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## Abbreviations

ADRF	Asia Dalit Rights Forum
AIDMAM	All India Dalit MahilaAdhikarManch
BTAP	Budget Transparency Accountability and Participation
CSO	Civil Society organization DAAA
Dalit ArthikAdhikarAndolan DBRC	
Dalit's Budget Resource centres	
DHRD	Department of Human Resources Development
DRR	Disaster Risk Reduction
GRB	Gender Responsive Budgeting
ICSSR	Indian Council of Social Science Research
MHRD	Ministry of Hyman Resource Development
NCERT	National Council of Educational Research and Training
NCRB	National Crime Records Bureau
NCPCR	National Commission for protection of Child Rights
NCSPA	National Coalition on Strengthening of SC ST PoA Act
NDMJ	National Dalit Movement for Justice
NDRF	National Disaster Response Fund
NDW	National Dalit Watch
NUEPA	National University of Educational Planning and Administration
MSJE	Ministry of Social Justice and Empowerment
PoA	Prevention of Atrocities Act
SC	Scheduled Caste
SCSP	Scheduled Caste Sub Plan
ST	Scheduled Tribe
SMC	School Management Committee
TSP	Tribal Sub Plan
UGC	University Grants Commission

## Message from the Secretary's Desk .....

*As I write this message there is much angst about the changing political landscape in this country, but no matter which party comes to power, we must surge ahead with a renewed spirit and hope for a positive change. In the present context inequalities continue to grow but I also think that we have made much progress towards ensuring an equitable and just society though much has yet to be done.*



*As I reflect on the year gone by I am both humbled and ecstatic to be able to share our achievements through this yearly report. A year of truly significant accomplishments spread across 12 eventful months starting April 2013 to March 2014. About 2 decades ago when the decision to form a national level platform was discussed little did we realise the impact we could make and the huge potential to change the way policy is written in this country through advocacy both at the national and state level.*

*The National Dalit Movement for Justice (NDMJ) took Civil and Political rights to another level; through their continuous efforts to raise the issue of the poor implementation of the SC ST PoA act and the gaps in the act. NDMJ responded to the demands of the public as well as many parliamentarians and parties and shared the data and the need for effectively reaching the objectives of the Atrocities Act. As a response to the many gaps in the implementation and in the interpretation of the Act, NDMJ, through the National Coalition on Strengthening the Preventions of Atrocities Act, proposed amendments to strengthen and ensure speedy justice to victims of atrocities. It was done in record time; through extensive advocacy managed to get the president's assent in a historical move through an ordinance on the amendments in the PoA Act. I must acknowledge the hard work put in by Dalit Human rights Defenders working tirelessly and fearlessly on the ground, the community for its strength, NCSPA Coalition members and the staff at Swadhikar to have worked so hard over the last few years ensuring strengthening of the act to ensure access to justice.*

*Dalit women under the aegis of All India Dalit Mahila Adhikar Manch (AIDMAM) mobilised young women and men and organised a Dalit Mahila Swabhiman Yatra that travelled across 5 states. Dalit women have resisted multiple forms of discrimination over the years and through this process, young women fearlessly declared that they will not stand and watch in silence as their bodies are used and violated, but challenge patriarchy and demand accountability from the institutions and systems in an attempt to end impunity. This process also energised and galvanised the communities across these five states Haryana, Uttar Pradesh, Bihar, Orissa and Maharashtra.*

*One of the challenges that we face is the access to entitlements and schemes by the community. After several discussions with the community leaders on how to fill this*

gap, Dalit ArthikAdhikarAndolan (DAAA) started the Dalit Budget Resource Centres(DBRCs) in 6 states. DBRCs help facilitate access of entitlements by providing information and other enabling services to access the schemes.

I am also elated to share that last year when we formed the **National coalition on SCP TSP Legislation (NACSTL)** we did not foresee the huge impact the coalition could make at the national level. Through NACSTL we were able to see unprecedented progress towards legislating SCSP TSP; both the Ministry of Social Justice & Ministry of Tribal Affairs drafted a bill on SCSP & TSP after several rounds of discussions and meetings with the top decision makers of this country. We were able to both mobilize community leaders to participate and ensure that our voices were heard at the highest echelons of power. However there is still a long way to go but I am positive that we can continue these efforts and slowly but surely this will lead to a legislation on SCSP TSP soon and we could be one step closer to bridging the gap and addressing the inequalities that exist today. I would like to acknowledge the efforts of the NACSTL members for which we are truly in-depted.

At the regional level there was a need to synergise and connect with groups across Asia to build a solidarity platform working towards elimination of caste based discrimination across Asia and to formalise this idea the Asian Dalit Rights Forum (ADRF) was formed. This is a platform consisting of CSOs from Nepal, Bangladesh, Sri Lanka, Japan, India& Pakistan. The vision of ADRF is to address issues related to CBD both at the local in-country level and also intervene at spaces at the Asia level.

We remain committed to the work that we do however we continue to question the impact of our work and assess how these lead to broader social changes in the community. The accomplishments mentioned above are the combined efforts of the coalition members, networks, individuals, organisations who have extensively contributed towards the work and we are extremely grateful to the support and solidarity extended. We are humbled and enthused by the support given to us by our donors and continue to be inspired by the strength and resilience shown by the community. I am confident that with this support and continuous encouragement we will surge ahead towards ensuring, economic, social, political rights for the Dalit community.

Jai Bhim!

In solidarity,



N Paul Divakar  
Secretary, Swadhikar

## Organization Profile

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### Organizational Brief and Structure

SWADHIKAR is a registered Society under the Societies Registration Act 1860 working towards elimination of discrimination based on caste. Swadhikar is committed to the elimination of discrimination based on caste and collaborates with various groups led by Dalit women and men activists, with support and solidarity from organizations, academics, individuals, people's organizations and institutions throughout the country. These networks are committed to work to protect and promote human rights focusing on women and children from vulnerable communities.

It's main aim is to strengthen the institutions delivering justice to Dalits and build peoples capacity to access them as rights and entitlements. It focuses on women among the vulnerable sections and recognises that economic entitlements are as equally important as social justice where SCs and other vulnerable communities are concerned.

Since inception Swadhikar along with collaborating organisations have trained many Dalit women and men towards human rights in over 14 states. The reach of the organization's activities is widespread and focuses to address the rights of the community especially the excluded.

Swadhikar now focuses on Dalit women's rights to access justice and economic entitlements, tracking budgets and enabling Dalit communities to utilise the Special Component Plan (SCP) towards their development, to strengthen the land and livelihood rights and to strengthen the criminal justice administration and streamline its access to the vulnerable sections of the Dalit community.

The Five main thematic areas:

**All India Dalit MahilaAdhikarManch (AIDMAM)** is a forum of Dalit Women committed to challenging the nexus of patriarchy, caste, culture and class oppression, exploitation and marginalization of Dalit Women. AIDMAM has membership and solidarity of Dalit & non-Dalit women, Dalit men and other human rights defenders committed to the cause of protection and promotion of the rights of Dalit Women under the leadership of Dalit Women.

**National Dalit Movement for Justice (NDMJ):** NDMJ involves in the criminal justice administration systems to address issues of access to justice for those affected by atrocities and violence. The main vehicle is the SC/ST POA Act and NDMJ advocates to

strengthen survivors and victims as they use the law for access to justice - both penal and pecuniary. It works with the executive, the judiciary and the policy makers and people's representatives in bringing the voice of the survivors and victims and to ensure effective implementation of existing acts and measures.

**Dalit ArthikAdhikarAndolan (DAAA):** DAAA looks at the various economic rights of Dalits including education and entrepreneurship. It uses the Union and state Government budgets as the main vehicle to tracking schemes and entitlements of Dalits. It involves in advocacy with policy makers and executives in strengthening the existing policies and tracking it for accountability and transparency.

**International Advocacy:** focuses on UN mechanisms to use them to address Caste Based Discrimination through several treaty bodies and charter based mechanisms. It participates in the Human Rights Council and other process for relevant interventions. It works with International Human rights Organisations during grave atrocities as well as campaigns for strengthening the Criminal Justice Administration. It supports several Dalit solidarity bodies initiated in over 6 countries to advocate for Dalit rights in UN as well as in the EU.

**National Dalit Watch in Disaster Risk Reduction:** Monitoring Disaster Response and Preparedness for Inclusion & Equity, working towards developing tools and methods to map, document and mitigate caste-induced vulnerability and discrimination in disaster preparedness, mitigation, response and rehabilitation for inclusion of Dalits in disaster management.

#### **Target Region & Population:**

Our Target population group would be the Scheduled Caste (SC, Dalits) who constitute 16.6 % & Scheduled Tribe (ST) about 8% of the total population of India. Our main areas or regions of work are 19 states of India which are Bihar, Orissa, Gujarat, Uttar Pradesh, Madhya Pradesh, Haryana, Punjab, Andhra Pradesh, Karnataka, Maharashtra, Kerala, Jharkhand, Chhattisgarh, Tamil Nadu, Assam, Himachal Pradesh, Jammu & Kashmir, and Rajasthan. With a growing need for inclusion the focus of the organization is to ensure the benefits of projects/programs reaches the poorest of the poor.

## Dalit Women's Rights

**All India Dalit MahilaAdhikarManch** (AIDMAM) has played a crucial role in bringing in the caste and gender perspective particularly on the social and gender justice discourse. The challenges faced were innumerable; however, the indomitable spirit of Dalit women across the country accelerated the collective to forge ahead. AIDMAM carried out mass rallies, campaign across the country flagging the burning issues in particular the cases of violence and discrimination faced by Dalit women and demanded the life of dignity and freedom.

**Under the leadership of AIDMAM various key activities were carried out in the year 2013-14.**

According to the official statistics of the National Crime Records Bureau (NCRB), ***more than four Dalit women are raped in our country every day***. However, this is a grossly under reported figure since hundreds of cases of rape of Dalit women are not even registered. The question of conviction is thus a distant dream.

Various Dalit women campaigns across the country and regular monitoring of the sexual violence cases against Dalit women, but unfortunately they always hit a dead end; the dominant caste threats, the inadequacy of the law enforcement agencies and the collusion between the two leaves no hope of justice.

This is evident in the current status of the rape incidents that were reported in late last year wherein 20 year old Dalit girl was allegedly raped and murdered in the State of Haryana. Apart from the initial compensation amount given to the family, nothing much has moved. The rape survivors and their families are living in fear, poverty and despair. This is the only another one in a long list of cases of sexual violence on Dalit women. In 2006, Surekha and Priyanka were brutally assaulted, gang-raped and killed and we only wished that the story ended there. The dominance of the power perpetrators only gets bolder with the impunity that they enjoy. The Dalit community and in particular the women express their deep anger towards the entire criminal justice system.

***“Today, we do not even know what to ask for! Should we make a claim for a separate State for Dalit women? A State that will give us a life of security? A separate State that will allow us to live our lives peacefully? A State that will permit us to go to schools? A State that will allow us to go to the toilet without fear? A State that will give us the basic right to life?”***

***VimalThorat, National Convenor, AIDMAM***

Dalit women have lost all hope in the Government, in the police, the judiciary, and the elected representatives and civil society. We do not want to just trigger the conscience of the system and the people, but seek all voices for justice for Dalit women in India.

***“Dalit women will agitate until we get a life of dignity and freedom”.***

The Mashaal rally was a protest against gross apathy and negligence in the investigation of rape and murder of a 20 year old Dalit girl from Jind, Haryana. This young Dalit girl on her way to write an exam was brutally gang raped and murdered by the dominant caste men. This rally was to highlight the callousness of the local administration, police and the justice delivery system. It was also to highlight the impunity given to the dominant caste groups given in several cases of rape and assault of Dalit women in Haryana.



### National Tribunal



In the long and arduous journey of Dalit women reclaiming their rights a two days National Tribunal was organized from 30<sup>th</sup> September to 1<sup>st</sup> October, 2013. The aim of the National Tribunal - Violence against Dalit Women was to bring together at the national level, the testimonies of systemic failure of justice & legal mechanisms and to seek a parallel course of justice for the victims of violence. The case of violence from various states like Gujarat, Bihar, AP and Haryana were brought

forward in front of jury comprising of Farah Naqvi, Henri Tiphagne, Vrinda Grover, Gayatri Singh, Prof. Vimal Thorat, Dr. Srivella Prasad, P.Sivakami and Vidyanand Vikal who heard horrifying accounts of atrocities wreaked upon by 30 Dalit women and their families



The National Tribunal witnessed 45 testimonies of victims. These cases were divided into different categories of crimes such as discrimination, kidnapping, murder, physical assault, sexual assault, sexual violence and murder, trafficking and witch craft. The maximum numbers of cases were of sexual violence against Dalit women.

There were also some cases of discrimination faced by the Dalit women elected representatives. Such as case of gruesome acts of violence, prevention of franchise and nominations for elections, discrimination in office, false allegations etc. this were



only the tip of the iceberg of violations for most Dalit women elected representatives in Panchayat positions. The power of being an elected representative often renders Dalit women powerless and insecure, as the backlash violence she has to face from the dominant caste men due to her assertion. This combined with the systemic caste and patriarchal discrimination causes acute barriers to her journey as a leader of her community and constituency. Dalit women face severe barriers in accessing their rights. The impunity of the State is exposed

in all the cases heard during the National Tribunal. There is a deafening silence from all the State and non-State actors on Violence against Dalit women. The maximum that has been achieved so far is compensation and that too is often given after a lot of pressure, demand and advocacy. Even after this most of them are not arrested and also absence of proper mechanisms for the rehabilitation of any of the survivors of violence.

### National Consultation on Reframing budgets by Dalit women

The Special budgetary planning and allocations for specific target population are aimed at closing the development gaps that exist. In case of Scheduled Castes, the Scheduled Caste Sub Plan (SCSP) aimed at bridging the development gap between the SC's and the Non-SC communities. In case of Gender Responsive Budgeting (GRB), it aims to address the inequity experienced by women over the years.



For Dalit women, the intersections of Scheduled Caste Sub Plan SCSP and Gender Responsive Budgeting GRB are crucial to address the specific needs of Dalit women. This exercise of bringing out the specific requirements of Dalit women and economic rights is critical at this juncture, since the process of building legislation on SCSP is in progress. To make the planning strategy into legislative policy framework to address these specific needs of Dalit women and other most marginalized groups does not exist in India. Despite of progressive approaches of dealing with exclusion, the need of the hour is to recognize the multiple forms of discrimination experienced by some social groups, which need to be modified, and more focused. Only by a generic approach, we fail to address the specific needs and hence the primary aim of closing the development gaps will never be achieved.

Therefore AIDMAM organized a National Conference to discuss the specific needs of Dalit women and bring out the clear recommendations both for the SCSP legislation as well as the programmes and schemes aimed at bridging the development gap. The event witnessed participation of Dalit women activists, gender rights activists, academicians and civil society members across the States. The inaugural session had members from Planning Commission stressing on the needs of coming out with specific set of recommendations for the commission to follow up. During the conference the importance to legislate SCSP with a special focus on Dalit Women were discussed. The following panel had Cynthia Stephen, State Programme Director at MahilaSamakhya at Karnataka shared the MahilaSamakhya example and SaradaBalgopalan, Academician in Delhi University stressed on needs for common school and also advocated for increase in per child expenditure on primary education. Dr. Rebecca Tavares, Regional Programme Director UN Women, in her address also stressed on the need for special planning strategies to address the concerns of Dalit women.

#### **Outcome:**

**'National Conference on defining the agenda of Dalit Women in the Scheduled Caste Sub Plan - Legislate, Allocate, Implement was successful in bringing in experts, activists, community leaders and Dalit women from across the country.'**

#### **Dalit Mahila Swabhiman Yatra**

For many years, Dalit women have been violated, raped, tortured and murdered. All the sites of violence signify a great history of struggle for self determination. With aim to bring forward the voices of Dalit women Dalit MahilaSwabhimanYatra was organized in the months January to March. In the yatra huge number of Dalit women,



traveled hundreds of kilometers from the states of Haryana, Bihar, Uttar Pradesh, Odisha and Maharashtra. The yatra lighted the flames of resistance and struggle. It was a historic event in the independent assertions of Dalit women in India as activists and survivors who joined forces during the yatra to take back their communities and call out both their perpetrators and the public institutions who have failed in delivering justice.

***“We independent Dalit women are the force behind the assertions and the struggles. We are the spark. We herald the true revolution”.***

**Asha Kowtal, General Secretary, AIDMAM**

In the yatra not only the Dalit women but also thousands of volunteers, students from various parts of the country joined the yatra surging ahead with great energy and conviction. The experience from the last karwan in Haryana had been very motivating wherein many young Dalit girls came out of their houses to raise their voices against violence. In the last six months from the preparation of the karwan a strong group of young and vibrant Dalit girls have come together as a group along with some Dalit boys in Haryana. This group in Haryana is very energetic, vibrant and committed to fight against caste based gender violence.

**Impact:**

**As a result of the yatra the leadership among young girls is emerging to fight casteist and patriarchal forces.**

In every step of this freedom march by Dalit women, demands emerged from the yatra seeking accountability of institutions and mechanisms mandated to protect Dalit women - to end impunity and crack injustice.

The yatra culminated on March 12, 2014, in Delhi, where hundreds of Dalit women from many states arrived in Delhi for a large public meeting who shared their experiences and expressed collective declaration for their rights and dignity.

The public meeting aimed not only to condemn the failure of the political parties and governments but also to build a sustained collective force to safeguard one self, money and politics.



## Civil and Political rights

**National Dalit Movement for Justice (NDMJ)** in coalition with State partners worked towards strengthening SC and ST Prevention of Atrocities Act (NCSPA) for ensuring the bill is tabled in the parliament session. As a result of strong advocacy and strategic campaigning it achieved one mile stone in the long battle which is still ahead by *passing of an act and Ordinance to amend the Act*. With very clear understanding that passing of ordinance is not sufficient NDMJ strived towards chalking out the strategies for effective implementation of PoA Act such as formation of legal clinics, preparing Dalit Manifesto for political parties and launching of “Atrocity Tracking monitoring” - Interactive Web based System etc. The key activities and its impact are highlighted below:

### National Consultation and Strategic Workshop with Coalition members

Union cabinet on 13<sup>th</sup> November, 2013 cleared the PoA Amendment Bill. In this context, NDMJ on 28<sup>th</sup> November, 2013 organized National level Consultation for Strengthening SC and ST Prevention of Atrocities Act (NCSPA). There were around 70 delegates from the coalition, members from the states comprising of heads of Dalit organizations, academics, Dalit rights defenders, women leaders, human rights activists. The Consultation decided to go out and meet many possible members of the parliamentarians and ensure the bill was tabled. Even the scenario once the bill is passed was discussed and what sort of action would be needed to ensure the effective implementation of the PoA Amended Act. It was further decided to intensify the campaigning with communities at the local level in order to raise political consciousness on these amendments and to build the political will among politicians, bureaucrats and the media to prevent atrocities.

### Advocacy and Lobbying for passing of Bill of SC ST PoA amendments, 2014

From 4<sup>th</sup> February till 21<sup>st</sup> February, 2014; NDMJ conducted many meetings and consultation with the Parliamentarians, Policy makers and Institutions. Continuous lobbying with the Ministry of Social Justice and Empowerment (MSJE) for ensuring the update on the SC ST PoA Amendment Bill till which was tabled in the parliament. Once the bill was tabled in the parliament on 12<sup>th</sup> December 2013 NDMJ intensified advocacy meetings with the ministers and parliamentarians. Since the Bill was not



passed in the winter session in 2013 NDMJ undertook a very intensive advocacy lobbying drive with the government and parliamentarians with support of the coalition members from different states we managed to meet around 42 Parliamentarians, including 15 ministers and heads of political parties demanding for passing of amendments bill in Parliamentary Session of Feb, 2014, which was incidentally last session of the current parliament.

### **Impact (Introduction of Ordinance to amend PoA Act)**

*The outcome so far of the consistent follow up and advocacy was amendments proposed by Ministry of Social Justice to the parliament in the form of Bill on 12.12.2013 and passing of an Ordinance on 04.03.2014 to amend the Act and make it strong and effective. Following are the amendments proposed by the Ministry in line with the amendments proposed by the coalition.*

1. *Addition of new category of offences to the existing 19 punishable offences.*
2. *Addition of IPC offences attracting committed against Dalits or Adivasis as punishable offences under the POA Act.*
3. *Establishment of Exclusive Special Courts and Special Public Prosecutors to exclusively try the offences falling under the POA Act to enable speedy and expeditious disposal of cases.*
4. *Power of Exclusive Courts to take cognizance of offence and completion of trial in 2 months.*
5. *Addition of chapter on the 'Rights of Victims and Witnesses'.*
6. *Defining clearly the term 'wilful negligence' of public servants at all levels, starting from the registration of complaint, and covering aspects of dereliction of duty under this Act.*
7. *Addition of presumption to the offences.*

### **National Coalition Strategic Planning Meeting and Release of Dalit Manifesto**

National Strategic Planning Meeting of coalition partners after passing of the Ordinance was organized on 27<sup>th</sup> March, 2014 at Constitutional Club, New Delhi, to discuss on the future strategies for legislating the ordinance and to chalk out the strategies for effective implementation of PoA Act. Collective efforts of National Coalition for Strengthening SC and ST PoA Act (NCSPA) during last two years yielded a great result in paving way for tabling the proposed amendments under PoA Act in the parliament, when union cabinet on 13th November, 2013 cleared the PoA Amendment Bill and passed the Ordinance on 04<sup>th</sup> March, 2014. To ensure that the



Ordinance is legislated it was found

appropriate to have a strategic workshop to reflect and strategize to keep up the expectations generated. In this context, National Coalition for Strengthening SC and ST Prevention of Atrocities Act (NCSPA) organized a National level Consultation on 27th March, 2014 at Constitutional Club, New Delhi. There were around 50 delegates from coalition members from the states, heads of Dalit organizations, academics, Dalit rights defenders, women leaders, human rights activists. During the consultation Dalit Manifesto for the political parties was also released.

### **Documentation of the Coalition Process**

One of the strength of the National Coalition for strengthening the PoA Act was the process of coalition adopted. For many it is still a mystery that what made the huge number of Civil Societies Organizations who came, worked, journeyed and bonded together for strengthening of PoA Act. The process adopted by the coalition itself is a matter of study. Therefore we reflected and thought that it is very important to look back and reflect on the strengths, achievements of the entire campaign process, which will be very useful for generations to come to learn from the insights of this process, the tools used and actions implemented. In this background the study of entire campaign process is found to be essential. As a preparation of the process report we –

- Mapped out the Coalition strategies adopted at the National and State level by the partners.

- we consolidated National and State level campaign activities from coalition partners

- Prepared a draft of the report based on the documents and meeting minutes of coalition.

- Prepared a questionnaire for the coalition partners to get their perceptions on the campaign from 32 partners.

The feedback of the partners will be then incorporated into the process report and circulated among partners for comments.

### **State Level Consultations with CSOs, Policy makers and legislators**

One of the significant outcomes of the relentless work of the Coalition partners was the proposed amendment to the PoA Act. The National Advisory Council submitted their recommendations to the SJEM. The inter-ministerial drafting committee was in the preparation of the bill for the amendments to the PoA act. Therefore, it was found important for the National Coalition to ensure that the amendments are tabled in the Parliament. For that concerted efforts was needed with specific strategies and planning to ensure that amendment process reaches to the logical conclusion. Therefore, to take a collective strategic course of action, State level and National Strategic Consultation were organized to bring together the representatives of the coalition members together to plan out the strategies for introduction of amendments and also Post-Amendment scenario. State level consultations were organized in Odisha, Maharashtra & Bihar.

## Accountability Mechanisms: Filing RTI applications on the mandatory provisions of PoA Act 1989 and Rules 1995

Important Data Collected on PoA Act using the Right to Information act regarding the functioning of the various mechanisms provided under the PoA Act. We prepared 7 (District– 3 & State level – 4) types of RTI applications as per various mechanisms in the SCs & STs (PoA) Act 1989 & Rules 1995. We filed and follow up RTI applications in 201 atrocity prone districts of 26 States and 3 Union Territories as per the Calendar for Monitoring of Mandatory Provisions under SC/ST (PoA) Act & Rules. In this period, we have filed 2285 RTI applications and received the responses of 5017 for 7 types of RTI applications under Rule 4(4), Rule 17(3), Rule 4(2), Rule 8(1), Rule 7(3), Rule 9 and Rule 16(2).

### Formation of Dalit Advocates Forum at State level

One of the gap in the process of DHRM monitoring is insufficient mechanisms with CSOs for legal interventions and to address various practices which affect the accessing justice in judiciary system. There is need to build relationship between advocates practicing, victims and organizations at state level. Hence, the State Level Consultation with Dalit, Adivasis and Women advocates from each state were organized. These advocates were identified and brought together on their experiences and perceptions as regards the functioning of different actors in the Special Courts. The purpose of these workshops was to initiate the process of promoting a Dalit & Adivasis Lawyers Network in each state to support the victims of atrocities to bring their cases to render justice.

In this period a concept note for the advocates conference were prepared followed by State level consultations in order to strengthen the CSOs in the legal follow up of Fact Finding cases/ **5 State Level Advocates forum in the states of Andhra Pradesh, Tamil Nadu, Rajasthan, Uttar Pradesh and Jharkhand were initiated with total members of 186 Dalit Advocates including 11 Dalit women Advocates representing 59 Districts of 5 States through Advocates Consultations.**

### National Advocates Workshop on Access to Justice for Dalits and Adivasis

Organized National Advocates Workshop on Access to Justice for Dalits and Adivasis with 15 Advocates from 8 States on 23<sup>rd</sup>- 24<sup>th</sup> November, 2013, who are actively intervening in SC/ST PoA Act cases as well as the national and international expert in order to capture best practices and potential legal interventions to strengthen the implementation of this Act and facilitate greater convictions.

### Meeting with Victims and Witnesses and formation of the Legal Clinics

Many of the Coalition members were engaged in the fact finding of the cases of atrocities. One of the challenges was to ensure the effective enforcement of the PoA Act and strategic use of the data collected through fact findings. Legal Clinics were formed to address those challenges. Therefore, we planned to assist the state members in organizing Legal Clinics. This brought together different participants, survivors, lawyers,

legal experts, social activists and legal strategist. The focus was on evolving the strategies for the legal cases of atrocities under PoA Act. The cases were selected and updated with their present status. Documents were collected and based on the documents gaps in the implementation of PoA Act were identified for critical legal interventions to strengthen the follow up of cases. In the individual cases linked up Victims & Witnesses with advocates, DHRDS & CSOs so that the necessary legal interventions are undertaken. We organized victims and witnesses meetings in the states of Andhra Pradesh, Jharkhand, Rajasthan, Tamil Nadu and Uttar Pradesh. As a result of victims and witnesses meetings we organized 3 Legal Clinics at **Hyderabad, Andhra Pradesh; Villupuram, Tamil Nadu; Coimbatore, Tamil Nadu.**

### Initiating Special Court Monitoring and launch of a Report - “Justice under Trial”: Caste Discrimination in Access to Justice before Special Court”

Collaborating with the state level partners we also started a new initiative last year to monitor the Special Courts under the PoA Act. With our experience we observed that despite the poor situation of justice delivery by the Special Courts, state governments have not made any public information on the workings of Special Courts under PoA Act. Moreover, little research has been undertaken to uncover the constraints and discrimination being faced by victims and witnesses in the process of criminal justice through these Courts and different court and non-court actors involved at different stages, and to suggest concrete ways to support victims of atrocities to achieve legal justice. Special Court monitoring is an attempt to systematically document and analyse the legal processes in the Special Courts. Therefore as a pilot we monitored 5 Special Courts in the five states of **Andhra Pradesh, Jharkhand, Rajasthan, Tamil Nadu and Uttar Pradesh.** In this process we developed tools and methodology for CSOs to monitor the functioning of the special courts -



- Basic Court Information format
- Details of pending cases in each special court.
- Daily observations of court proceedings
- Tracking of cases reaching judgment before the Special Court.
- Collection of special court judgments.
- Short questionnaire for victims & witnesses.
- Case study format for victims & witnesses of atrocities.
- Meetings with Victims & Witnesses
- Meeting with Advocates
- Interview with Special Public Prosecutor

**Based on the outcome of the monitoring of Special Courts a Report was prepared (“Justice under Trial”) and launched by Mr. Nandagopal, Programme Manager , Christian Aid , Delhi on 27<sup>th</sup> March , 2014.**



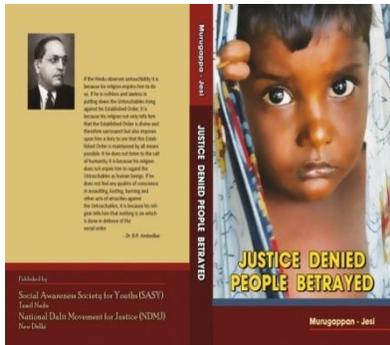
### **Initiating and Launching of “Atrocity Tracking monitoring” - Interactive Web based System**

During the Campaign we have developed a website namely – “www.annihilate.in” recently with support of other project. Under the website we have developed an interactive system. The goal of the system is to facilitate collection, storage, retrieval, transfer and sharing of information between the partner organizations, and develop

periodic alerts for partner organizations and enforcement officials on the mandatory provisions of the PoA Act and Rules. Secondly, human rights organization can make use of triggers to follow emblematic cases during trial to conviction of case. The key objectives of the interactive system namely – “Atrocity Tracking Monitoring” are - creating triggers & alerts for monitoring through emails and short messaging system, sharing of information and fact finding reports for early intervention, online pool of caste atrocities fact finding and ongoing cases for easy retrieval, improving the communication and avoid repeated task of organization, create platform at Centre and State levels for sharing of cases and databases of activists, registration and alerts for follow up of cases after verification by organization. The interactive system will also generate several reports on various aspects of implementation of PoA Act and Rules. We have uploaded 1008 fact finding atrocity cases from the following organizations such as Centre for Dalit Rights, Dalit Stthree Sakthi, SGVK, SASY, Sakshi, Navsarjan Trust, Dynamic Action Group, DDVA, and NDMJ-NCDHR in the ATM system. **In this process we also organised a workshop with the coalition partners from 12 states on 26th March, 2014, with 45 representatives at Delhi. The web site was launched by Honb’le Justice Balakrishnan on 27th March, 2014 at Constitutional Club, New Delhi.**

### **Study on Access to Justice : Strategies, Interventions and Best Practices of CSOs**

The organizations, activists, experts or community leaders seldom had any time to document their experiences and evaluate their strategies and best practices. The innumerable experiences of the victims and witnesses, the stories of their successes and failures, the challenges and obstacles they had faced, the innovative approaches



they had invented – all these could not be documented due to lack of time, energy and expertise. This study has indeed filled that gap and has provided that critical space for recording and documentation, and for analysis and reflection. This process brought together various key Dalit organizations for intensive and honest reflection on their experiences in dealing with cases of atrocities. It enabled sharp critiques on current social situation, analyzed current challenges, provided fresh insights on current practices, opened up opportunities to explore viable strategies, and consolidated and strengthened their networks.

The key outcome of this study is the summarizing of what has been achieved and proposing concrete recommendations for making the implementation of the PoA Act more effective. To list only a few examples of such recommendations - adopting a multi-tiered approach to intervention (state, district, village), pursuing each atrocity case with rigorous monitoring process, initiating early fact-finding and other forms of intervention at all stages, extending moral support and solidarity through community networks, assisting in filing FIRs, following up registered FIRs with timely investigation and charge sheeting, providing easy access to legal representation, facilitating appointment of private lawyers to special courts as per the victim’s choice, having recourse to effective strategies to file appeals, offering skill and knowledge based trainings for staff etc. **The study report was released on 27<sup>th</sup> March, 2014 by Dr. Belinda Bennet, Head of Region; South Asia.**



**Release of State Level Reports: Rajasthan and Tamil Nadu**



In order to understand the ground reality of the implementation of the act, coordination among the state and district level authorities, 2 state reports were published for the states of Rajasthan and Tamil Nadu “ **State Report on Status of Implementation of SCs and STs [PoA] Act 1989 and Rules 1995 – Rajasthan for the year 2011 to 2012** ”is jointly prepared by **Centre for Dalit Rights (CDR), Jaipur, Rajasthan** and “**Justice Denied, People Betrayed – Tamil Nadu**” jointly prepared by **SASY, Tamil Nadu** for the year 2007 to 2012 . The reports is an attempt to aim at the following aspects-

- Give overview of nature and extent of

atrocities and response of enforcement authorities in ensuring registration, investigation, prosecution, compensation, relief and rehabilitation

- Document the extent of mandatory provisions of the Act and Rules such as identification of atrocity prone areas, measures to prevent atrocities, DMs, DGP, Special Cells, Nodal Officers, Home Secretary monthly, quarterly and half yearly reviews, special courts and measures taken for effective enforcement.
- Analyze the Status of DVMC and SVMC formation and periodicity of meetings and follow up.
- Make use of the report for strengthening advocacy both at state and national level with policy makers as well as parliamentarians.

### **Capacitating Human Rights Defenders: Training of DHRDs**

Six days from (5<sup>th</sup> - 10<sup>th</sup> July, 2013) DHRDs training was conducted. A total of 47 Male and 19 Female participated in the training. The module covered: Introduction to Human Rights, Concept of Caste-Based Discrimination (CBD), Mechanisms to address CBD (National and International), Advocacy and Networking, Negotiation and Conflict Resolutions, Guidelines for Monitoring Dalit Human Rights Violations, Investigation and Fact Finding, Skill Development. This was an advanced training for DHRDs as the earlier EIDHR project already had organized similar trainings. The number was kept high to take care in the possibility of drop outs.

### **National Thematic Workshop with CSOs towards zero discrimination and violence in education**

On 19<sup>th</sup> December, 2013 National Thematic Workshop on caste and other forms of discrimination widely prevalent in our education institutions was organized. The workshop was conducted in collaboration with Centre for Social Equity (CSEI), the National Dalit Movement for Justice (NDMJ) and Human Rights Watch (HRW) to highlight and seek strategies to address discrimination in schools and colleges. The consultation brought together all relevant stakeholders in this regard – children, adults, teachers, School Management Committee (SMC) members, National Council of Educational Research and Training (NCERT), National University for Educational Planning and Administration (NEUPA), National Commission for protection of Child Rights (NCPCR) and School Education, MHRD in the deliberations on school education. In the higher education sector it brought together students, teachers, Ministry of Human Resource and Development (MHRD), University Grants Commission (UGC), and Indian Council of Social Science Research (ICSSR). In addition, it brought experts and practitioners from civil society organizations and their networks. All acknowledged the wide prevalence of discrimination and the need to address it with planned strategies. Apart from these, notable institutions on board were Prof Sukhdeo Thorat, Chairperson, Indian Council of Social Science Research (ICSSR), Shri P.L Punia, Chairperson, National Commission for Scheduled Castes, Prof R. Govinda, Vice-chancellor, National University for Education Planning and Administration (NUEPA), Prof Kanan Sadhu, National Council of Educational Research and Training, Dr.

Nidhi Sadana, Director, IIDS, Mr. Amit Shukla, Director of MHRD, Ms. Kushal Singh, IAS, Chairperson, National Commission for Protection of Child Rights (NCPCR) who contributed in the deliberation towards zero discrimination in Education. Total numbers of participants were around 40.

### Benchmarking of National Law, Policies and Practices vis-à-vis UN conventions

The 2001 World Conference against Racism (WCAR) in Durban brought recognition among the international community of the existence of Caste Based Discrimination in South and East Asia, and later in the Africa region. One powerful manifestation of this is the United Nations Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent – a comprehensive legal framework to eliminate caste discrimination globally. To have an overall understanding of the ground reality of the human rights situation of the communities affected by caste discrimination and to access information on what extent the states in Asia have addressed the issue of caste or work and descent based discrimination, the benchmarking study “***Mechanisms and their Impact in addressing Discrimination based on Work & Descent in Asia***” was planned.



The UN principles and guidelines were grouped together under 13 themes. Hence, for the benchmarking study all the 13 themes were taken, from combating segregation to market enterprises and financial allocations. Hence, it will have 13 thematic report cards. The benchmarking study is expected to bring out the gaps between the national norms and practices (e.g. for evidence, arrest, rehabilitation) vis-à-vis UN Human Rights standards. This is important since it is difficult to accurately comprehend discrimination in a system when the discrimination is a cultural and societal norm. Understanding of the benchmarking will help elected representatives to be more effective in formulating policy against discrimination.

In March 2013 a workshop was organized for developing the framework for the study. Benchmarking study comprises of three countries – India, Nepal and Bangladesh. Each country set up its own Advisory Committee for the Benchmarking study who guided the country processes. A regional level benchmarking advisory committee was constituted and a meeting was organized in Kathmandu where findings from all country reports (first draft) were shared.

The members who had seen and made comments on the study and were present in the meeting were:

- **Prof. Chinsung Chung**, Member of the Advisory Committee of the UN Human Rights Council & Professor of Sociology, Seoul National University
- **Dr. Laurence Kwark**, former Secretary General, Pax Romana
- **Dr. Krishna Bhattachan**, Prof in Sociology Dept., Tribhuvan University, Nepal

## Economic Rights

**Dalit ArthikAdhikarAndolan (DAAA)** the period of the Dalit Economic Rights from April 2013-March 2014; has moved a step forward in taking the issue of analysis of SCSP and TSP into a campaign for an effective legislation on SCSP and TSP. The whole campaign towards an effective law has resulted in mobilizing more than 400 groups across the country. DAAA has also progressed and firmly taken the issue of facilitating the access of schemes under SCSP/TSP. Equity budgeting have also been the focus and promoted Schemes under SCSP and TSP through Civil Society Engagement and Community Outreach. This has also opened a new window to make the change in notional allocations into real and relevant allocations. In the year 2013 the work towards Dalit Economic rights work in 2013 has also taken the agenda of BTAP (Budget Transparency Accountability and Participation) for strengthening the budgetary systems and passage for easy fund flow for SCSP / TSP.

### Dalit Budget Resource centres (DBRC) for ensuring access of SCSP and TSP schemes

#### Activities carried out so far –

##### 1. Facilitation of the schemes for the communities and individuals

In addition to the National center in the year 2013 total 20 facilitation centers have been established for assisting the communities, individuals in accessing the benefits of the schemes under SCSP and TSP. As a result of increased connection with communities and civil society's huge numbers of Community people are coming to take assistance from the centers. The Centre coordination team is assisting the communities in spreading awareness and monitoring for the scholarship, hostels and other scheme. In addition to this the team is also organizing village wise meetings and raising awareness through campaign.

In addition to the work at ground level of assisting the communities there has been a continuous engagement with the Officials, Local Leaders, Community leaders, MLAs and, MLCs for the purpose.

#### Highlights of the work done in Facilitation centre so far.

- More than 4700 individuals have been benefited by various schemes have been filled and submitted in the concerned offices.
- Effective engagement with the officials from social welfare departments and other departments on the issue of Access to the schemes
- More than 20,000 individuals have been benefited by creating awareness of various schemes out of SCSP and TSP.

- 350 villages are now connected with facilitation centers in the state of Gujarat, Andhra Pradesh, Rajasthan, Bihar, Haryana, Delhi, Odisha, Uttar Pradesh and Madhya Pradesh
- 267 Volunteers have been capacitated and involved in the process of DBRC.
- 31 District level Meetings and Several community meetings have taken place for strengthening the work of DBRC.

## 1. Budget Research and Advocacy

### a. Fund Flow Analysis of SCSP /TSP budgets for specific budgetary allocations of National / Sub national / and Community Level

#### Background

In the reporting period DAA continued its analysis of the fund flow analysis of the SCSP and TSP budgets from the National/State to community level has resulted in three major aspects which is as follows.

- 36 New Groups have been trained for effective fund flow of the SCSP and TSP implementation
- Specific Process have been carried out for Monitoring of schemes under NRHM , NRLM , MSDP , MHRD , MOTA and MSJE
- Scrutinizing the SCSP/TSP budget analysis through the tools and framework of Human Development Index Indicators.
- Publications have been brought out in the period for reflecting the allocations under SCSP and TSP
- The DAAA has also prepared sector wise policy briefs and submission of the same to various ministries/ PCI / Finance commission etc
- Monitoring of fund flow of flagship schemes such as IAY, SC/ST Hostels, Scholarships, Indramma, PHCs, MGNREGA and NRHM and other schemes under SCSP and TSP have evidenced the better delivery/procurement of services in the areas of interventions.
- As the communities and larger civil society were engaged in the overall fund flow analysis there is now a larger awareness amongst these groups. As a result of these efforts DAAA-NCDHR has capacitated 45 NGOs
- Specific monitoring of Budget allocation under NRHM and PHCs has resulted in a smooth commencement of the schemes in the state of Madhya Pradesh. The districts covered in the states are Betul and Chindwada.
- In the state of Andhra Pradesh regular monitoring of integrated schemes like Indramma and MGNREGA has mobilized the CBOs in advocating the basic facilities sought out of the scheme.

- The team of Bihar has successfully submitted the SCSP demand for 2014-2015 to the District Planning department

#### **b. Campaign for Budget Transparency, Accountability and Participation in Budgetary processes in the Intervention states**

In order to make budgetary processes and system more accountable and transparent for SCSP and TSP a separate campaign has been launched in 2013 in the intervention state. The whole campaign has been started with the following objectives –

- Top down approach for Budget Accountability discourse from Union budget to panchayat / village level
- Create Transparent / Accountable budgetary processes for SCSP /TSP.
- Create and reflect on better models of Budget Transparency/
- Accountability and Participation of the stake holders
- Demand for BTAP (Budget Transparency, Accountability and Participation) at National, State and District Level.
- Better Access to schemes through greater participation in the BTAP campaign

#### **Highlights of Intervention**

- 15 public meetings for demanding (Budget Transparency, Accountability and Participation) at State and Dist level
- In order to make demand right from the last level of budget allocating agencies 10 Meetings have taken place at block head quarters.
- Several other meetings / Platforms have also been used to raise the voices for BTAP demands
- Started Dist / Block level engagement for the effective transparent and accountable system for effective procurement of SCSP / TSP schemes.

#### **c. Detailed Analysis of SCSP / TSP of Union budget and state budget**

In the reporting period detailed budget analysis of SCSP / TSP allocation as per:

##### **Sector wise analysis of the Allocations for SCSP/ TSP**

- Scrutinizing the Actual expenditure versus budget allocated in MHRD, MOTA, MSME, MSJE and various departments at state level.
- Preparation of policy briefs and other reference material to be used for SCSP / TSP legislation campaign

- Creating proposals for major ministries at state and union level for better allocations under SCSP / TSP

#### **d. Building Gender perspective for SCP and TSP legislation through engagement with women groups**

Greater emphasis has been given to make sure that Dalit women and their participation in budgeting. The whole past and current research has been used by the team to prepare approach paper on “GENDER RESPONSIVE BUDGET AND NEEDS OF DALITS AND ADIVASIS WOMEN “.

#### **Highlights of Intervention**

- Reflection note on Gender Responsive budgeting and need for Dalit and Adivasi women has been prepared and further were held with the key Dalit and Adivasis women leaders.
- Three workshops were organized for the purpose to strengthen the Gender component in the Proposed SCSP / TSP bill

#### **Dalit Adivasi Shiksha Vikas Adhikar Abhiyaan**

The Dalit Adivasi Shiksha Vikas Adhikar (SVADHIK) literally meaning Dalit Adivasi Educational Rights Campaign is most recent initiative of NCDHR started in 2012. The campaign aims to ensure SC and ST student's access to educational entitlements through advocating for need-based and innovative schemes free from discrimination or exclusion in all forms of school and higher education- elementary, higher secondary, university, vocational, technical and professional. The programme campaigns for a comprehensive educational entitlement policy for SC and ST students at the national level as well as focused intervention in states of Bihar, Gujarat and Jharkhand in partnership with Centre of Social Equity and Inclusion (CSEI), Behavioural Science Centre (BSC), and SAMVAD.

#### **Activities and Events**

The major activities undertaken under SVADHIK programme is Campaign for effective SCP & TSP implementation in MHRD schemes, Advocacy for rightful allocation of SCP & TSP funds in educational entitlement of SC & ST students, organising national seminar and state level Consultations, conventions and Resource group meetings in Gujarat, Jharkhand, Bihar, Uttar Pradesh, West Bengal, Madhya Pradesh, Punjab and Delhi. Svadhikorganised the Gujarat Dalit & Adivasi Students Consultation with the objective to spread awareness about educational entitlement rights of SC & ST

students, two conventions were organized by SVADHIK/ National Campaign on Dalit Human Rights in collaboration with BSC (Behavioural Science Center Ahmedabad). The student's convention focused on discrimination in higher education, SC/ST exclusion from the govt. schemes and many other related schemes which is backbone of the SC/ST education. More than two hundred students participated in the Programme and actively raised their issues and problems in higher education level. The student's convention was focused on the discrimination in higher education, under which various issues were discussed with the SC/ST students. Similar process was initiated in Jharkhand and Bihar.

### **Student's Parliament at JantarMantarNewDelhi:**

SVADHIK had organised the **Student's Parliament at JantarMantarNewDelhi** where around 2000 students' from across the country participated to demand their educational development rights with the legislation of SCSP and TSP. The objective of the Student's parliament was to raise a national charter of demands for SC & ST students which included demand for a central legislation on SCSP and TSP along with effective implementation of educational development schemes and need of a alternative educational policy for the SC & ST students.

### **The major Achievements of SVADHIK programme:**

- Student leaders taking up the charter of demands to policy makers;
- Issues of gaps in implementation of educational development schemes raised and addressed.
- Awareness about the provisions of SCSP and TSP
- Student's consultations at campus, state and national level to prepare a charter of demands for the SC & ST students.
- Study report on "Status of implementation of SCSP & TSP in school education" completed and widely disseminated.
- National campaign for demanding SCSP and TSP legislation.
- Formation of SC & ST student's associations at campus, state and national level for demanding educational development rights.
- Consultations with policy makers to propose educational development schemes for SC and ST students

## Outcomes

- Jharkhand former education minister raised the issue educational development rights under SCSP and TSP.
- In Bihar the District Magistrate on NawadaAdeshTitmare in one of the student's consultation committed for addressing the problems of SC. He also promised to look after the Fund Flow of SCSP and TSP for the educational Development Rights of SC and ST students.
- Present District Magistrate Lalanji committed to distribute the Scholarship of SC/ST students with its Immediate Effects which students were not getting since 2-3 years.
- MHRD constituted a standing committee to look into effective implementation of SCSP and TSP in education related schemes.
- MHRD issued the letter to Chairman of University Grant Commission regarding not to discontinue the scheme of "Centres for Study of Social Inclusion and Exclusion (CSSIE) on 6<sup>th</sup> June 2013.
- MSJE Along with MoTA constituted a Working Group for drafting a central legislation on SCSP and TSP and to examine various alternatives, for the effective implementation of legislation during the month of April 2013
- Former Minister of State and Tribal Affairs, Issues the letter to Chairperson of National Advisory Council to seek an Intervention for enactment of legislation by all States to ensure the effective implementation of TSP. Dated 5<sup>th</sup> February 2013
- District Magistrate of Nawada Bihar had sanctioned the money for the renovation of the building in terms of Lights, Furniture and Sanitation with its immediate effects.

### e. Monitoring of schemes-

Regular monitoring of schemes like NRHM, NRLM, IAY, SC/ST HOSTELS, , OLD AGE PENSION, SCHOLARSHIP has taken place in the states of AP, MP , Gujrat,Odisha, Uttar Pradesh , Rajasthan and Bihar. Monitoring of schemes haveresulted in an increased mobilization of civil society organizations in the intervention areas. 36 New groups have trained and are engaged in the monitoring of the flagship schemes

### Highlights of the interventions

- Community stake holders are now aware of all the guidelines under SCSP and TSP

- In the states of AP,MP,GUJ,ODISHA,UTTAR PRADESH , RAJASTHAN AND BIHAR regular interaction with GOVT officials, departments and MLAs has resulted in creating positive ambience of SCSP and TSP implementation in villages
- Regular engagements/ meetings with Social welfare officers and departments on the issue of proper implementation of the schemes under SCSP and TSP.

#### g- DALIT SWADHIKAR YATRA IN Haryana , Delhi and Uttar Pradesh

To raise the community concerns and also to push the demand from community level for an effective legislation and implementation for SCSP and TSP, DAAA-NCDHR along with network partners had organized DALIT SWADHIKAR Yatra in the states of UP, Haryana and Delhi.

#### Highlights of intervention

- The Swadhikar Yatra covered 250 villages and 60 urban Slums in 5 districts of 3 states
- Over 367 community meetings had been conducted to create awareness on SCSP and TSP schemes
- More than 40000 people participated in all the meetings to raise and share the despair of economic disparity.
- A new cadre of 110 community volunteers emerged out of this yatra.
- Four district level public meetings and regional level meeting (Meeting with Lt. Governor- Delhi), were organized to push forward our demands for effective SCSP /TSP
- Over 30000 leaflets/pamphlets containing information on several SCSP and TSP schemes had been distributed among the communities
- 13 new schemes have emerged through our interaction with the community
- Taking the opportunity of the yatra 1300 additional representation have been given to the various officials on accessing SCSP schemes



#### Sau Mein PacheesHaqHamara

The Dalit ArthikAdhikarAndolan along with other networks have been working to strengthen the economic rights of the scheduled castes and the scheduled tribes with focus on the Scheduled Castes Sub Plan (SCSP) and the Tribal Sub Plan (TSP) at state and national levels. In December 2012, it was resolved that a national campaign

be evolved to demand the legislation of the SCSP/TSP. For this purpose, the National Coalition on the SCP TSP Legislation was formed. The coalition consists of several organizations across the country committed to the realization of the rightful claims of the SCSP and the TSP. A long and sustained campaign by civil society and human rights activists led by the National



Coalition on SCP TSP Legislation (NACSTL) has been on for more than a year. The coalition consists of about 360 organisations, both Tribal and Dalit organizations, across 22 states. The campaign, Sau Mein PacheesHaqHamara, demands budgetary rights of SCs and STs. Advocacy and lobbying continued for the effective implementation of the SCSP and TSP policy and to give statutory status to the policy. In spite of several roadblocks, there have been committed and sustained efforts to bring this legislation as an answer to several of the problems faced by the marginalized. Coalition members met with several policy makers, members of parliament, ministers and went up to the highest powers in the country. They also met with Smt Sonia Gandhi and Shri Rahul Gandhi.

### Monitoring Exclusion in Disaster and Risk Management

During the year 2013-14, **National Dalit Watch (NDW)** worked towards integrating the Dalit inclusion agenda into the Disaster Management Guidelines; Climate Change from the Disaster Risk Reduction (DRR) perspective; It had dialogue with the parliamentarians to effect the amendments to DM Act pending revision and the National Disaster Response Fund norms of compensation.

Interventions on the ground have also seen intensification in terms of consistent follow up with the local authorities for claiming entitlements for post disasters. NDW established its mandate in the States of Odisha, Karnataka, Andhra Pradesh and Assam, facilitating the communities in voicing out their concerns with each monsoon. Frontline personnel engaged with the local governance officials in villages pressing concerns of Dalits in the context of disaster preparedness and trained the local Government officials about the concept of Community Managed Disaster Risk Reduction (CMDRR).

## Snapshot of key national level interventions highlights are as below:-

### Inclusive and People centric compensation norms under the National Disaster Response Fund (NDRF) of the Govt. of India

The National Disaster Response Fund (NDRF) 2010-15 are the norms of compensation as per the Central Government with state specific norms by the state government, but which are not much different from the central norms. Previous NDRF norms were called as the Calamity Relief Fund (CRF) norms 2005-10, which had large gaps and has inadequacies. The CRF norms were revised without bridging these gaps that previously existed into the NDRF norms 2010-15. These norms are found to be unfriendly and inadequate to the marginalized communities, by making the process of application and claim tedious. Besides the 'inaccessible' and 'inadequate' nature of the norms, operate only on the principle of 'Replacement', lacking the vision of 'Building Back Better'. These norms fail to strengthen and build resilience of communities whose recuperation depends largely on timely recovery and compensation.

Analysis of the NDRF norms (hence the Draft Amendments) anchored with the several partner organisations in the States of Andhra Pradesh, Karnataka, Assam and Odisha revealed that the area for amendment and ensuing advocacy to make NDRF responsive to Dalits and similar vulnerable groups, from a people centric approach for which the Expert Group consultation on Amendments to the NDRF/SDRF was convened on 27<sup>th</sup> March, 2014, at New Delhi.

### Round table Consultation



On 11<sup>th</sup> December, 2013 Round table **Consultation with Parliamentarians** from various political parties was organized to propose Amendments to National Disaster Management Act 2005 in order to ensure inclusion of socially excluded sections in Disaster Response and Risk Reduction, . The objective of the consultation was to build political will amongst parliamentarians to raise the issues of caste discrimination and need for penal measures to curb it in the political discourse, influencing the DM Act under revision. Based on the

experiential base and findings from various monitoring studies post disasters, NDW has been advocating the explicit recognition of caste based discrimination into the Act in order to have legally binding mechanisms in place to contain the systemic shortcomings to curb the issue of CBD in disasters. In the absence of legislative provisions to prevent or mitigate this form of discrimination and exclusion, Dalits are left with no legal recourse.

The proposed amendments called for the implementation in letter and spirit the Constitution of India that recognizes the scourge of un-touchability and outlines the measures for protecting the rights of Scheduled castes, Scheduled Tribes and minorities. The existing forms of discrimination and exclusion, especially those based on caste are deeply entrenched in societal processes and social biases, and it get carried forward by default or by design in disaster situations. The amendments seek attention to the most vulnerable citizens and communities, enumerates the kind of disasters to which they are prone and the way the government should address their concern before, during and after the disasters, with emphasis on the psycho-social wellbeing.

### **Inclusion of vulnerable communities in Climate Change discourses from the Disaster Risk Reduction (DRR) perspective**

The vulnerable communities are most at risk of disasters ensuing from extreme climatic conditions. The overwhelming frequency of cyclones, droughts, and floods are accepted to be on grounds of rising temperatures. While on the one hand, climate change is adversely impacting the livelihood of these biodiversity dependent communities, while on the other hand, the natural disasters, both quick and slow (droughts, cyclones and floods) are claiming the lives and possessions (whatever little owned), of the vulnerable communities, primarily the Dalits and other marginalized communities, who owing to their locational, social and economic vulnerabilities are placed with a greater strain on their adaptive capacity to climate change and ability to deal with shocks, stresses and change.

Even though climate change and natural disasters are interlinked, legal structures and approaches to dealing with them are conspicuously segregated from each other. Hence on 20<sup>th</sup> December, 2013, to study the impact of Climate change on Dalit communities from the Disaster Risk Reduction lens with a scientific research, NDW and Society for Promotion of Wastelands Development (SPWD) embarked on an exploratory study titled, [\*"Inclusion of Dalits in Climate Change and Biodiversity discourses from the Disaster Risk Reduction \(DRR\) perspective"\*](#). The study attempted to investigate if there is an imposition of hierarchies of caste in the event of climate change induced disasters. The objective of the study was to illustrate the need for policy and legislative measures and action to facilitate socio-economic inclusion of Dalits in climate change adaptation and their stake in climate change and biodiversity discourses at all levels.

## Workshop on the Community Managed Disaster Risk Reduction, 17-18th February, 2014, New Delhi

Two days workshop for the frontline personnel was organized for the States of Andhra Pradesh, Karnataka, Assam and Odisha on the concepts of Community Managed Disaster Risk Reduction through the Dalit inclusion perspective. The training was given by CMDRR expert Mr. MunishKaushik of Cordaid and KiritParmar of Unnati- Gujarat. The workshop was organized to familiarize the team with the concepts and methods of the CMDRR Manual in addition to sharpening their perspective and understanding around caste based inequalities on the ground and how to combat the same using the inclusion lens within CMDRR.

## Guidelines on Community Based Disaster Management, Govt. of India



NDW had been an active participant in regional and national consultations organized by the National Disaster Management Authority (NDMA) for the formulation of the Guidelines on the 'Role of NGOs in Disaster Management and Community Based Disaster Management'.

A final round of consultation was organized on the 31<sup>st</sup> March to 1<sup>st</sup> April, 2014 where submissions were made on developing mechanisms and inclusion checks which will ensure dignity and equitable outreach of services to the Dalits and other marginalized sections, at various stages of disaster response, pre-disaster, during and post disaster situation. Some key areas of submission included considering under the *Underlying Risks* exclusion based on caste and unpacking the term vulnerability to include caste induced socio-political and economic discrimination, at par with existing national legislations and schemes to tackle CBD caste discrimination in humanitarian sector. It also have the *Do's & Dont's* to prevent caste discrimination with special arrangements to ensure SC women and minority community are included in the relief centres and to assure that persons from the Dalit community are not used exclusively for carcasses and debris removal, and so on.

### Virtual Global Platform on Disaster Risk Reduction

NDW provided inputs in response to queries posted, viz. views on 'how best to encourage commitment among stakeholders; whose engagement is essential; the most effective and appropriate mechanisms to ensure a new decision-taking model; the need to improve implementation of disaster risk reduction actions within HFA2; and the mechanisms, tools or methods like IVM-MPDRas means of creating enabling environment for DRR implementation, especially at the local level.

### Submission on Human Rights in post-disaster and post-conflict situations

A submission in relation to the call from the Advisory Committee of the Human Rights Council was made on ***Human Rights in post-disaster and post-conflict situations***, to the office of the United Nations High Commissioner for Human Rights, on 6<sup>th</sup> November, 2013. This call was made with a view to prepare a research-based report on best practices and the challenges for promoting and protecting the human rights in post-disaster and post-conflict situations, pursuant to Council resolution 22/16. The submission highlighted the issue of Caste Based Discrimination in disasters and ensuing consequences with systemic and societal neglect of caste based vulnerabilities and therefore the non-recognition of this reality into the disaster management law and policy. Moreover it highlighted the challenges for organization working on this issue in the country.

### Contribution to the World We Want to See: Perspectives on Post 2015

Ahead of the UN Special Event on the MDGs and Post-2015, Christian Aid sponsored a report seeking to highlight the need for greater focus on inequality and environmental sustainability in a future set of sustainable development goals. For this, NDW submitted a perspective focusing on the recognition of Dalit and Indigenous communities into this debate, as conservers of the biodiversity, and made recommendations to UN member states. This publication was released in London on September 12, 2013, and would be used for advocacy with the government and amongst the networks.

### State level consultation on “Developing people’s centric disaster management plans at block and district level”, 26 March 2014, Bosco Resort, Guwahati

NDW together with the Rural Volunteers Centre drafted the model Block Disaster Management Plan of the Sisiborgaon Block of Dhemaji district. As mandated in the National Disaster Management Act, block level disaster management plans are to be made the State governments in consultation with the civil society organizations. The preliminary draft prepared was released for discussion to the members of the Inter Agency Group of Odisha and other concerned members of humanitarian organizations

for seeking their inputs. The same is now at the stage of being firmed up and shared and advocated with the state government.

### Fact finding:

#### Launch of Caste discrimination in disaster relief report

Key humanitarian actors including UNDP, ECHO, the Asian Disaster Reduction & Response Network, USAID and DFID gathered in New Delhi for the launch “*Equality in Aid – Addressing Caste Discrimination in Humanitarian Response*”.

On 28<sup>th</sup> of January, 2014 National Dalit Watch – NCDHR International Dalit Solidarity Network (IDSN) and the European Commission’s Humanitarian Aid and Civil Protection department (ECHO) launched the report “[Inclusive Vulnerability Mapping & Monitoring of Post Disaster Response Manual](#)” (A Process to ensure Dalit and Gender Inclusion, joint work of NDW and Unnati), was also launched at the event.

*“More remains to be done to ensure that equality in humanitarian response overall is achieved. The report identifies clear recommendations for how to achieve this in the context of caste discrimination.”*

**Claus Sørensen, Director-General of the European Commission Department for Humanitarian Aid & Civil Protection (ECHO)**

The report is based on comprehensive Indian case studies that were undertaken by National Dalit Watch-National Campaign on Dalit Human Rights in 2012. The study looked at a number of disasters in South Asia in recent years, including floods in India, Nepal and Pakistan as well as the 2004 Tsunami. The report contains a set of recommendations on how to ensure that Dalits and similar groups are not excluded from disaster prevention and response including practical advice on how to be aware of caste discrimination when preparing for and responding to disasters. The report also stress the importance of formulating policies in aid delivery and disaster risk reduction that specifically address the problems of marginalized groups, including Dalits.

#### Phailin Cyclone and Floods: Joint Multi- Sectoral Protection Assessment of Social Protection, Child Protection, Education and Life Skills

NDW participated in the joint rapid assessment from 15<sup>th</sup>-18<sup>th</sup> November, 2013 of the Phailin cyclone in Odisha as part of the Protection sub-committee. On the evening of 12<sup>th</sup> October, 2013 Cyclone Phailin, India’s fiercest storm, struck the East coast of India between the states of Andhra Pradesh and Orissa. Cyclone Phailin had a major

impact on shelters in the coastal districts, due to the dual impact of winds and the storm surge.

The members of local team in Odisha participated in this assessment to make sure that the issues of caste discrimination of systemic default discrimination were recorded and Dalit households were outreached. This multi-agency and multi-sectoral joint assessment on Protection in Odisha was undertaken with focus on the effects post disaster of the Cyclone Phailin and flooding. It analyzed the extent to which the vulnerable groups of Dalits, Women and children, People living with disabilities and other special and vulnerable groups especially children living in Odisha coped post disaster and to check if there was any violation of rights and entitlements.

The purpose of the assessment was to develop a general perspective on the situation of protection, in Odisha and specifically understand the structural mechanisms, systems in place and the gap areas needed to be addressed before, during and after this disaster. The broad areas of the assessment cover Social, Child Protection in Emergencies (CPiE), Education in Emergencies (EiE) and Life skills. The areas assessed included 05 districts of Ganjam, Kendrapara, Badhrak, Balasore and Puri.

Partner agencies included Sphere India, Save the Children, Plan India, TdH, World Vision, Handicap International, ADRA, Help Age, and Christian Aid. The assessment did capture the prevalent socio-economic vulnerabilities among the Dalits. A finding revealed that out of 50 households (HHs) in the Scheduled caste settlement in Petapodha village only 4-5 HHs had BPL cards. And this further reinforced their weak coping capacity to a calamity.

## Global Dalit Rights Advocacy

### Building the leadership of Dalit/Adivasi Women on International Human Rights Mechanism



With crucial advocacy initiatives in Dalit rights work gaining ground in India, it is increasingly imperative now to escalate the issues at international levels with new and innovative strategies. Without a doubt there is a gap in the participation of Dalit/Adivasis women and there is an urgent need to strengthen their contribution in all levels including International Platforms. This is integral for the maximum assurance of highlighting the Dalit issues especially the problems of Dalit/Adivasis women.

National Campaign on Dalit Human Rights (**NCDHR**) and Women in Governance (**WinG**) are initiated another round of a **Multi-Stage Midterm (Cycle) Training for the Utilization of UN HR system** with an aim to establish a direct link with the affected community and International Human Rights Mechanisms. This will be a training programme on UN HR system organized at local/national level provided to Dalit Women thereby enabling them to participate in UN events, interact with UN bodies and also



effectively engage in state advocacy. A regional level training took place in Dhaka from 9<sup>th</sup> – 13<sup>th</sup> April, 2013 combined with a working group meeting for future planning. It was co-organized by NagorikUddyog, NCDHR, WinG, Bangladesh Dalit and Excluded Rights Movement (BDERM). An exposure visit was also organized along with the side event for few multi stage training candidates to Geneva in June, 2013. Another round of National Level training was conducted in New Delhi from 26-29<sup>th</sup> November, 2013.

### Post 2015 Development Agenda Interventions

On 10<sup>th</sup> -11<sup>th</sup> December 2012, Mr. Paul Divakar participated in the South, Southwest, North and Central Asian Parliamentarian and CSO Forum on Millennium Development Goals (MDG) Acceleration and the Post 2015 Development Agenda in Dhaka. This Forum came out with the Dhaka Declaration with representation of 57 members of parliament and 38 civil society leaders from 12 countries from South, Southwest, North and Central Asia.

NCDHR continued engagement with various platforms on Post 2015 Development Agenda. One of the main association was with Wada Na Todo Abiyan (Don't Break The

Promise Campaign). As a result of partnering of WNTA the demand of NCDHR were put forward in front of High Level Panel in June 2013. The focus of this engagement at various platforms was to ensure an inclusion in Post 2015 Development Agenda Report. NCDHR also made interventions for the Sustainable Development Goals (SDG), Open Working Group Session on Inequalities.

**South Asia Parliamentarians' Conference on Dalit Concerns, Enabling Equity & Inclusion:** on 8<sup>th</sup> December, 2013 South Asia Parliamentarians' Conference on Dalit Concerns was held at Kathmandu, Nepal. The conference was inaugurated by Rt. Hon'ble Chief Guest Mr. Parmanand Jha, Vice President of Nepal, with participation of six Parliamentarians from India, Nepal and Bangladesh: Mr. Thirumavalavan (India), Mr. Lal Bahadur Sunar and Mr. Ram Dayal Mandal (Nepal) and Ms. Ruby Rahaman, Ms. Apu Ukil and Mr. Ishrafil Alam (Bangladesh)



National Campaign on Dalit Human Rights, Wada Na Todo Abhiyan, Asia Dalit Rights Forum, Feminist Task Force & Global Call to Action against Poverty held a panel discussion on exploring Inter-sectionality and development Paradigms in South Asia context promoting social equity by dismantling issues relating to caste, gender, age, disability & sexual orientation. Prof. Gay McDougal, UN Expert on Minority Rights chaired the discussion and Prof. Smita Narula, NYU School of Law also joined the discussion.

NCDHR has submitted its additional submission to the UN Child Right Convention to Government of India's reply to the list of issues and questions in relation to the combined 3<sup>rd</sup> - 4<sup>th</sup> periodic reports. NCDHR along with Mr. V B Ajayan, Executive Director of RIGHTS are following UN CRC process closely and part of various processes of alternatives reports to the committee also presented pre seasonal working group meeting. A consultative process with many organizations was held to give collective responds to governments claim before the committee.

### **Formation & Formalization of Asia Dalit Rights Forum (ADRF)**

**Asia Dalit Rights Forum (ADRF)** is a newly formalized platform of civil society organizations in Bangladesh, India, Japan, Nepal, Pakistan and Sri Lanka working for the empowerment and emancipation of the communities subjected to descent and work based discrimination and violence. It aims at addressing the rights and entitlements of these communities in the respective countries and collectively in Asia and at international level. ADRF will continue to pursue its efforts to bring to the attention of the international community the centuries old saga of struggles of all these communities for

equality and freedom in Asia, Africa and elsewhere and it envisages its long term goal of ushering in a social order that is marked by inclusiveness with equity and equality in all spheres of life in Asia, Africa and in the world at large.

### Origin and Growth



With its genesis in the revolutionary upsurge created by the World Conference against Racism at Durban in 2001 which challenged the conscience of humankind against racist and other forms of inequality, ADRF has had a decade and a half old eventful history. On that significant occasion, the powerful voice of the strong contingent of civil society

organizations led by the National Campaign on Dalit Human Rights (NCDHR) reverberated around the globe and caught the imagination of progressive human rights activists and social intellectuals, media pundits and donor partners, UN agencies and international governments regarding the new form of hidden apartheid suffered by Dalit communities in India.

This voice grew louder and stronger with Dalit communities in South Asian countries joining the chorus of protest against discrimination and violence suffered in their own respective countries and asserting claims for their rights and entitlements. It is in this background that Asian Dalit Rights Forum a collective of Dalit rights protagonists, originated as a germinal idea at the World Social Forum 2004 in Mumbai, India. This led to events being organized for Dalit Rights activists from Bangladesh, India, Nepal, Pakistan and Sri Lanka at the India Social Forum, Delhi in November 2006. This collective idea of ADRM gained clarity of perspective at the Karachi Social Forum in 2007. The rationale for this networking lay in the contiguity of the South Asian region countries, and the commonality of the systemic nature of discrimination and violence suffered by the peoples living in this region.

### Emerging Solidarity Platform (2007-13)

This forum acquired strength as a solidarity platform to do advocacy with UN bodies and various States Parties at the international level at Geneva in 2007 on behalf of the descent and work based discriminated peoples in the South Asia region and in the global Diaspora. It was initially termed as Asia Dalit Rights Movement (ADRM), later changing into Asia Dalit Rights Forum (ADRF) in 2014. The ADRM conclave in Bangkok

in 2007 is noted for three significant policy and programmatic directions: (1) It decided to expand its reach by including into its fold the Buraku Liberation League (BLL) of Japan wherein the Buraku community faced similar discrimination and violence; (2) Its collective deliberation aimed at engaging the governments in South Asia to make responsive policy changes for safeguarding and promoting rights Dalit communities in the respective individual countries and in the region as a whole, and to buttress this effort, the collective aimed at making solidarity interventions in global governmental, human rights and humanitarian institutions; (3) Some action programmes affixing responsibilities to partner organizations were deliberated.

At this juncture, formal structure was envisaged. Subsequent years saw ADRM members interacting together in Geneva on many occasions when carrying out advocacy efforts with UN bodies. But these were mainly restricted to sharing of work experiences in the respective countries and deliberating on advocacy efforts related to UN advocacy and IDSIN.

### **Launching the Collective (2014)**

The one and half decade of interactions, experiences and achievements of led the partners to give a formal shape and structure to the ADRM platform at the Kathmandu consultation of Feb. 26-27, 2014. The 12 founding members made a unanimous decision to formalize the platform as Asian Dalit Rights Forum (ADRF).

### **ADRF: Important Milestones (2004-14)**

- 2004: First interaction of ADRM partners at the World Social Forum-2004, Mumbai, India
- 2006: Events organized for Dalit Rights activists from Bangladesh, India, Nepal, Pakistan and Sri Lanka at the India Social Forum-2006, New Delhi, India
- 2007: Meeting at Karachi Social Forum, Pakistan
- 2007: Geneva: Participation, interventions and recommendations put forward in Durban Review Conference (DRC) at Geneva, Switzerland.
- 2011: ADRM organizes UN Decade of Dalit Rights (DDR) at Geneva to do a stock-taking of the past decade and to make fresh goal setting for the future.
- 2013: At the completion of the Benchmarking Study based on the Framework of the UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, ADRM organizes Conference at Kathmandu, Nepal – this study done separately in 2012-13 by ADRM partners in Bangladesh, India and Nepal, but with collective orientation and effort.

•2013: ADRM takes initiative to launch the South Asian Region Parliamentarians Forum in Feb. at Kathmandu, Nepal.

•2014: ADRM constitutes itself as Asian Dalit Rights Forum at the Consultation at Kathmandu, Nepal.

**Objectives:**

- Address the concerns and claims, rights and entitlements of the communities subjected to descent and work based discrimination and violence in their respective Asian countries
- Articulate their concerns across Asia in relevant forums, including SAARC and ESCAP
- Place their demands in the international fora – UN agencies, EU, international governments, international human rights organizations, etc.
- Forge strong partnership with similar platforms and networks in Africa, Europe, America and in the regions of the Diaspora Communities discriminated on basis of descent and work.

**Organizational Structure**

ADRF is composed of General Council (GC) with 21 members and Executive Committee (EC) with 11 members. The posts of Chairperson and Vice-Chairperson will be held on country-wise rotation and they will be from different countries. The current chairperson is Paul Divakar and Vice Chairperson is Durga Sob.

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