashtra in December 2017 for a two-day **#dalitwomenspeakout** conference, co-hosted by All India Dalit Mahila Adhikar Manch (AIDMAM) and the University of Pune's Krantijyoti Savitribai Phule Women's Studies Centre, to contest caste-gender privileges, highlight increasing threats faced by Dalit women human rights defenders and construct new strategies for the Dalit women's movement.

We hope that this report will add to this momentum and as three national and international civil society organisations working for the empowerment of Dalit women, we call on the Government of India and the Chief Ministers of Uttar Pradesh, Bihar, Maharashtra, Andhra Pradesh and Telangana to adopt the 6 recommendations we have made to improve national and state authority responses to discrimination and violence against Dalit women and girls, ensure the effective implementation of The Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act 1989 (as amended) and remedy the failures in the criminal justice system that violate the rights of Dalit women and impede their progress towards equality.

REPORT AUTHORS

Sisters For Change (SFC) (UK registered charity 1165647) is an international NGO working to eliminate discrimination and violence against women and girls worldwide through legal empowerment and social accountability strategies. SFC's aim is to ensure that domestic laws and policies to combat violence against women have impact in the home, at work and in the community and to improve access to justice for every woman, irrespective of ethnicity, race, caste, religion, economic status or social background. SFC is currently active in the UK, India and Indonesia, building the legal capacity of marginalised women, human rights defenders, women's organisations, unions and activist networks. SFC works to generate systemic change in how governments combat violence, structural change to give women voice and agency in justice mechanisms and social change to end the social acceptance of violence against women and girls.



National Dalit Movement for Justice (NDMJ) is a movement of Dalit human rights defenders and activists who undertake advocacy and legal interventions to end caste discrimination and violence and improve access to justice for Dalit and Adivasi communities. NDMJ works with Dalit human rights defenders, survivors, civil society organisations, professionals and academics across 14 States in India to build legal capacity; conduct strategic fact-finding, monitoring and litigation; challenge “untouchability” practices and strengthen legal and policy implementation. NDMJ is one of three movements forming the tripartite structure of the National Campaign on Dalit Human Rights (NCDHR). Launched in 1998 to eliminate discrimination based on caste, NCDHR works to raise the visibility of Dalit issues at the State, national and international level. NCDHR's tripartite structure comprises NDMJ, Dalit Arthik Adhikar Andholan (DAAA) and All India Dalit Mahila Adhikar Manch (AIDMAM).



Dalit Stthree Sakthi (DSS) was established in 2006 to protect and promote the rights of Dalit women and girls. Working in 2,400 villages across 10 districts of the southern states of Andhra Pradesh and Telangana, DSS has over 12,000 members in its women collectives and is the largest Dalit-women-led organisation in India. DSS works to mainstream the issues of Dalit women and girls, to combat the triple discrimination of caste, class and gender they suffer and to combat both inter-caste violence that is perpetrated against Dalit women and domestic violence committed in the home. DSS supports victims of caste discrimination, sexual exploitation, rape, gang rape, physical and sexual violence and train local women leaders in law and case management to support victims. They handle in excess of 150 cases annually and conduct public hearings and roundtables calling for improved implementation of laws to combat violence against Dalit women and girls. DSS also conducts interventions in support of Dalit girls' equal access to education and empowerment programmes for Dalit women in livelihood and business management.



PROGRAMME ON COMBATING DISCRIMINATION AND VIOLENCE AGAINST DALIT WOMEN

From 2016-2018, SFC partnered with NDMJ (supported by its sister organisation, AIDMAM) and DSS on a two-year legal empowerment programme entitled, *The power of law in her hands: Combating violence and discrimination against Dalit women*. The programme's purpose was to build the capacity of Dalit women human rights defenders and community leaders from Bihar, Uttar Pradesh, Andhra Pradesh, Telangana and Maharashtra to use domestic law – specifically the Indian Penal Code and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (as amended) – as tools to challenge discrimination and violence against Dalit women and girls.

Through a series of legal and technical capacity building workshops held in Delhi and each State, the programme partners trained a core group of Dalit Human Rights Defenders (DHRDs) in laws to combat violence against Dalit women. These DHRDs in turn trained and disseminated legal knowledge to over 1000 additional Dalit women activists and community leaders across the five States comprising the geographical area of evidence. The DHRDs conducted fact-findings and monitored cases of violence against Dalit women and girls to assess criminal justice system responses to Dalit women and girl victims. NDMJ, DSS and SFC collated and analysed this case evidence from across the five States. The evidence demonstrates the systematic nature of violence against Dalit women occurring in India and the structural, institutional and criminal justice system failings of State responses to cases of violence against Dalit women and girls.

STRUCTURE OF REPORT

This report documents how state authorities in Bihar, Uttar Pradesh, Andhra Pradesh, Telangana and Maharashtra are responding to cases of discrimination and violence against Dalit women and girls and the measures needed to improve the investigation and punishment of crimes of violence against Dalit women and girls and to ensure adequate reparation for victims. The report is divided into 5 chapters.

CHAPTER 1 sets out the levels of violence against Dalits in India and the deliberate targeting of Dalit women and girls.

CHAPTER 2 outlines the international standards on discrimination and violence against women.

CHAPTER 3 analyses domestic laws to combat discrimination and violence against Dalit women.

CHAPTER 4 evidences through case analysis the weaknesses and failings in state authority responses to violence against Dalit women and girls, under five key themes:

- + **Theme 1:** Sexual assault and rape of Dalit girls
- + **Theme 2:** Public humiliation and violence against Dalit women
- + **Theme 3:** Targeting of single, abandoned, widowed Dalit women
- + **Theme 4:** Discrimination and abuse of power by public officials
- + **Theme 5.** Police collusion and denial of access to justice

CHAPTER 5 sets out our recommendations for remedying the failures in the criminal justice system that violate the rights of Dalit women and impede their progress towards equality.

CHAPTER 1.

CASTE IN INDIA

In total there are 1241 individual ethnic groups notified as Scheduled Castes or Dalits, who comprise 16.6% of the overall population of India – or 201 million people.¹ The five States of Uttar Pradesh, Bihar, Andhra Pradesh, Telangana and Maharashtra cumulatively account for 42% of the total Dalit population in India. Uttar Pradesh has the largest Dalit population of any State, comprising 20.5% of the national population, and Bihar the third largest, comprising 8.2%.²

16.6%

of India's population is Scheduled Castes or Dalits

20.5%

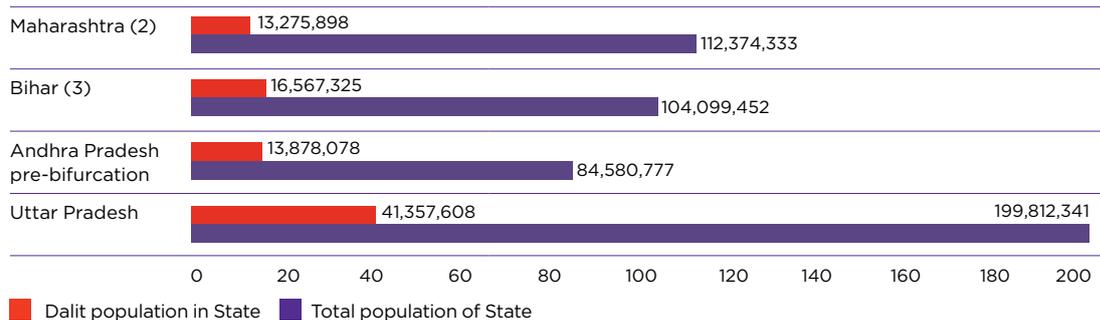
Uttar Pradesh has the largest Dalit population

¹ 2011 Census Data, Ministry of Home Affairs, Government of India, available at <https://www.census2011.co.in/>

² Ibid.



FIGURE 1: Dalit population in geographical area of evidence vs. total State population



Source: Census Data 2011. Note: Andhra Pradesh was bifurcated into Telangana State and the remaining state of Andhra Pradesh in 2014. Census statistics are only available for 2011 pre-bifurcation.



CRIMES AGAINST DALITS IN INDIA

Reported crimes or ‘atrocities’ against Dalits in India have risen by 51% over the last ten years³ to a total of 40,801 crimes reported in 2016.⁴ However, given the barriers to Dalits registering crimes and specifically the social stigma and penalty associated with reporting sexual crimes against women which account for a significant number of these crimes, this can be seen as only the tip of a much larger iceberg. Figure 2 illustrates the percentage of total reported crimes against Dalits committed in the geographical area of evidence. As can be seen, together these five States account for 53% of all crimes committed against Dalits in India, with Uttar Pradesh accounting for 1 in 4 crimes against Dalits nationwide and Bihar 1 in 7 crimes.⁵

FIGURE 2: Levels of crimes committed against Dalits in evidence area



Source: NCRB Crime in India 2016

VIOLENCE AGAINST DALIT WOMEN AND GIRLS

Following her mission to India in April 2014, the then Special Rapporteur on violence against women, its causes and consequences (SR VAW) reported, “[v]iolence against women in India is systematic and occurs in the public and private spheres. It is underpinned by the persistence of patriarchal social norms and inter- and intra-gender hierarchies. Women are discriminated against and subordinated not only on the basis of sex, but also on other grounds, such as caste, class, ability, sexual orientation, tradition and other realities.”⁶

Violence against Dalit women is borne from multiple and intersecting forms of discrimination – in terms of gender, caste, and poverty. Widespread and systemic violence against Dalit women and girls is both (i) a social mechanism intended to maintain Dalit women’s subordination, reduce their agency and capacity to participate in society and restrict their rights and (ii) an act of political violence with the objective of subjugating Dalit communities and asserting power over a minority group.

Dalit women bear the brunt of violence committed against Dalits. The top two reported crimes committed against Dalits – or 14% of *all* crimes against Dalits are (i) ‘assault on woman with intent to outrage her modesty’ (Penal Code offence classification), comprising sexual and physical assault, sexual harassment, stalking, forced disrobing, voyeurism and (ii) rape.⁷ Figure 3 charts the most prolific types of violence against Dalits reported for the year 2016 and shows that rape of a Dalit woman is *three times* more common than murder of a Dalit and *15 times* more likely than arson (setting fire to a Dalit home or property).

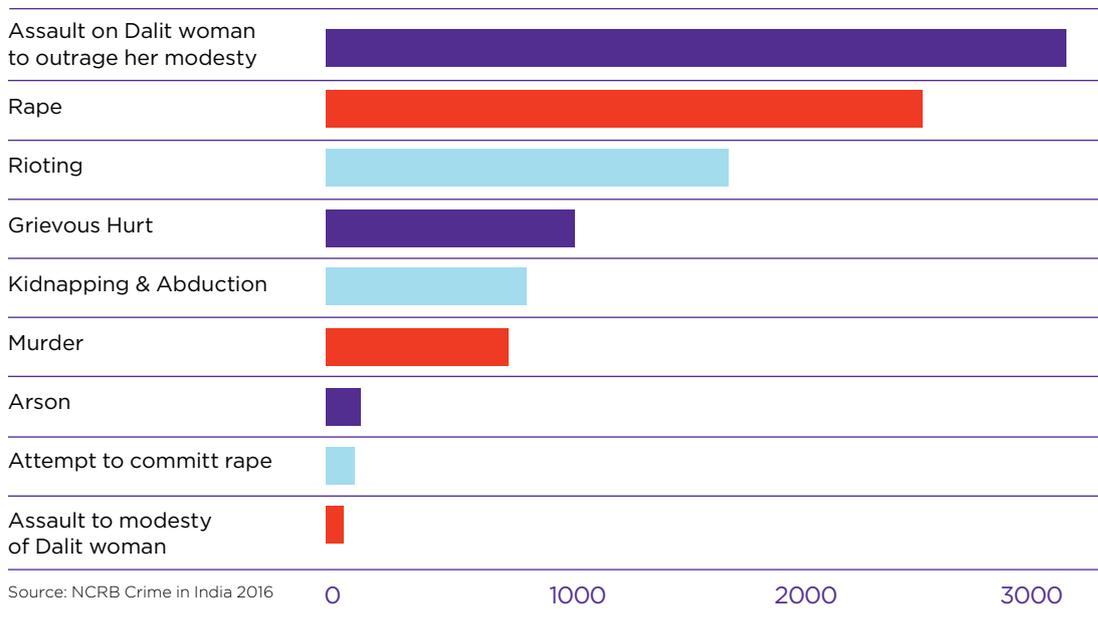
³ National Crime Records Bureau (NCRB) *Crime in India Statistics Reports 2006 – 2016*, Ministry of Home Affairs, Government of India

⁴ NCRB, *Crime in India Statistics 2016*, published 30 November 2017.

⁵ Ibid.

⁶ Report of SR on VAW, *Mission to India*, 1 April 2014, para.7.

⁷ NCRB, *Crime in India Statistics 2016*, published 30 November 2017.

FIGURE 3: Most frequent crimes committed against Dalit victims

It is noteworthy, however, that reported crimes against Dalit women appear disproportionately low in comparison with crimes reported against non-Dalit women. For example, the national figure for incidence of rape of non-Dalit women in India in 2016 was 38,947, in contrast to 2,541 reported rapes of Dalit women. This massive variance flies in the face of local reporting of the levels of atrocities committed against Dalit women and highlights how much higher the barriers are for Dalit women to report or register crimes against them.

INTER-CASTE CONFLICT AS THE CONTEXT FOR VIOLENCE AGAINST DALIT WOMEN

Added to this context of increasing crimes of violence specifically targeting Dalit women and huge barriers to justice is a social landscape where political tensions are fuelling inter-caste conflict. Over the last two years, there has been a notable increase in levels of caste violence and rhetoric of discrimination against Dalits, symbolised perhaps most pertinently by calls from dominant castes in Maharashtra for the repeal of the specific law introduced to address atrocities against Dalits, The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989 (discussed in detail in Part C below). This has resulted in growing protests from Dalit communities and a mobilisation that has moved issues from the local level to a national stage. This trend is evident from January 2016, when the suicide of a Dalit Hyderabad student Rohith Verma led to a national student protest against Dalit discrimination, closely followed by protests across multiple States in July 2016 at the public flogging of Dalits in Una, Gujarat by Hindutva cow vigilantes.

This violent discrimination against Dalits and violent counter-protests in response is another exacerbating factor in the targeting of violence against Dalit women. We provide below recent examples of caste violence across the geographical evidence area to show the escalating level of conflict to which Dalit communities are now exposed.

SAHARANPUR DISTRICT

Uttar Pradesh, April-May 2017:

Violence against Dalits denying rights of cultural expression

Caste violence has escalated in Saharanpur district, Western Uttar Pradesh since April 2017. To celebrate the birthday of B. R. Ambedkar⁸ on 14 April 2017, Dalits from the predominantly Dalit village of Shabbipur in Saharanpur district wanted to erect a statue of their leader at Ravidas temple. They were attacked by thousands of dominant-caste Thakurs for not seeking permission. Two weeks later on 5 May, Dalit youths from the same village retaliated by throwing stones against members of the dominant-caste Thakur community from Shimlana village, who directed a loud music-filled procession through Shabbipur on the anniversary of Maharana Pratap. Thakurs responded by attacking the Shabbipur community. According to the National Dalit Movement for Justice (NDMJ) fact-finding report,⁹ 12 Dalit men were seriously injured and 2 women were hospitalised after Thakurs attempted to cut off the breast of one woman and then slashed the back of another who was trying to rescue her. In addition, 55 Dalit houses were set on fire, ransacked and looted and Thakur men sexually harassed Dalit women by flashing genitalia and making obscene gestures.

NAWADA DISTRICT

Bihar, March 2016:

Violence against Dalits denying land rights

On 8 March 2016, more than 65 huts belonging to Mahadalit (a term referring to marginalised sections of the Dalit community in Bihar) families were set on fire by agents of a dominant caste group in Kajhia village, who wished to remove them from a plot of government land on which they had lived for years. Most of the inhabitants were away from the area at a local fare at the time of the incident. Police colluded with dominant caste members and weakened the First Incident Report registered by community members, stating the fire was accidental.

BHIMA KOREGAON PROTEST

Maharashtra, January 2018:

Violence against Dalits denying cultural identity

On 1 January 2018, clashes took place in a village 30 kilometres from Pune, when a dominant-caste group with saffron flags desecrated a tomb and pelted stones at cars travelling towards the village to commemorate the 200th anniversary of the victory in 1818 of Dalits (serving as troops of the British Army) against the Brahmin Peshwa-led Maratha Empire. The ensuing riots left one person dead and several injured and triggered a huge protest by Dalits on 3 January across Maharashtra which brought Mumbai, India's financial capital, to a stand-still and resulted in the arrest of more than 300 protesters. The Chief Minister has called for a Judicial Inquiry.

⁸ Ambedkar was an Indian jurist, economist, politician and social reformer. Independent India's first law minister and the principal architect of the Constitution, Ambedkar campaigned against social discrimination against Dalits, and supported the rights of women and labour. He is the icon of the Dalit movement.

⁹ Shabbipur – Saharanpur, U.P.: Violence against Dalits on 5 May 2017. Fact-finding report by NDMJ, 25 May 2017

BEED DISTRICT

Maharashtra, June 2016:

Violence against Dalits denying democratic rights of political representation

On 22 June 2016, a Dalit couple Aruna and Shrimant Dahire opposed the re-election of a sarpanch in Bankaranja village, Beed district, on grounds that Aruna was the rightfully elected sarpanch. Aruna had been elected in 2012 but prevented from doing her elected duties and finally ousted from her post in June 2016 by dominant caste members of the Gram Panchayat council. Aruna and her husband were beaten with sticks and stones and were hospitalised with their injuries. Although the couple reported the crime as an atrocity under the PoA Act, officials in the local administration and police denied it was a caste issue.

WEST GODAVARI DISTRICT

Andhra Pradesh, June 2017:

Violence against Dalits denying economic and social rights to livelihood and food

According to a fact-finding report by Dalit Sthree Sakthi (DSS),¹⁰ on 6th May 2017, the Kshatriya and other dominant castes in the village of Garagaparru, West Godavari district, imposed a social and economic boycott on approximately 400 Dalit families after members of the Dalit community attempted, unsuccessfully, to install a statue of Ambedkar beside other statues near the pond in the village centre. The boycott, which was designed and agreed by members of the dominant community, included boycotts on talking, selling food or other items or giving work to any Dalit and included fines for anyone who transgressed the boycott. As of 24 June 2017, the boycott was causing starvation among the Dalit community. Only due to DSS intervention did the police finally register a complaint.

¹⁰ Fact-finding report submitted by DSS in letter format to Director General of Police, Andhra Pradesh, dated 27 June 2017

CHAPTER 2.

INTERNATIONAL STANDARDS ON VIOLENCE AGAINST WOMEN

International human rights law, and specifically the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Elimination of All Forms of Racial Discrimination confer on states the obligation to eliminate gender and caste¹¹ discrimination against women and girls and to respect, protect and fulfil women and girls' rights, including their right to live lives free from violence.



The Sustainable Development Goals (SDG) include a specific goal to achieve gender equality and empower all women and girls, with a specific target of eliminating all forms of violence against women and girls in public and private spheres (SDG Goal 5), and another to promote peaceful and inclusive societies that provide access to justice for all and build accountable institutions at all levels (SDG Goal 16).

India ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1968. CERD requires States Parties to pursue by all appropriate means and without delay a policy of eliminating racial discrimination¹² in all its forms and promoting understanding among all races. Discrimination based on 'descent' includes discrimination against members of communities based on forms of social stratification, such as caste and analogous systems of inherited status, which nullify or impair their equal enjoyment of human rights.¹³ The *draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent* provides a legal framework developed to eliminate discrimination based on caste.¹⁴

11 CERD requires State parties to eliminate discrimination based on race, colour, descent, or national or ethnic origin. The CERD Committee's General Recommendation No.29 (2002) states that discrimination based on 'descent' includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.

12 Racial discrimination is defined as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life": CERD Article 1(1).

13 CERD, General Recommendation No. 29, Article 1(1) (Descent) (2002).

14 The draft Guidelines were developed as part of a comprehensive UN study on discrimination based on work and descent undertaken by the former UN Sub-Commission on the Promotion and Protection of Human Rights in 2004-2007.



India ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. Under CEDAW, States Parties are required to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.¹⁵ Gender-based violence against women constitutes discrimination against women under CEDAW Article 1 and therefore engages all of the obligations in the Convention. Gender-based violence is defined as ‘violence which is directed against a woman because she is a woman or that affects women disproportionately’¹⁶ and constitutes a violation of women’s human rights.

GENERAL OBLIGATION TO ELIMINATE DISCRIMINATION AND GENDER-BASED VIOLENCE AGAINST WOMEN

CEDAW Article 2 establishes that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women.¹⁷ This is an obligation of an immediate nature and comprises two aspects of State responsibility: (a) responsibility for violence resulting from the actions or omissions of the State party or its actors¹⁸ and (b) responsibility for violence resulting from the actions or omissions of non-State actors, which includes (i) actions or omissions by non-State actors attributable to the State and (ii) due diligence obligations for acts and omissions of non-State actors.¹⁹

CEDAW Article 2 stipulates that States parties must take all appropriate measures to guarantee the substantive equality of men and women in all areas of life to ensure the effective protection of women against any act of discrimination. Article 3 requires States to take appropriate measures to ensure that women can exercise and enjoy their human rights and fundamental freedoms on a basis of equality with men. Article 5(a) requires States parties to expose and remove the underlying social and cultural barriers, including gender stereotypes, that prevent women from exercising and claiming their rights and impede their access to effective remedies. CEDAW Article 15 provides that women and men must have equality before the law and benefit from equal protection of the law.

States parties have further treaty-based obligations to ensure that all women have access to education and information about their rights and the remedies that are available and how to gain access to them, and access to competent, gender-sensitive dispute resolution systems, as well as equal access to effective and timely remedies.²⁰

¹⁵ Discrimination against women is defined as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”: CEDAW Article 1.

¹⁶ CEDAW General Recommendation No.19 on violence against women (1992) (CEDAW GR 19), para.6.

¹⁷ CEDAW General Recommendation No. 35 on gender-based violence against women, updating general recommendation No.19 (2017) (CEDAW GR 35), para. 21.

¹⁸ CEDAW GR 35, para.s 22-23.

¹⁹ CEDAW GR 35, para. 24.

²⁰ CEDAW Committee General Recommendation No.33 on women’s access to justice (CEDAW GR 33), para. 11 citing CEDAW General Recommendations Nos. 19, 21, 23, 24, 26, 27, 29 and 30.

DUE DILIGENCE OBLIGATIONS

Under general international law, States may be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate, punish and provide reparation for acts of violence. CEDAW Article 2(e) explicitly provides that States parties are required to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise. The obligation of due diligence requires States to take all appropriate measures to prevent, protect against, investigate, prosecute, punish and provide reparation for acts or omissions by non-State actors which result in gender-based violence against women. Under the obligation of due diligence, States parties are required to have laws, institutions and a system in place to tackle gender-based violence against women by non-State actors and to ensure these function effectively *in practice* and are enforced by State agents and bodies.²¹ The failure of a State party to comply with its due diligence obligations constitutes human rights violations.²²

OBLIGATION TO TACKLE INTERSECTIONAL DISCRIMINATION

Discrimination against women is inextricably linked to other factors that affect their lived experience, including ethnicity, race, indigenous or minority status, colour, caste and socioeconomic status.²³ The CEDAW Committee acknowledges that because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact, gender-based violence affects women to different degrees and in different ways, necessitating specific and tailored legal and policy responses.²⁴

The Special Rapporteur on minority issues 2016 thematic report on discrimination based on caste²⁵ highlighted the multiple and intersecting forms of discrimination and violence against Dalit women and girls noting, “Women and girls from low castes are particularly vulnerable to violation and denial of their rights in both public and private life... Violence and the threat of violence are frequently hidden and go unreported in villages and rural areas, forming a culture of invisibility, silence and impunity”.²⁶

21 CEDAW GR 19, para. 9.

22 CEDAW GR 35, para. 24(b).

23 CEDAW Committee General Recommendation No. 28 on the core obligation of States parties under article 2 of the Convention (2010) (CEDAW GR 28); CEDAW GR 33; CEDAW GR 35.

24 CEDAW GR 28, para.18.

25 A/HRC/31/56, 28 January 2016.

26 Ibid., p.19 para.s 95 and 97.

CHAPTER 3.

DOMESTIC LAWS TO COMBAT VIOLENCE AGAINST DALIT WOMEN

Constitutional right to equality: The Constitution of India protects the right to equality before the law and the equal protection of the law under Article 14. Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Article 17 abolished untouchability and its practice in any form.



DOMESTIC LAWS ON VIOLENCE AGAINST WOMEN

India has introduced a number of domestic laws to combat violence against women, including the Protection of Women from Domestic Violence Act 2005, amendments and additions to crimes of violence against women and girls under the Indian Penal Code through the Criminal Law (Amendment) Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act 2013. Despite these positive steps, effective implementation and operation of these laws remain lacking.

SPECIFIC LEGAL FRAMEWORK FOR THE PROTECTION OF DALIT WOMEN

The Constitution of India protects Scheduled Castes (Dalits), abolishes “untouchability” (social exclusion of Dalit communities) and includes positive discrimination measures in support of Dalits, including reservations/quotas in education, government jobs and political representation. Since the 1950s, the Government of India has introduced a number of further laws to protect the rights of Dalits in recognition of the continuing discrimination and targeting of Dalits on the grounds of their caste.



These laws include:

- + The Protection of Civil Rights Act 1955
- + The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989 (PoA Act) and Rules 1995
- + The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 (PoA Amendment Act) and Rules 2016²⁷

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 (PoA Act) was introduced to tackle the high level of discrimination and violence directed against Scheduled Castes and Scheduled Tribes on a daily basis. The PoA Act was amended and supplemented by The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 (PoA Amendment Act), which came into force on 26 January 2016.

The PoA Amendment Act²⁸ introduced new offences and expanded the number and types of atrocities against Scheduled Caste (SC) and Scheduled Tribe (ST) women and girls, which include:

- a. Parading naked or semi-naked a member of a SC or ST: PoA Act s.3(1)(d).
- b. Forcibly committing on a member of a SC or ST any act derogatory to human dignity such as removing clothing, forcibly cutting or shaving hair, painting face or body: s.3(1)(e).
- c. Performing, promoting or permitting the dedication of a SC or ST woman to a deity, idol, object of worship, temple or other religious institution as a devadasi or any other similar practice: s.3(1)(k).
- d. Instituting false, malicious or vexatious claims, criminal or other legal proceedings against a member of a SC or ST: s.3(1)(p).
- e. Intentionally insulting or intimidating a member of a SC or ST in public view with intent to humiliate: s.3(1)(r).
- f. Abusing by caste name a member of a SC or ST in public view: s.3(1)(s).
- g. Using written or spoken words or signs to promote feelings of hatred or ill will against SC or ST members: s.3(1)(u).
- h. Intentional non-consensual touching of a sexual nature of a SC or ST woman knowing that she is a member of a SC or ST: s.3(1)(w)(i).
- i. Using words, acts or gestures of a sexual nature towards a SC or ST woman knowing that she is a member of a SC or ST: s.3(1)(w)(ii).
- j. Forcing or causing a member of a SC or ST to leave her home, village or other place of residence: s.3(1)(z).
- k. Causing physical harm or mental agony of a member of a SC or ST on the allegation of practicing witchcraft or being a witch: s.3(1)(zb).

If someone commits an offence against a member of a Scheduled Caste or Scheduled Tribe punishable under the Indian Penal Code with imprisonment of 10 or more years (e.g. murder, gang rape), that offender will be sentenced to life imprisonment under the PoA Act.²⁹

²⁷ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules 2016 came into force on 14 April 2016 and set out the rules for the investigation, prosecution and monitoring of offences under the PoA Act and set levels of compensation to be paid to victims of atrocities. The 2016 Rules amended the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995.

²⁸ PoA Amendment Act, s.4 amending PoA Act s.3.

²⁹ PoA, s.3(2)(v).

Police duties to investigate and protect

The PoA Act sets out specific time limits for the investigation of atrocities. The investigating officer³⁰ must complete the investigation of an offence, and submit a report to the Superintendent, and the officer-in-charge of the relevant police station must file the charge sheet with the Special Court within 60 days.³¹

The PoA Act gives special protections and rights to victims. State authorities have a duty to protect victims, their dependents and witnesses against any kind of intimidation, coercion, inducement, violence or threats of violence.³² All complaints by a victim,³³ informant or witness³⁴ of any kind of intimidation, coercion or inducement or violence or threats of violence must be recorded by the police and a copy of the First Incident Report provided to the complainant.³⁵

Under section 4 of the PoA Act, a public official who deliberately ignores his or her duties under the PoA Act (wilful negligence) may be punished (following an administrative inquiry) with 6-12 months' imprisonment.³⁶ These duties explicitly include:

- a. producing a written and signed record of any information regarding an atrocity;
- b. registering a complaint or FIR under the appropriate sections of the PoA Act;
- c. giving a copy of the FIR to the person reporting the incident;
- d. recording the statements of all victims and witnesses;
- e. investigating and filing a charge sheet within 60 days of an FIR
- f. preparing and translating document correctly.³⁷

Presumptions under the PoA Act

The PoA Act makes clear that where an individual accused of committing an atrocity knows the victim or her family, the Court will presume that the accused was aware of the caste or tribal identity of the victim.³⁸ In addition, where a group of persons commit an atrocity and it is proven that the offence was committed after or as a result of an existing dispute regarding land or any other matter, it will be presumed that the offence was committed to achieving the common intention or the common object of the group.³⁹

Special Courts to hear atrocity cases

Every State Government must establish an adequate number of special courts to expedite the prosecution of atrocity cases and improve access to justice for Scheduled Castes and Scheduled Tribes. Cases should be completed within two months from the filing of the charge sheet as far as possible. In a district with a high level of atrocities, an Exclusive Special Court must be set up. In districts with a lower number of atrocities, the district court can hear PoA Act cases.⁴⁰ To date, States are failing to meet these requirements, as Table 2 illustrates, with the result that Dalit victims' access to justice and remedy is distinctly curtailed.

30 Of the rank of Deputy Superintendent or above.

31 PoA Rules 2015, s.4 substituting a new rule 7(2) in the PoA Rules 1995.

32 PoA Amendment Act s.11 inserting a new s.15A into the PoA Act.

33 Victims are defined as any member of a SC or ST who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under the PoA Act: PoA Amendment Act s.3 inserting a new s.2(1)(ed) into the PoA Act.

34 A witness is defined as any person who is aware of the facts and circumstances of an offence, or is in possession of information or has knowledge relevant to the investigation or trial of any offence under the PoA Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial: PoA Amendment Act s.3 inserting a new s.2(1)(ed) into the PoA Act.

35 PoA Amendment Act s.11, substituting a new s.15A(9) in the PoA Act.

36 PoA Amendment Act s.5, substituting a new s.4 in the PoA Act.

37 PoA Amendment Act s.5, substituting a new s.4(2) in the PoA Act.

38 PoA Amendment Act s.6(ii), amending s.8 of the PoA Act.

39 PoA Act s.8(b).

40 PoA Amendment Act s.8, substituting a new s.14(2) in the PoA Act.

TABLE 2: Establishment of Exclusive Special Courts in evidence area 2016-17

State	No. of districts	No. of Exclusive Special Courts
Uttar Pradesh	75	40
Andhra Pradesh	13	14
Telangana*	31	10
Bihar	38	5
Maharashtra	36	3

* Telangana State had 10 districts at the time of bifurcation in 2014

Source: Department of Social Justice & Empowerment Annual Report 2016-2017 p185

Note: Exclusive Special Courts have only been set up in 14 States, while District Session Courts have been designated as Special Courts in 32 out of the India-wide total of 36 States and Union Territories.

WEAK IMPLEMENTATION OF THE POA ACT

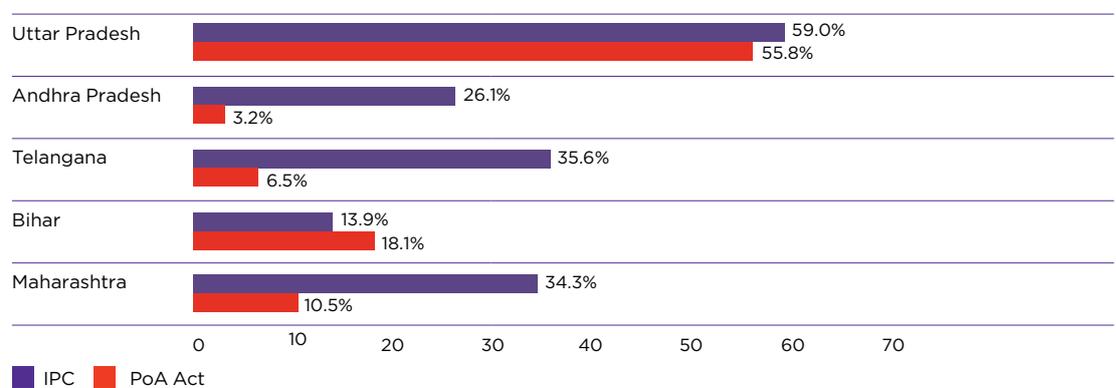
The Indian criminal justice system has a poor track record in terms of investigating and prosecuting atrocities. National conviction rates under the PoA Act are half of those under the Indian Penal Code (IPC) and on a steep downward trajectory, as illustrated in Figure 4.

FIGURE 4: National conviction rates under the PoA Act 2012-2016

Source: NCRB Crime in India, 2016

Low conviction rates under the PoA Act were recorded in three of the States in the geographical area of evidence – Maharashtra, Andhra Pradesh and Telangana, as illustrated in Figure 5. A notable exception was the State of Uttar Pradesh, where between 2002-2017 the then Chief Ministers were from first a Dalit then an OBC community and both took specific measures to improve police enforcement of the PoA Act. Bihar’s conviction rate under the PoA Act, although low, is better than other States, perhaps as a result of the fact that Bihar State has the second highest number of ‘Special Police Stations’ (i.e. police stations set up specifically to register cases of atrocities under the Act) of any state with 38, coming second to Madhya Pradesh State’s total of 51.⁴¹

FIGURE 5: Conviction rates under the PoA Act vs. IPC in geographical area of evidence



Source: NCRB Crime in India, 2016

In December 2016, in a public interest case concerning non-implementation of the PoA Act, the Supreme Court held, “there has been a failure on the part of the concerned authorities in complying with the provisions of the [PoA] Act and Rules. The laudable object with which the Act had been made is defeated by the indifferent attitude of the authorities. It is true that the State Governments are responsible for carrying out the provisions of the Act as contended by the counsel for the Union of India. At the same time, the Central Government has an important role to play in ensuring the compliance of the provisions of the Act. Section 21 (4) of the Act provides for a report on the measures taken by the Central Government and State Governments for the effective implementation of the Act to be placed before the Parliament every year. The constitutional goal of equality for all the citizens of this country can be achieved only when the rights of the Scheduled Castes and Scheduled Tribes are protected. The abundant material on record proves that the authorities concerned are guilty of not enforcing the provisions of the Act. The travails of the members of the Scheduled Castes and the Scheduled Tribes continue unabated. We are satisfied that the Central Government and State Governments should be directed to strictly enforce the provisions of the Act and we do so. The National Commissions are also directed to discharge their duties to protect the Scheduled Castes and Scheduled Tribes...”⁴² (emphasis added).

41 Department of Social Justice & Empowerment Annual Report 2016-2017 (Annexure 4.5, p186), Ministry of Social Justice & Empowerment, Government of India.

42 National Campaign on Dalit Human Rights and others v Union of India and others, Writ Petition (Civil) No. 140 of 2006, 15 December 2016, para. 12.

CHAPTER 4.

CASE EVIDENCE

This report evidences a prevailing situation condoning and/or perpetrating gender-based violence against Dalit women and girls across India. The consistent pattern in the hundreds of individual cases of violence against Dalit women and girls that SFC, NDMJ and DSS have supported and monitored over the last two years demonstrates a failure by criminal justice authorities to prevent and adequately respond to discrimination and violence against Dalit women and girls.



The case evidence set out below highlights the multiple obstacles that Dalit women face to accessing justice. These obstacles occur in a structural context of discrimination and inequality owing to factors including gender stereotyping, intersectional discrimination, victim stigmatisation, procedural and evidentiary practices, and a systematic failure to ensure that criminal justice mechanisms are accessible to Dalit women. These obstacles constitute persistent and systemic violations of Dalit women's human rights, including their fundamental rights to equality before the law and equal protection of the law.⁴³

Effective criminal laws and independent, impartial and gender-sensitive criminal justice systems are particularly important in ensuring that women are able to exercise their human rights, including their right to equal access to justice. The evidence demonstrates that Dalit women's access to justice is inhibited by entrenched caste discrimination within the criminal justice system and enforcement agencies and that Dalit women and girls do not have access to the protection and remedies of the criminal law.

43 CEDAW GR 33, para. 3.



We present case evidence and victim experiences gathered over the last two years by Dalit human rights defenders (DHRDs) monitoring cases of violence against Dalit women and girls and providing support to victims⁴⁴ of violence across five States in India – Bihar, Uttar Pradesh, Maharashtra, Telangana and Andhra Pradesh. Victims are not identified by name or village/district of residence for their safety and protection. The term ‘dominant caste’ is used to refer to the caste in a village which is numerically strong and wields economic and political power over other caste groups.⁴⁵

The cases demonstrate violence against Dalit women at every stage of the life cycle. The evidence is set out under five themes:

- Theme 1.** Sexual assault and rape of Dalit girls
- Theme 2.** Public humiliation and violence against Dalit women
- Theme 3.** Targeting of single, deserted and widowed Dalit women
- Theme 4.** Discrimination and abuse of power by public officials
- Theme 5.** Police collusion and denial of access to justice

1 THEME 1: SEXUAL ASSAULT AND RAPE OF DALIT GIRLS

Summary of findings

- + Targeting of Dalit girls by dominant caste male perpetrators asserting power and a sense of entitlement.
- + Police failure to conduct prompt and effective investigations in cases of rape and sexual assault of Dalit girls.
- + Police failure to take reasonable preventative measures to protect victims who are members of a group (Dalit community) that is being systematically targeted.
- + Widespread impunity of perpetrators of sexual violence against Dalit girl children.

Case 1 Abduction and rape of 13 and 16 year-old Dalit girls, Bihar (2017)

Case
1

B (13 years) and C (16 years) were cousins who lived in the same village in Bihar. The perpetrators were two men aged 25 and 26 belonging to a dominant caste and living in a nearby village. The men visited B and C’s village regularly – one worked there; the other was building a house there. One of the men had seen C in the village and had started following and harassing her, making unwanted physical contact and saying he wanted to marry C. C told her mother who admonished the man about his behaviour. This angered the man who told C she would suffer the consequences of having complained about him.

One night in April 2017, B and C were sleeping at home with three other cousins. Their parents had gone to a temple ceremony just outside the village. Many villagers were attending the ceremony so the village was empty. At midnight, the two

⁴⁴ We use the term ‘victim’ when referring to Dalit women and girls who have experienced violence to signify their rights and legal standing under international human rights law and domestic criminal law.

⁴⁵ The concept of dominant caste was first defined by eminent sociologist, Prof. M.N. Srinivas in his essay, *The Social System of a Mysore Village* in 1987.

perpetrators broke into the house where B and C were sleeping and kidnapped the two girls at knifepoint. The men took the girls by motorbike to an isolated area and dragged them under a bridge. At knifepoint, they forcibly undressed the girls and raped them repeatedly, verbally abusing them on the basis of their caste. The girls resisted but the men beat them violently.

The girls' parents returned home after the temple ceremony and realised the girls were missing. They started searching for them. B's mother saw the motorbikes hidden by the bridge and called other family members and villagers. Together they approached the bridge and heard the screams of the girls. They found the girls hurt and bleeding, but conscious. The perpetrators fled. The girls' parents immediately took B and C to the police station. They were forced to wait for hours until the police finally opened the station at 8:00am. When the girls' parents reported the kidnap and rape of the girls, the police officer in-charge informed them that if they registered the case, the girls would be stigmatised and shame brought on the two families and the girls would have problems getting married. The police officer advised the girls' parents not to register a complaint and told them that they would not have enough money to take the case to court. The police did not register the case and the girls' parents took them home.

The next day, at 6pm, the two perpetrators and five other men went to the house of C's sister-in-law. They abused her by caste, hit her, threatened her and told her they were going to rape her. She managed to escape and went to the police station to report the incident. The police made initial inquiries on the night of her report but took no further action. The day after, B and C's parents and B's sister-in-law went to the police station to find out what action the police were taking in response to the reports of rape and assault. The police told them that they were investigating and would inform them of any developments. Six days later, the police had taken no action.

A Dalit Human Rights Defender (DHRD) heard about the case. The DHRD accompanied B and C and their parents to a Women Police Station to formally register the kidnap and rape of the two Dalit girls. The police registered a First Incident Report (FIR), took B and C for medical examinations and took them to the Magistrate to make statements. However, it was another 10 days, and only after constant pressure from the DHRD, before the police arrested the two perpetrators. Seven months later (November 2017), the police had not interviewed the perpetrators or collected forensic or other evidence from them. The police prepared the charge sheet in December 2017 but as of January 2018, there was no indication of whether there would be a criminal prosecution.

B and C were entitled to compensation under the PoA Act but had received no compensation nine months after reporting the kidnap and rape to the police. The Welfare Department justified the delay on the ground that it had not been provided with copies of the medical examination reports. The perpetrators' families continued to intimidate and threaten B and C's parents to withdraw their case. The police colluded with the dominant caste perpetrators and also pressured B and C's parents to withdraw the case. The police have not offered B and C's families any protection from the intimidation by the perpetrators' families. Details of the case and the inadequate police response were submitted to the State Commission for Scheduled Castes, but the Commission has taken no action to-date.

Case 2 Abduction and gang rape of 14 year-old Dalit girl, Bihar (2017)

Case
2

A was a 14 year-old Dalit girl. Her family was poor and A worked as a domestic worker with her mother. One morning in March 2017, around 2.30am, as there was no inside toilet in her home, A went outside to urinate. While she was outside, two men grabbed her, covered her mouth and took her to a building nearby. The men forced her into a room where two other men were waiting. All four perpetrators belonged to a dominant caste and lived in the same village as A. They locked the room, forcefully undressed A and drugged her. Then all four of the men raped A, one after the other.

A was confined by the men in the room for two days. During that time she was gang raped repeatedly by the four men and drugged unconscious. When A regained consciousness, she tried to scream for help but the men beat her, verbally abused her by caste, threatened to kill her and drugged her again. 42 hours after she was abducted, the men left the room, leaving the door open. A escaped and ran home. She disclosed what had happened and identified the perpetrators to her mother, father and other family members, who had been searching for her desperately. The next morning, A's parents took her to the local police station. A told the police officer in-charge what had happened. Instead of registering the case immediately, the officer referred A and her family to the Women Police Station, some distance away. A was forced to repeat what had happened to her at the Women Police Station. The police filed a First Incident Report (FIR) but the offences listed in the FIR did not include gang rape. A and her family spent the night at the Women Police Station and the next morning, a female police officer took A to hospital for a medical examination. Later that day, the police took A to the magistrate's court to register her statement.

A few days later, the police arrested and detained one of the perpetrators. By that time, the other three perpetrators had absconded. Only through pressure put on the police by Dalit human rights defenders (DHRDs) did the police conduct an investigation and submit a charge sheet. The family of one of the perpetrators threatened to force A's family out of the village if A did not withdraw her case. The case was referred to the State Commission for Scheduled Castes, but the Commission took no action in relation to the case. An order for compensation was made but by January 2018, A had not received any compensation, nor had she been offered counselling services. No date has been set for criminal proceedings. Due to the stigma of sexual violence, A's family are considering arranging an early marriage for A.

Case 3

Case 3 Attempted rape of 16 year-old Dalit girl, Maharashtra (2017)

D was a 16 year-old Dalit girl who lived with her grandparents and cousins. D and her cousins worked as farm labourers. The perpetrator (P) was a dominant caste man living in the same village. In March 2017, D and her cousins were offered some agricultural work on a nearby farm by P's mother. They accepted and worked all day on the farm. The next day, they went again to work on the farm but P's mother was not present as she was sick. After several hours of work, P asked D to help him to feed the cattle. D obeyed. When D was lifting the fodder to feed the cattle, the perpetrator grabbed her from behind and covered her mouth to prevent her from screaming. He groped her breasts, forcefully pushed her down on the ground and tried to rape her. He told D that he would pay her money if she agreed to have sex with him. D refused and struggled to escape. P forcefully removed some of D's clothes and threatened to kill her if she did not stop fighting. D continued to struggle and started screaming. Fearing that someone would discover him, the perpetrator got up and ran away.

D ran immediately to her cousins and told them what had happened. They took D home and informed their grandparents. D's grandparents and uncle took her to the police station to file a complaint. The police registered the First Incident Report (FIR) and sent D to the hospital for a medical examination. They arrested the perpetrator but released him on bail three days later. The Magistrate imposed an injunction on P prohibiting him from entering D's village until the charge sheet had been filed. The perpetrator breached the terms of the injunction and threatened D and her family to drop the case but the police took no action against him.

The police failed to properly investigate the case. By November 2017, eight months after the attempted rape, the police had not filed the charge sheet and D who was entitled to compensation under the PoA Act had received no compensation and had not been offered support or counselling services.

2 THEME 2: PUBLIC HUMILIATION AND VIOLENCE AGAINST DALIT WOMEN

Summary of findings

- + The use of violence and public humiliation of individual Dalit women as a means of targeting and subordinating the collective Dalit community.
- + Police response to cases of atrocities against Dalit women demonstrating entrenched caste and gender bias that regards Dalit women as subject to the will and demands of dominant caste men rather than autonomous individuals with legal rights.
- + Collusion of police with dominant caste perpetrators – failure to conduct effective investigations and to take steps to protect victims who are intimidated or threatened.
- + Impunity of perpetrators of violence against Dalit women.

Case 4 Abuse and violent assault of Dalit woman, Uttar Pradesh (2016)**Case
4**

F was a 35 year-old Dalit woman who worked as a farm labourer. In November 2016, F was working at home when A, a 22 year-old man, and B, a 50 year-old man, who lived near to F and were members of the dominant caste community in the village, approached her and ordered her to fill in a pit at the front of A's house with sand. F refused, saying that it was not her obligation to do so. A abused F by caste and then A and B began beating her. They pushed her down on the ground and kicked her. Hearing her screams, F's family members came out of the house. A and B tried to assault F's son but he ran away. As A and B left, they threatened to harm F and her family if they reported the incident to the police. Despite the threats, F and her family went to the police station to file a complaint. However, A and B had already gone to the police station, accompanied by other dominant caste men. They instructed the police not to register F's complaint. The police told F and her family that because they were poor, they had no right to justice. The police did not register the complaint. One year later, the police had taken no action in relation to the case.

Case 5 Humiliation and brutal assault of pregnant Dalit woman resulting in death of her unborn child, Uttar Pradesh (2016)**Case
5**

G was a 6-months pregnant Dalit woman. Like most of the Dalit community in the village, there was no inside toilet in G's home. One day in December 2016, G she went to a field to defecate. The place was very close to the land of a 51 year-old dominant caste man who lived in the village and owned a lot of land. He saw G defecating. He approached her, abused her by caste and beat her. He forced G to pick up her excrement. She picked it up and threw it away. He continued to beat G violently. He punched and kicked her in the stomach, knowing that she was pregnant, and hit her with a stick. G tried to fight against him but he continued to violently beat her. G lost consciousness. Some villagers witnessed the beating and informed G's husband who went with his sister and her son to the field to rescue G. G's husband knew the accused, but he did not take any action against him or inform the police of the incident because he was afraid of retaliation from the dominant caste community.

That night, G had severe abdominal pains and vaginal bleeding. The next morning she had a stillbirth. Later that same day, G went to the police station to file a complaint against the perpetrator. A male police officer registered the First Incident Report then took G and her dead baby to the health centre. G was hospitalised for 13 days.

A few days after G registered the First Incident Report, the police arrested the perpetrator but he was released on bail soon afterwards. Between November 2017 and January 2018, the police prepared the charge sheet. The perpetrator began pressuring G to withdraw her complaint against him. G did not receive any support from Dalit villagers, as many were dependent on the perpetrator for their livelihoods.

3 THEME 3: TARGETING OF SINGLE, ABANDONED, WIDOWED DALIT WOMEN

Summary of findings

- + Deliberate targeting and exploitation of single, separated, deserted and widowed Dalit women because of their vulnerability living alone in a patriarchal society placing primacy on male protection.
- + Targeting of Dalit women who own land or are active in the community by members of dominant castes due to the women's increased independence and status in the community.
- + Physical and sexual violence by multiple perpetrators in public designed to humiliate and oppress Dalit women on an individual and collective basis.

Case 6

Case 6 Public humiliation & rape of 50 year-old Dalit woman, Maharashtra (2017)

V was a 50 year-old Dalit woman who lived with her husband and son. She owned four acres of land. V and her husband had difficult relations with villagers belonging to the dominant caste community because of a land dispute with a member of the dominant caste community, B, who wanted to excavate through their land but V had refused.

In June 2017, at about 7.30pm one night, V's husband had not yet returned home so V and her son went out to look for him. A group of around 20 dominant caste villagers saw them. They began abusing V and her son by caste and accused them of stealing. The group then violently assaulted V's son, ignoring V's plea for them to stop. The villagers beat V's son until he lost consciousness. They then turned on V and started beating her. They forcefully tore off her clothes, pinched and bit her breasts and raped her with a stick. They dragged her and paraded her naked around the village, shining a torch on her naked body and kicking and beating her. The perpetrators told V that they wanted to teach her a lesson for her behaviour towards B and they wanted all Dalits in the village to see the consequences of a Dalit woman challenging the dominant caste community over land. They paraded V naked around the village for two hours. When V's daughter-in-law tried to intervene to help V, they threatened and assaulted her. The villagers dispersed when the police arrived. The police took V to hospital for a medical examination. They registered a First Incident Report (FIR) but omitted a number of important sections of the PoA Act. The police arrested 20 perpetrators, but they were released on bail after one month. V received some compensation but would have received more if the police had correctly completed the FIR. The police submitted the charge sheet in July 2017 but demanded money from V before they would give her a copy. None of the perpetrators have been prosecuted to-date.

Case 7 Gang rape and murder of Dalit woman, Maharashtra (2017)


J was a 35 year-old woman who had separated from her husband and was living with her two children, aged 14 and 17. She worked as a farm labourer on neighbouring farms. P was a 35 year-old man belonging to the dominant caste community. He was a political leader in the village where J lived. P frequently visited J at her home. He repeatedly promised to marry J so that she would have sex with him. One night in February 2017 at around 9pm, J was at home alone when she heard someone knocking at the door. She opened the door and found P and 6 other men. All 7 men entered the house without her consent and started harassing her. The men wanted sex. J refused. P then forcefully held her down and covered her mouth so she could not scream. One after the other, all seven men raped J. After raping her, P poured kerosene over her, set her alight then ran away. J yelled for help and ran to the street where some villagers extinguished the flames. They rushed her to hospital. J suffered severe burns all over her body.

That night, J's father went to the police station to file a complaint. However, the police officers verbally insulted his daughter and pressured J's father to accept money from the perpetrators rather than file a complaint. He refused. The police threatened to arrest him. He left the police station without registering a complaint. A few days later, DHRDs visited J in hospital and accompanied her father to the police station to file a complaint. Police officers and a Magistrate visited J in hospital and took her statement. J identified 2 of the 7 perpetrators. Two days later, the police registered the First Incident Report, but many offences were not included. The police failed to interview the perpetrators or to visit the crime scene to gather evidence.

Three weeks later, J died from her burns. Her dying declaration was not registered. The State Commission for Scheduled Castes was notified of the case and the President of the Commission and members visited the village. They ordered the police to take action against the perpetrators and directed that J's family receive compensation. The police arrested the perpetrator P but he was released on bail some time later. No other perpetrators were arrested. Months later, the police filed a charge sheet and by November 2017 the case was pending trial. The family of the perpetrator P continued to pressure J's family to withdraw the case.


**Case
8**
Case 8 Public humiliation, abuse and violent assault of 45 year old single Dalit woman, Maharashtra (2017)

H was a 45 year-old Dalit woman who lived alone, her husband having abandoned her years before. H owned half an acre of land and worked as a nurse's helper in the primary health centre in the village. Her son lived in a neighbouring village. One morning in March 2017 at about 9.30am, a woman and 4 men belonging to the dominant caste community in the village went to H's home. The woman called H out of her home and started quarrelling with her. The woman verbally abused H on the basis of her caste and accused her of stealing lentils from her farm. H denied the accusation. The four dominant caste men then violently attacked H, beating her and threatening to kill her. A number of villagers gathered and three neighbours intervened to rescue H. The attackers left. H immediately went to the police station to file a complaint but the police sent her for a medical examination without registering the case. Four days later, H returned to the police station and insisted on filing a case.

The police refused to file a First Incident Report (FIR) and instead filed a Non-Cognisable Report against the four men who had assaulted her. They took no action to investigate.

During the following weeks, H received constant pressure from the families of the perpetrators to withdraw her complaint but H refused to do so. Two months later, at around 10am one morning in May 2017, H was on her way to collect firewood when a large jeep abruptly stopped in front of her. Approximately 10 dominant caste villagers got out of the jeep and started verbally abusing H by caste. They beat her with a stick and forcibly undressed her, removing her blouse and saree and grabbing her mangalsutra (gold chain). They pushed her naked onto the ground and continued to violently beat her. They threatened to kill her if she complained to the police, telling her "No one can save you this time."

The villagers heard H's screams and ran to where she was. The perpetrators left when they saw the villagers approaching. The villagers helped H and she went to the police station to report the incident. Again the police refused to register a First Incident Report (FIR). H submitted a written complaint to the District Superintendent of Police, but he took no action. H wrote letters of complaint to the National Commission for Scheduled Castes in Delhi, the Director General of Police in Mumbai, and the State Commission for Scheduled Castes in Mumbai. Each institution issued directions (the Director General of Police in June 2017; the National and State Commissions for Scheduled Castes in July 2017) requiring the Superintendent of Police to investigate the complaint and submit a report to them.

Four months later, in November 2017, the police had taken no action in relation to the case. The police failed to register the FIR; interview relevant witnesses; interview the perpetrators; visit the crime scene; gather evidence; file a charge sheet; submit reports to the Director General of Police and the National and State Commissions for Scheduled Castes. None of the oversight bodies took legal action against the police. Due to the police failure to register a First Incident Report and file a charge sheet, H was unable to claim compensation for the brutal violence she suffered and to which she was entitled under the PoA Act.

4 THEME 4: DISCRIMINATION AND ABUSE OF POWER BY PUBLIC OFFICIALS

Summary of findings

- + Abuse of power and unlawful conduct by public officials/ persons in positions of authority to exploit Dalit women and girls.
- + Violation of democratic and property rights of Dalit women by public officials.
- + Community silence regarding unlawful conduct of public officials contributing to climate of impunity.
- + Police registering false cases against Dalit women victims of atrocities.

Case 9 Harassment and abuse of Dalit woman exercising her right to vote, Bihar (2016)

Case
9

L was a 28 year-old Dalit woman. In June 2016, L's village held a Panchayat election. P, a member of a Backward Class (OBC)⁴⁶ living in the village, forcefully pressured Dalits to vote for the OBC candidate. Most Dalits in the village acquiesced to P's demand due to fear of reprisals. L however chose to vote for another candidate. P discovered that L had voted against his instructions. A few days after the election, L went to buy some food. P was in the shop and he ordered the shopkeeper not to serve L. L left the shop and P and five other men followed her outside.

The men followed L and stopped her before she reached her home. They brutally attacked L, forcefully undressing her, throwing her to the ground naked and violently beating her. P made clear he was punishing L to show her community what happens when a Dalit disobeys his instructions. P threatened to kill her. L screamed for help. Her mother-in-law, brother-in-law and other Dalit villagers heard her screaming and ran to help her. The six men abused them all by caste and threatened to evict them all from the village. L's mother-in-law and brother-in-law tried to rescue L, but the men attacked them. The men continued to beat L until she lost consciousness. More villagers came to the scene. The perpetrators only left when a large number of people had witnessed the brutal attack. L's family members then rushed her to hospital.

Two days later, L's husband went to the police station to report the violent assault. The police refused to register the case and told L's husband to submit a written application. He did so but still the police failed to register the case. A DHRD advised L's husband to report the case to the specialist police station dealing with atrocities against members of Scheduled Castes and Scheduled Tribes. He did so and a member of the unit visited L in hospital to take her statement. However, a day later they had not registered the case. Finally, the DHRD went to the first police station and insisted on the registration of the case. Under pressure, the police registered the First Incident Report but omitted important sections of the PoA Act. The DHRD took L to a Magistrate to make a statement. The police arrested the perpetrators but they were released on bail a short time later. The police failed to photograph the crime scene and L's injuries and did not take statements from all relevant witnesses. P threatened L and her family and pressured her to withdraw the complaint. The police took no action against P for threatening L and her family and did not offer L any protection as required under the PoA Act. L received no compensation.


**Case
10**
Case 10 Rape of 16 year-old Dalit girl by teacher, Bihar (2016)

K was a 16 year-old Dalit schoolgirl in class 8 at her village school. One day in November 2016, K was returning to her classroom when P, a teacher and member of an OBC, grabbed her, pulled her into a room and locked the door. He pushed K to the floor and threatened to kill her and her family if she screamed or told anyone. He forcefully undressed her and then he raped her. K screamed. Two of her school friends heard her and managed to open the door of the room and found P raping K. K grabbed her clothes and escaped and immediately went to tell her parents what had happened. K's father went to the school and confronted P but he ignored him and walked away.

The next day, K's father and some villagers went to school again, but they were told P was not there. K's father demanded to speak with the Principal of the school but was told the Principal was also away. K's father spoke to the Principal by phone and told him what had happened. The Principal asked him to take no action until he returned to the school. A few days later, the Principal arranged a meeting between K, her parents, P, a number of teachers, K's school friends and some members of the village. It was established that P had raped K. The villagers started to assault P and one of them called the police and the media. The police arrived at the school and escorted K and her parents to the police station. The police arrested P and detained him. They sent K and her parents to a Women Police Station to register a First Incident Report (FIR) and take P to hospital to have a medical examination. The police also took K to record her statement before a Magistrate.

K received a copy of the FIR, the charge sheet and the medical report. She did not receive the full compensation to which she was entitled on the grounds that the medical report was unclear in its conclusions. The police failed to take action against P when he threatened K and instructed her to withdraw the case against him.

Case 11 Police harassment, detention and attempt to murder Dalit woman, Andhra Pradesh (2016)

**Case
11**

S was a 48 year-old Dalit woman who was married to a man from a Backward Class (OBC). S and her husband were constantly harassed by members of her village because of their inter-caste marriage. S had filed a complaint against them and the elders of the village had been instructed to write an apology letter, which caused further resentment towards her.

In January 2015, S and her husband bought a coconut garden from P, also from an OBC, a police officer and a friend of S's husband. S and her husband formally registered the purchase of the property. However, two months later, P changed his mind about the sale and asked S and her husband to return the property to him. They refused. P started harassing them to return the property. S filed a complaint and the court issued an injunction against him. P ignored the order. In September 2015, at 5am one morning two policemen went to S's home and asked to speak with her husband. Her husband was not home. The two officers abused S on the grounds of her caste and threatened her daughters. At 7am, the two men took S to the police station and detained her in a locked room. They took her phone and did not allow her to use the toilet. P arrived and told S that she would be harassed by police until she agreed to return his land to him. S refused. Two policemen entered the room and started verbally abusing her by caste. P and another police officer went to her home and threatened her daughters. After 31 hours unlawful detention, the police released S.

A month later, S was working in her coconut garden when P and two other police officers approached her. They abused her by caste. K reported them to the police. P continued harassing S. In November 2015, P persuaded a colleague to file a false case against S and her husband. In April 2016, S was working on her land when P's parents approached her. They asked S to speak with them. She walked over to them. At that moment, P arrived with a petrol can and threw the petrol over S. He pulled out a matchbox from his pocket. S ran from him and P shouted after her that he would kill her, she had taken his land and he would take it back and no one could do anything to him.

Soaked in petrol, S went straight to the police station. She was made to wait for 2 hours before any officer would see her. Finally, the police registered her complaint. The police took no action until 17 days later, when they visited S to take the clothes covered in petrol for analysis. The police took no further action. P was not arrested and no charge sheet was filed. The false case against S and her husband remains open.

5 THEME 5: POLICE COLLUSION AND DENIAL OF ACCESS TO JUSTICE

Summary of findings

- + Entrenched gender and caste discrimination by police against Dalit women reporting violence.
- + Routine denial of Dalit women's rights to equal protection of the law and equal access to justice.
- + Police collusion reinforcing systemic patterns of impunity of perpetrators.

Case 12

Case 12 Police collusion in assault, arson and social boycott against Dalit woman, Andhra Pradesh (2016)

M was a married Dalit woman who owned two acres of land where she grew crops. Her neighbour, X, was a member of a Backward Class (OBC) and a senior political leader in the community. M and her husband had a difficult relationship with X. He grazed his buffalo on M's land without permission. When M and her husband tied his buffalo to prevent them from eating their crops, X's son physically assaulted M and threatened to rape her. M reported the events to the village elders but they took no action. M's husband reported the incident to the police but the police refused to register the case. A little while later, someone attempted to murder M's husband. Then M's house was set on fire and destroyed. Again, when M's husband went to report the crimes, the police refused to register a case. In 2016, M was walking her buffalo along the road one day when her neighbour, Y, a woman from an OBC, abused M by caste and told her to remove her buffalo from the road. M refused. A group of villagers assembled in the street and started abusing M by caste. Again M went to the police station to file a complaint. Again, the police refused to register M's complaint. The senior police officer verbally abused M by caste and sent her away.

Case 13

Case 13 Police collusion in attempted rape of 10 year-old Dalit girl, Uttar Pradesh (2017)

E was a 10 year-old Dalit girl and a student of 4th standard. The perpetrator was a 30 year-old man living in the same village. He and his family were prominent landowners in the village.

In July 2017, E was on her way back to school after lunch when she needed to urinate. E went into a nearby field, without knowing that the field belonged to the perpetrator, who saw E in his field and silently approached her. He grabbed E from behind, covered her mouth to prevent her screaming and dragged her towards some bushes where he forcibly ripped her dress and attempted to rape her. E struggled against him, managing to free her mouth from his hand, She screamed for help. A labourer working in the field heard the screams and ran towards where they were coming from. He found the perpetrator trying to rape E and immediately stepped in to rescue E. The perpetrator fled. The labourer took E home. E's father was informed about what had happened.

Continued overleaf →

E, her father, the labourer and a teacher from E's school went to the police station to file a complaint. They had to wait hours before the police would see them. The police refused to register the case. Instead, police officers forced E to meet with the perpetrator and pressured her to accept money from him instead of registering a criminal case against him. E's father refused to accept any money and threatened to report the officer in-charge unless he registered the case. Finally, the officer registered the First Incident Report and took E to a Magistrate to make a statement. The police failed to refer E for a medical examination. As there was no medical report, she was denied compensation. The police arrested the perpetrator. E's case was referred to the State Commission for Scheduled Castes but no action was taken. Criminal proceedings remain outstanding.

Case 14 Police collusion in attempted rape and physical assault of pregnant Dalit woman, Uttar Pradesh (2016)

Case
14

N was a 26 year-old Dalit woman. She was 8 months pregnant. One evening in July 2016, at around 6:30 pm, as there was no inside toilet in their home, N and her sister-in-law went outside to urinate in a nearby field. While N was in the field, Z, a male villager who belonged to a dominant caste and owned a lot of land in the village, grabbed her from behind. He covered N's mouth to prevent her from screaming and attempted to rape her. N resisted and managed to uncover her mouth to scream for help. The man abused N by caste and started violently assaulting her, beating her and punching her in the stomach. N's sister-in-law tried to stop him, but he assaulted her as well. Eventually, a villager heard the women screaming and came to investigate. Seeing someone coming, the man threatened N and her sister-in-law, warning them of serious consequences if they told anyone what had happened. Then he left.

Later that night, N, her sister-in-law and other family members went to the police station to file a complaint. The police registered the First Incident Report but took no steps to investigate the case. Instead, the police drafted a false settlement agreement stating that N and Z had settled the matter privately. The document included Z's signature and a fake thumbprint recorded as that of N. Relying on the false document, the police closed the case without informing N.

Meanwhile, Z's nephew was pressuring N to withdraw her case, but she refused to do so. S went to the hospital to have a medical examination. She then went to the police to find out about the progress of the case and was told the case had been closed because they had reached a settlement. N denied this was the case and asked for a copy of the settlement document, which the officer in-charge of the station gave her.

Two days later, accompanied by DHRDs, N went to the office of the District Superintendent of Police and submitted a written complaint regarding the fabrication of the settlement document and closure of the case. N requested the police verify her thumbprint. The verification proved the settlement document was false. The Superintendent ordered the case to be reopened and the transfer of the officer in-charge of the police station that had fabricated the document.

CASE FINDINGS

The case evidence demonstrates multiple systemic failings in state authority responses to cases of violence against Dalit women and girl children:

A. Police failure to investigate cases of violence against Dalit women

The case evidence demonstrates the systematic failure of the police to conduct prompt, effective, independent and impartial investigations of violence against Dalit women and girls resulting in the violation of their rights, the re-traumatisation of victims and the perpetuation of impunity for perpetrators.

The purpose of a police investigation is to:

- + secure the practical and effective protection of human rights guarantees
- + secure the effective implementation and operation of domestic criminal law
- + secure confidence in the rule of law in a democratic society
- + secure accountability in practice
- + demonstrate that the State and its agents are not colluding with or consenting to criminality of any form against any individual or group

The evidence highlights the following investigative failures:

1. Routinely refusing to register cases of violence against Dalit women and girls.
2. Routinely failing to properly investigate cases of sexual violence against Dalit women and girls – disbelief of victims; dilution of criminal charges against perpetrators; cases compromised due to threats from dominant caste perpetrators; police closure of cases on pretence that cases are false.
3. Failing to record detailed statements of victims and including all relevant offences under the Indian Penal Code and The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 (as amended) (PoA Act) in First Incident Reports.
4. Failing to identify and interview all relevant witnesses and secure all eye-witness testimony.
5. Failing to inspect or delaying inspection of the crime scene with the consequent loss of forensic evidence-gathering opportunities.
6. Failing to interview the perpetrator, to secure DNA and other forensic evidence and to search the home or other property of the perpetrator.
7. Failing to conduct risk assessments of the victim and her family in cases where perpetrators are dominant caste and live in the same or a neighbouring village.
8. Failing to take action to protect the victim and their family following intimidation and threats from perpetrators to withdraw the complaint against them.
9. Failing to update victims on the progress of the investigation and to provide copies of the First Incident Report, medical report and the charge sheet.
10. Failing to meet the 60-day time limit for completion of an investigation as prescribed by the PoA Act.
11. Failure to meet the 3 month time limit for completion of an investigation of a rape of a child (under 18 years).⁴⁷
12. Police registering false and vexatious cases by perpetrators against victims of atrocities with the objective of pressuring victims to withdraw complaints.

⁴⁷ The investigation should be completed within 3 months from the date the information of the offence was recorded by the officer in charge of the police station: Criminal Procedure Code s.173(1A).

The cases demonstrate that police investigative failings are both systemic and operational:

- a. **Systemic failings** include entrenched gender and caste bias and discrimination against Dalit women; the routine refusal of police to register cases (first incident reports) of harassment and violence against Dalit women; the failure to comply with procedural requirements for the investigation and prosecution of atrocities and the duty to protect victims and witnesses under the PoA Act; police collusion with dominant caste perpetrators.
- b. **Operational failings** include flawed individual acts or omissions of individual police officers in the course of investigations.

B. Inadequate medical treatment of Dalit women victims of violence

A registered medical practitioner must examine victims of violence and prepare a report which includes the following information (India Criminal Procedure Rules, s.164A(2)):

- a. The victim (or where the victim is not competent, the person representing the victim) has consented to the examination.⁴⁸
- b. Time and date of examination.⁴⁹
- c. Name and address of the victim and any person accompanying her.
- d. Age of the victim.
- e. Description of the material taken from the victim for forensic testing.
- f. Marks of injury, if any.
- g. General mental condition of the victim.
- h. Other relevant information in reasonable detail.
- i. The report must state the reasons for reaching each conclusion.⁵⁰
- j. The registered medical practitioner is required to submit the report to the investigating police officer who must send it to the Magistrate.⁵¹

In sexual violence cases, the medical examiner must not make any comments on the character or sexual history of the victim in the report or the absence of injuries and should not give any opinion on whether s/he thinks the rape has occurred or not. This is a legal conclusion for the court.

The case evidence highlights inadequate and inappropriate medical examinations of Dalit women and girl victims, and continuing use of the “two-finger” test⁵² when examining victims of rape. The Supreme Court has held that this test “violates the right of rape survivors to privacy, physical and mental integrity and dignity”.⁵³

The case evidence also highlights that many doctors examining Dalit women and girl victims of violence are producing inadequate medical reports which do not comply with the *Guidelines & Protocols, Medico-legal Care for Survivors/Victims of Sexual Violence* (National Guidelines) issued by the Ministry of Health and Family Welfare in 2014.⁵⁴ Many of the medical reports fail to provide a complete and accurate record and objective analysis of clinical findings and/or demonstrate caste bias or gender stereotyping.

48 Criminal Procedure Rules (Cr.P.R.), s.164A(4).

49 Cr.P.R. s.164A(5).

50 Cr.P.R. s.164A(3).

51 Cr.P.R. s.164A(6).

52 A practice where the examining doctor notes the presence or absence of the hymen and the size and so-called laxity of the vagina of the rape survivor, to assess whether girls and women are ‘virgins’ or ‘habituated to sexual intercourse’.

C. Failure to implement domestic laws to prevent, provide protection against and punish violence against Dalit women and girls

The evidence highlights the systematic failure of State authorities, at both the State and national level, to implement The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (as amended) (PoA Act) and comply with the procedures and provide protection and remedies to Dalit women and girl victims as prescribed under the PoA Act, including:

1. Failure to register crimes of violence against Dalit women and girls as atrocities under the PoA Act.
2. Routine disbelief of Dalit women and girl victims of sexual violence and closure of cases by police without proper investigation on pretence cases are false.
3. Failure to meet the 60-day time limit for completion of an investigation.
4. Granting bail to suspects charged with atrocity offences in breach of PoA Act, s.18.⁵⁵
5. Failure to complete criminal proceedings within the 2-month time limit.
6. Failure to pay the Dalit women and girls victims the compensation to which they are entitled under domestic law.
7. Police collusion with dominant caste perpetrators of violence against Dalit women.
8. Failure to protect the victim and their family following intimidation and threats from perpetrators to withdraw complaints against them.
9. Failure to take action against perpetrators who threaten and intimidate victims of atrocities.

D. Failure to punish State actors failing to comply with their due diligence duties

The case evidence demonstrates that public officials are not being held accountable for failing to comply with their duties under the PoA Act, as prescribed under s.4. In 2011, in a case regarding police failure to take action in response to the commission of atrocities under the PoA Act, the Supreme Court held, “[a]ll administrative and police officers will be accountable and departmentally proceeded against if, despite having knowledge of any such practice [offences under the PoA Act] in the area under their jurisdiction they do not launch criminal proceedings against the culprits.”⁵⁶ The Supreme Court issued copies of its judgment to all Chief Secretaries, Home Secretaries and Director Generals of Police in all States and Union Territories of India with the direction that it should be circulated to all officers up to the level of District Magistrates and the District Senior Superintendent of Police for “strict compliance”.⁵⁷ Despite the clear directions of the Supreme Court, the case evidence clearly indicates the routine failure by the police to comply with the provisions of PoA Act without sanction.

53 Lillu @ Rajesg & Anr v State of Haryana, SC Criminal Appeal No. 1226 of 2011, 11 April 2013.

54 The Guidelines are available here: <http://mohfw.nic.in/reports/guidelines-and-protocols-medico-legal-care-survivors-victims-sexual-violence>

55 *Manju Devi v Onkarjit Singh Ahluwalia @ Omkarjeet Singh & Ors*, SC Criminal Appeal No. 570 of 2017; *Vilas Pandurang Pawar & Anr v State of Maharashtra & Ors* (2012) 8 SCC 795: in order to protect victims and ensure a proper and effective investigation, persons accused of committing an offence under the PoA Act cannot be granted bail except in those cases where the court can see at first sight that the accusations are completely unfounded: PoA Act s.18 read with s.438 of the Criminal Procedure Code.

56 *Arumugam Servai v State of Tamil Nadu*, SC Criminal Appeal No. 958-59/2011, 19 April 2011, para. 14.

57 *Arumugam Servai v State of Tamil Nadu*, SC Criminal Appeal No. 958-59/2011, 19 April 2011, para. 17.

CHAPTER 5.

RECOMMENDATIONS

From the case evidence and analysis presented in this report, we make the following recommendations for improved national and state authority responses to discrimination and violence against Dalit women and girls:



1 National and State Legal Services Authorities, National and State Judicial Academies, the National Police Academy and the State Department of Police Training Units should hold dedicated training on the PoA Act to ensure that all police officers and public officials understand the scope of the Act and their duties under it, the expanded list of crimes of violence against Dalit women included under the Act and the timescales for investigation, prosecution and payment of compensation.⁵⁸

2 State Director Generals of Police and State District Magistrates should work together to increase the number of convictions for crimes of sexual violence against Dalit women and girl children. They should issue joint directives stating that all cases of sexual violence reported by Dalit women and girls must be registered immediately; that a victim's testimony must be presumed truthful unless categorical evidence exists to the contrary; that the police must conduct an effective, impartial and prompt investigation in compliance with the PoA Act; that there must be no dilution of criminal charges against perpetrators; and that no case of sexual violence can be closed on the grounds that the case is false without substantial evidence.

⁵⁸ This recommendation builds on Recommendation 8.6.5.1 of the National Commission for Scheduled Castes Annual Report 2015-2016.



3 State Social Welfare Departments (SWD), as the nodal department responsible for the welfare and protection of Dalits, the Director General of Police and State Public Prosecutors should agree procedures for monitoring cases of violence against Dalit women and girls and the timely payment of compensation to victims. All district Superintendents should be mandated to report at 6 monthly intervals on their district's performance in registering and investigating cases of violence against Dalit women and girls.

4 State Commissions for Scheduled Castes should compile Annual League Tables⁵⁹ for submission to Chief Ministers and for general publication, comparing implementation of the PoA Act in each district of the their State, including the following data:

- a. District conviction rates under the Act
- b. District acquittal rates under the Act
- c. Special Public Prosecutors performance data by district
- d. Complaints of non-registration of cases
- e. Complaints of intimidation of complainants
- f. Complaints of police failure to protect Dalit complainant, witness or community
- g. Complaints of false cases brought against Dalit claimant
- h. Numbers of cases withdrawn or settled
- i. Recommendations for action, including punitive measures against officials, prosecutors or police officers failing in their duties under the Act

5 State Director Generals of Police and State District Magistrates should issue directives imposing zero-tolerance of non-registration of atrocity offences and mandating that police and public officials who fail to discharge their obligations under the Act be sanctioned under section 4 of the PoA Act.⁶⁰

6 The Government of India should grant the National Human Rights Commission the necessary legal authority to hold formal inquiries into collective complaints of State-level police or criminal justice system failure to register, investigate and/or prosecute cases of violence against Dalit women and girls, with the power to sanction State officials failing in their duties.

⁵⁹ This recommendation builds on Recommendation 8.6.1.3, 8.6.1.4, 8.6.3.4 and 8.6.3.5 of the National Commission for Scheduled Castes Annual Report 2015-2016.

⁶⁰ This recommendation builds on Recommendation 8.6.2.3 of the National Commission for Scheduled Castes Annual Report 2015-2016.

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