

SWADHIKAR

ANNUAL REPORT

2019-20





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DALIT WOMENS RIGHTS AIDMAM

All India Dalit Mahila Adhikar Manch (AIDMAM), is a platform for women from Dalit communities in India to escalate voices for justice. AIDMAM is working in 7 States across the country with aims to have built a critical mass movement lead by Dalit Women Leaders to effectively combat caste and gender-based violence and discrimination and the culture of impunity since its inception in 2006.

FOCUS AREAS OF AIDMAM



AIDMAM had carried out different activities and programmes to achieve the objectives in all seven states viz. Bihar, Delhi, Haryana, Madhya Pradesh, Rajasthan, Odisha and Uttar Pradesh.

ADDRESSING VIOLENCE AGAINST DALIT WOMEN AND GIRLS

AIDMAM intervenes in the cases of Caste and Gender based violence against Dalit women and minor girls. AIDMAM undertakes the Fact Finding mission in the grievous cases and does advocacy with the local and state level administration for relief and rehabilitation of the survivors. The socio-psychological support is also provided to the survivors based on their needs and requirements. For ensuring legal justice and overall relief to the survivors, the effective implementation of the SC/ST (PoA) Amendment Act is the need of the hour. For this purpose, AIDMAM leaders continuously do the advocacy with various agencies like police, administration, media, constitutional institutions like Human Rights Commissions, SC Commissions and women commissions (State and national level) in the individual cases through submitting memorandums and producing survivors in person before them. One of our strategies is engagement with media in order to create the visibility about the extent of violence against SCs and STs among the civil society, government and community at large. For this purpose, we involve the media in critical cases and organize the press conferences. Media is always a part of our consultations, public hearings, seminars and fact findings.

i. Fact Finding Mission-

This year we had conducted fact finding of **50 serious cases** against Dalit women in all seven states. We made intensive advocacy efforts in the cases through conducting brief meetings with the law enforcing officials, submission of memorandums, organizing *dharnas*, meetings commissions and media advocacy etc. These cases pertain to the rape of Dalit women and minor girls, sexual harassment, kidnapping, rape and murder, gang rape and murder, physical assault, atrocity over land dispute, attempt to rape, attempt to murder, arson, false case, harassment of DWER and obstructing her in discharging her panchayat duties and social boycott. Out of 50 cases, **18 cases** were relating to the Dalit minor girls.



Number	Type of atrocity
3	Rape
5	Rape with minor
3	Sexual harassment
3	Murder
1	Murder of minor
2	Social Boycott
3	Gang rape
6	Gang rape with
2	Obstructing DWER
2	Land dispute
1	False case
1	Domestic violence
5	Mass attack
1	Attempt to murder with minor
1	Rape and murder
4	Rape and murder
4	Physical assault
1	Physical assault with Minor
1	Arson
1	Attempt to rape
50	Total

ii. Legal interventions

This year we intensively intervened in 50 cases of serious violation of human rights of Dalit women by way of conducting the fact finding missions; ascertain the factual position of the case; extending immediate relief to the survivors; creating pressure of the state machinery to take stern legal action in the case and arrest the perpetrators, provide protection to the survivors, and conduct free fair and impartial investigation. Our Dalit women leaders had an engagement with duty bearers in 50 cases of atrocities against Dalit women survivors in this reporting period. They had **58 follow-up meetings** with Police Official, District welfare officer, Medical officer, Commission, Ministers, Vigilance and monitoring committee. Out of 50 cases, in **46 incidents**, the FIR was registered and out of 46 FIRs, **29 FIRs** were registered under SC/ST (PoA) Amendment Act. **In 22 cases**, the accused were arrested. At the instance of AIDMAM, we were able to intervene in the cases with the authorities and release the monetary relief of amount **49,25,500/- (Forty Nine lakh twenty five thousand five hundred only)** to the survivors.

iii. Survivor Support

The survivor of the caste and gender based violence need the legal support, psycho social support and other kind of support for the overall rehabilitation including their financial stability. We intend to extend the support to the survivor to connect them with vocational trainings, readmission in the schools, motivate her to contest the election, to affiliate with any group for the welfare of women etc. This also includes then counselling of her and other family members to give her a dignified, healthy and non-discriminatory environment in the house. This year, one Soni Kumari from Sarvodayapuri, Gaya Bihar was connected with stitching training sessions along with the emotional support.



Survivor Support in the individual cases-In some individual cases, we provide the counselling to the survivors through regular visits and phone calls and try to help them in their personal issues.

Survivor workshop-Hope-Healing and Justice- A two days survivor workshop was organized in Jaipur Rajasthan on **18-19 July 2019** with a view to provide the psycho-emotional support to the survivors of the violence. The participants were mainly the survivor of the rape and gang rape victims and the women who had come over their pains and leading their normal life helping others. In this workshop, 25 survivors took participation and shared their pain with others.

iv. Media Interventions

Press Conference

Through media conferences Dalit Women Leaders asserted to create visibility of the violence, highlighting the lacuna in the administrative system and seeking protection & justice for survivors. In this reporting period, a press conference was also conducted in Kanpur (Rural) on **25th February 2020, Press Club Kanpur** regarding an incidence of mass violence against a Dalit



community in Kanpur (Rural). The team including the national and state team, conducted a fact finding mission and ascertain the immediate needs of the survivor community and gaps on the part of the state. This press conference was all about holding the state machinery accountable towards the Dalit population. In which 26 Dalit women were badly injured. This was done by the dominant caste people motivated with caste hatred and religious venom. Ms Abirami Jothee, the Director; Ms Vimal Thorat, Convener of AIDMAM; Advocate Ram Dular, Ms Alka Devi District Coordinator AIDMAM, Kanpur

addressed the media. We demanded the immediate medical assistance to the injured; arrest of the accused without delay; monetary relief to the survivor families; free, fair and impartial investigation.

Media Engagement



To increase the outreach to the last person, we have to engage with the mainstream media as well as alternative media. The Dalit population, mainly the Dalit women population must know about an exclusive platform available for them to speak out for their rights and entitlements; their pains and incidents they are victimized of to make the government machinery, constitutional institutions, judiciary, academicians, parliamentarians and civil society at large aware about it. We were also engaged with the electronic media. Here we have some glimpse.

V. Public Hearing :

One public hearing was held on 12th October 2019 at Guru Ravidas Bhawan, Karnal, Haryana. In this hearing 13 cases in which we conducted Fact Finding were presented before the jury. These thirteen cases included rape, gang rape, murder, attempt to murder, Attempt to rape, mass attack, physical assault and false implications. This public hearing was concluded by the specific recommendations offered on each case based on the lacunas by the jury/legal experts to secure justice to the Survivors of Caste and Gender based violence. The hon'ble jury consisted of Mr Bhanwar Meghwanshi, a Social Activist cum Dalit writer; Mr Tara Chand Verma, an Dalit advocate and activist; Ms Arti, an advocate High Court Punjab and Haryana; Mr Ramesh Nathan, General Secretary NDMJ and Ms Asha Kawtal, General Secretary AIDMAM. It also led to a discussion around appointment of Special Public Prosecutors as per Rule 4(5) of PoA Act to provide legal aid to the survivors of caste-based atrocities.



VI. Status Report Release :

AIDMAM has conducted a status report on the *“Increasing Sexual Violence Against Dalit Women and Girls in Rajasthan”* This report reveals



the data of offences registered under PoA Act in police against Dalit women in the year 2014, 2015, 2016, 2017, 2018 and 2019. It is a state government data. From Year 2016 to 2018, there is a 15.90% raise in the cases of atrocity. In year 2019, total 5862 times, the incident of caste atrocity occurred, out of

which in 50.55% of the cases, the police filed closer report after investigation in the court as false and 29.77% are still pending at the stage of investigation. 477 incidents of rape committed against the Dalit women and girls in the year 2019 till September. 148 (42.29%) were closed as false; 127 (26.62%) are pending.

This study was released in the press conference organized on 16/12/2019 at Pink City Press Club, Narayan Singh Circle, Jaipur Rajasthan. AIDMAM addressed the media and conveyed the inaction of Rajasthan Police and their biased action in the cases of the sexual offence against the Dalit women and girls. Ms Suman Devathiya the Regional Coordinator; Ms Asha Kawtal, General Secretary of AIDMAM, Adv Tara Chand Verma and Ms Kavita Shrivastava addressed the media and launched the study report.

PROMOTION OF LEADERSHIP AMONG YOUNG DALIT WOMEN

To strengthen the Dalit women movement, we build the leadership among Dalit youth girls from the marginalized communities at ground and give them the space to emerge as a social leader to bring long term socio-political change. For this purpose, we impart them the trainings on various subjects like human rights monitoring with focus on advocacy, Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act, Constitutional provisions, Panchayati Raj Institution, Use of social media and fact finding. In addition, we also train them to enhance their skills on writing, communication, computer and media work.



In this reporting year, we have trained **71 Dalit youth girls and boys, and Dalit women** at national and in states 5 trainings. These were mainly, the youth leaders, students, DHRDs and team members.

- **Capacity building training on legal rights-** From 23/9/2019 to 27/9/2019, we had a legal training with the youth leaders of four states in Delhi focusing on the provisions of SC/ST Act, Constitutional safeguards, human rights monitoring etc.
- **Capacity building on social media and PoA Act-** In Patna Bihar also we conducted Social Media Training and on important legislation related to SC communities on 27-28/09/2019. On the first day, the participants were given the training on social media and second day booked for the training on SC/ST (PoA) Act. The training was attended by **17 youth identified** as Dalit Youth Leader. This training helped the Dalit youth in becoming well-versed with the legalities in important legislation.
- **Training on social media-** This year we organized on 29/09/2019 in Cuttak, Odisha we conducted training on Social Media with identified **19 Dalit Youth** and they participated in this training. They learned how to operate social media platforms like twitter, Email and Facebook. They learnt that through these platforms they can post and highlight the issues of Dalit women. They even learned how to book a rental cab in case of any emergency.
- **Writing workshop-** The two days writing workshop was conducted in Hotel Almond, New Delhi on 12-13 December, 2019 with all the members of State and national team. This workshop was all about training on writing and communication skills by Dr Vijeta Kumar, Professor, Saint Joseph Autonomous College, Bangalore and Dalit woman writer.
- **Livelihood training of Dalit women-** In Uttar Pradesh, we conducted training on 4/1/2020 with the Dalit women on manufacturing, packaging and marketing of the handmade *Agarbattis, Dhoopbatti*, washing powder in Kanpur district with **35 young girls and women.**

Profiling of Dalit youth girls

The young women leadership is equally important to combat the caste and gender-based discrimination, violence and inequality from the society. Their share in the struggle of caste burden is more than the other member of the community. They are more vulnerable and softer target for the society and even in the community and family. To ensure their more participation in the movement, we promote young women leadership from the grass root. We identify the young women and train them to be a leader to highlight the issues of Dalit women and girls in their area and contribute in the campaign. We also help them build their career. This year, we could be able

to bring out **62 young woman leaders** from Bihar, Madhya Pradesh, Odisha and Uttar Pradesh. From **Bihar we got 10 Dalit woman leaders, MP 22 and from UP we got 10 and 20 from Odisha**. They are now part of our movement and helping our state teams in conducting AIDMAM activities, human rights monitoring, advocacy, fact finding missions, organizing meetings and trainings etc. These identified youth leaders will be given trainings on various aspects of law, human rights monitoring, fact finding, gender, Panchayati Raj Institutions, advocacy, documentation, writing skills etc. to enhance their capacities and skills.

STRENGTHENING EFFECTIVE PARTICIPATION OF DALIT WOMEN ELECTED REPRESENTATIVES IN LOCAL GOVERNANCE

AIDMAM intends to strengthen, equip and train the Dalit woman elected representatives (DWER) to run their Panchayat successfully; they themselves discharge their duties and ensure them a discrimination and violence free local governance. For that we have initiated the collection of baseline through village mapping and profiles of Dalit women elected representatives. The Dalit woman leaders in the selected area of operation do this. In this period of project operation, we have profiling **68 DWER's in Bihar (27), Madhya Pradesh (24), Odisha (7) and Uttar Pradesh (10)**. In this profiling process, we collect the basic information of the DWER; the



number of the ward panches, her support system in family, Panchayat office; the information and knowledge she has about the panchayat functioning; any assistance she needs to run the Panchayat etc. This will help us in mapping the requirements of the DWER in proper functioning and help her to lead the panchayat free from caste discrimination, violence and interference of male members.

The 73rd Constitutional amendment has enabled the people from the marginalized community to participate in the three-tier political system but the caste system does not let them participate and function properly. The dominant communities of the Panchayats push the Dalit elected representatives, especially, the Dalit women elected representatives, behind which defeats the objectives of the 73rd constitutional amendment. The objective of this was social justice and economic empowerment of the Dalit community. AIDMAM focuses on this specific area to enhance the participation of DWERs in the local governance.



GRASS ROOT ACTIVISM TO ENHANCE AWARENESS GENERATION

The community events are organized with the community on various occasions like to create awareness on important issues like PoA Act, women rights, socio-welfare schemes. On the basis of the needs we also conduct the community events like to collect the information of any incidence occurred in the locality or make plan to come over it. During the survey of the DWER and the Dalit youth leaders, we also sit with the people. On the occasion of some social events like Ambedkar birth anniversary, Savitri Bai Phule anniversary, Human Rights Day etc. This year, we had **10 times** direct interactions with the community on occasion of special days and to create awareness and discuss the serious local issues of displacement, potable water, housing, livelihood etc.

INTERNATIONAL ADVOCACY

AIDMAM is also engaged in the international advocacy to make the Dalit women's issues visible globally and participates in various Consultations and global meets.

- A. We marked our representation in **International Congress on Discrimination on Work and Descent** that took place in New York on 22nd and 23rd Sep 2019. In this International Congress, the human rights defenders, parliamentarians, national and international NGOs and leaders of the communities affected from the contemporary forms of slavery, discrimination based on work and descent, untouchability and other such analogous forms of discriminations from Asia, Africa, Europe and Latin America took participation. The Objectives of the International Congress was to
- initiate and strengthen the global network of DWD communities,
 - create an action plan in the context of SDGs to enhance regional and national platforms to focus on access to development and justice concerns of the DWD communities, particularly at the community level and
 - to evolve an Action Plan for UN and international bodies that would call for the adoption of a Declaration/Convention recognising DWD as a global issue and address it accordingly.
- B. Again, we participated in “**The Second Annual Ambedkar Lectures**” organized on 17-18 October 2019 at Columbia University. The objective of this talk series is to explore questions in political philosophy and the contemporary politics around the broad theme of subaltern political thoughts. Ms Asha Kowtal, the General Secretary of AIDMAM participated and spoke on the subject of Remaking Publics: Gender, Affect, Insurgence, Presence.

1. Quarterly Review and Planning meetings

To improve the quality of work and to ensure the result specific action, it is very necessary to review or previous action and make plan of action for the coming months. For this purpose, we conducted the quarterly review and planning meetings. We had three review meetings in this reporting time focusing on the work of the team, its achievements, challenges and learning.



- On 8-10 August 2019, we had a review meeting at Manesar, Haryana.
- Another took place in Hotel Almond, New Delhi on 10-13/12/2019. All the state team members participated in these review meetings.
- One quarterly review meeting was organized on 21-24/1/2020 Hotel Exotic, New Delhi with all the team members to streamline the work of AIDMAM.
- Apart from the national review planning meetings, we also had state meetings to review our work by the state teams. This year, 9 review and planning meetings were held in the states.

2. "#DalitHistoryMonth2019: Remembrance, Resilience, And Resistance."

On 29 April, 2019, Feminism In India (FII) and *All India Dalit Mahila Adhikar Manch* (AIDMAM) aka #DalitWomenFight organized an event to celebrate Dalit History Month. It was an evening of remembrance, resistance and resilience, where we talked about and remembered various Dalit leaders and movements.



The event consisted of FII and #DalitWomenFight talking about our #DalitHistoryMonth campaign with five power talks where our speakers, five Dalit activists, Mohini, Judith Anne Lal, Abirami Jotheeswaran, Suman Devathiya, and Jyotsna Siddharth talked about various aspects of Dalit history. From Babasaheb Ambedkar and women's rights, to access to water, to Dalit identity, our speakers spoke about the history and present of these pressing topics. The event was organised at Instituto Cervantes, New Delhi.

Transition of the leadership in AIDMAM-Swadhikar

All India Dalit Mahila Adhikar Manch (AIDMAM) was initiated by NCDHR together with a few Dalit Women associating with NCDHR, 14 years ago, in the year 2006 to specifically look at Dalit women's rights, space and access to Justice, and entitlements. AIDMAM along with NDMJ, DAAA has been part of the overall family of NCDHR with common governance and administrative structure with SWADHIKAR-NCDHR. The three GS of AIDMAM, DAAA and NDMJ along with the senior team members of all these three movements are formed as Senior Management Team and this Group has the collective mandate to meet and design programs and strategizing under the guidance of SWADHIKAR, the Governing Body. AIDMAM, DAAA and NDMJ have evolved common general policies and developed functional relationships which include financial designs, accounting, reporting and administration.



Each movement has an autonomous functionality to maintain operational effectiveness on the respective concerns, while SWADHIKAR Board/Executive committee gives the overall guidance. All the three Movements are administered through a Core Group of General Secretaries and this apex level group is accountable to SWADHIKAR. There has been a common financing system which maintains accounts for all the three movements. For the last 14 years AIDMAM has grown to be a strong national organisation, with Prof. Vimal Thorat as its first General Secretary and Asha Kowtal as General Secretary from 2009 onwards, while Prof. Vimal Thorat continued to hold the position of AIDMAM Convenor.

After putting in 10 years of service, on the 29th August 2019, Ms. Asha Kowtal, the GS of AIDMAM, resigned as the General Secretary AIDMAM-NCDHR. Though the Board of Swadhikar requested Asha to continue as the General Secretary, she insisted that she wished to resign as she wanted to take up other pursuits. The Board requested Prof. Vimal Thorat, the Convenor of AIDMAM to take charge and Asha had agreed to support the transition process. Asha was relieved of her responsibility on the 8th January 2020.

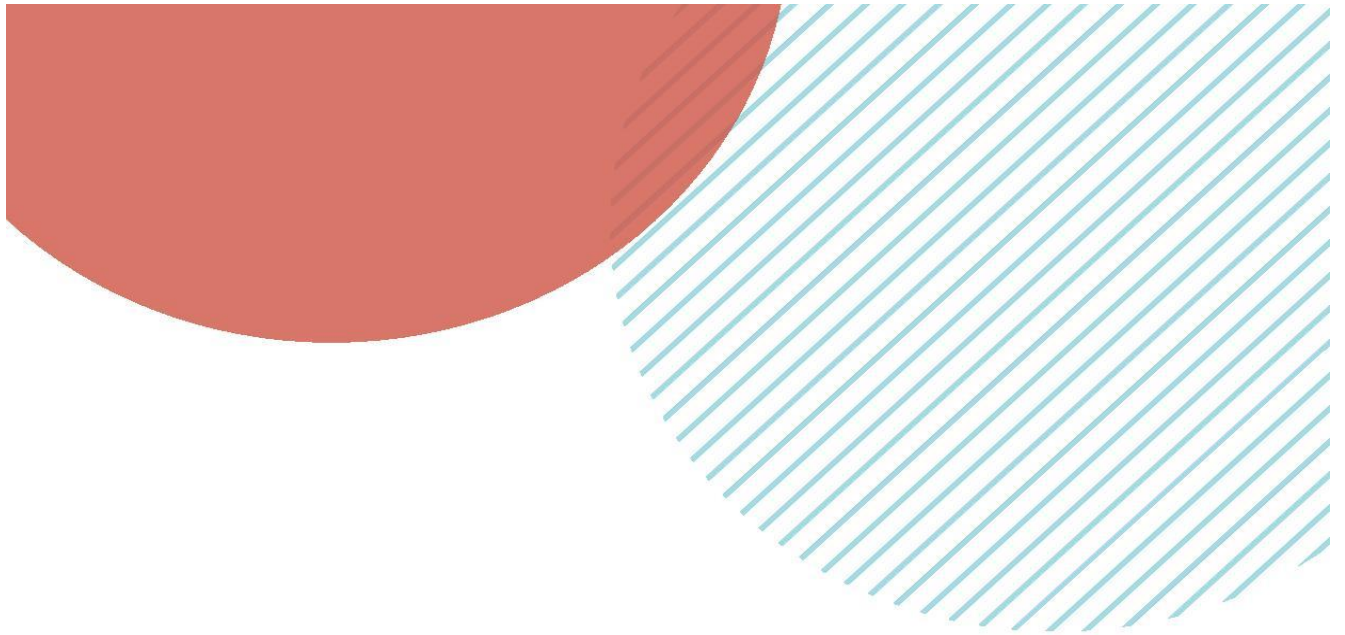
Currently Ms Vimal Thorat is the convenor and appointed Ms. Abirami Jotheeswaran as Director of AIDMAM-NCDHR in the first week of February 2020.

Success Story

Shailu Kumar (11), Aurangabad, Amouna, on 24 April, 2019, a Dalit minor girl, went to the nearby fields of her house to defecate, and while returning from the field she was raped by **Nagendra Kumar (31), Risiyab, Aurangabad**, a dominant caste man (Rajput). To register the crime committed the family of the minor went to the nearby Police Station in Rishiyab, but the Police In-charge denied to register the FIR and he gave an excuse that there was no female officer present in the police station. The victim was sent back to home without registering the case. Then the family approached our team members to help them in the situation and intervene into the case. Our Dalit women leaders reached Amouna, met the family and then went to the Police Station where they met the concerned Police Officer. At first his behaviour towards our members was very neglectful, but with the help of the local leaders, our leader was able to register the case successfully under SC/ST (PoA) Act and POSCO Act , and then the girl was sent for medical check-up but the irony was that the survivor was sent for the check-up after a gap of 8-10 days, and adding into that she was not even sent to give 164 statement, and these factors resulted into lack of evidence in the legal process. The sheer negligence from the Police Authority constituted such situation. But with our Dalit woman leader's continuous efforts and follow-up in Shailu's Case, she was able to receive a compensation of the amount 1.5 lakh rupees and they also tried to admit her Ambedkar Girls Hostel, Aurangabad, but unfortunately the admission session there had already passed, but our members are still in contact with the family and Shailu and concerned about her well-being.

1. Achievements

- Our Dalit leaders namely Advocate Gauri Kumari and Rajeshwar Paswan from Bihar are the members of the District Vigilance and Monitoring Committees. They regularly participate in the meetings and highlight the issues relating to the implementation of PoA Act in the District and the State. **2 meetings** were held from June 2019 to December 2019 and **2 Cr rupees** amount was released in **313 survivors**.
- In Bihar, our two team members namely Advocate Gauri Kumari and Rajeshwar Paswan had trained **300 police personnel** in Aurangabad and Munger districts on 17/11/2019 and 29/11/2019 respectively on the subject of SC/ST (PoA) Amendment Act 2018.
- Our Bihar team advocated with the District Legal Service Authority (DLSA) for immediate relief to one Mrs Moti Devi who lost her husband in a road accident. He was the only bread winner of the family. After AIDMAM's intervention and advocacy with DLSA, the survivor received the monetary compensation of **Rs 4 Lac 10 Thousand** on 18/11/2019.
- In MP, the bail application of the accused had been dismissed by us in the case of Muskan Ahirwar under police station Shahganj, District Sehore, Madhya Pradesh.
- **Judgement-** The case is relating to a Dalit minor girl Preeti (name changed) ages 16 years (at the time of incident D/o of Shabhu Chaudhary resident of village Sonbarsa, District Gaya, Bihar. She was the student of class 8th in Sonbarsa Middle School. On 25/11/2016, she went to the school for where she needed glue. She asked for it from the teacher who told her to get it in the second floor of new building in the school. The survivor went to the new building without knowing that what is going to happen with her. As she entered a room at 11 AM, one teacher Shiv Kumar, the accused entered the room and committed rape with her. He also threatened her not to tell anybody about the incident. The girl narrated the incident to her mother. The FIR no. 79/2016 u/s 376 IPC and 4, 5 POCSO Act and 3(1)(r)(w), 3(2)(v) SC/ST Act was registered in Mahila Thana Gaya, Bihar. The charge sheet was filed u/s 376 IPC, 4 POCSO Act, 3(1)(x), 3(1)(w), 3(2)(v) SC/ST Act. The accused was tried by the Court of Special Judge (POCSO Act), Gaya in the case no. 57/2016 titled as State of Bihar V/s Shiv Kumar. After hearing both the parties and witness and examining the evidence, Hon'ble judge Ashok Kumar Pandey, Special Judge (POCSO Act) Gaya announced the judgment on 20/5/2019 and on 25/5/2019, the quantum of sentence. The accused Shiv Kumar was awarded with 7 years of imprisonment under section 4 POCSO Act; 10 years rigorous imprisonment and fine of 20,000/- under 376 IPC. Two lacs of compensation was also announced to the survivor under victim compensation scheme.



ECONOMIC RIGHTS DAAA

DALIT ARTHIK ADHIKAR ANDOLAN (DAAA)

DAAA is a movement within SWADHIKAR that works on the economic right of Dalit and Adivasi communities with a focus on public entitlements regarding education and entrepreneurship. We track government budgeting patterns at the state and national levels, provide analysis, advocate for policy changes and ensure its implementation at regional levels. As a movement led and run entirely by the stakeholders from regional to national levels, we enable Dalit communities to utilize the Special Component Plan towards their development. We capacitate for self-advocacy and needful interventions at the various institutional levels that they interact with in accessing their rights.

Using economic rights as its focus and budgetary allocations as a medium of holding governments accountable, the team works to ensure that the rights and public entitlements for the community reaches them, makes strategic interventions in budgeting, planning schemes and policy formulation, does advocacy and research, implementation, and monitoring of funds under a special component plan for the SC & ST communities. DAAA works in 16 states namely Andhra Pradesh, Bihar, Gujarat, Delhi, Haryana, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Telangana, Punjab, Jammu & Kashmir and Uttar Pradesh. We work on the inclusion and promotion of Dalits and Adivasis in the economy of the country – from panchayat to international forums. Our efforts have resulted in mobilizing the community in demanding their due share and have been instrumental in bringing the implementation gaps that exist in these component plans to the mainstream discussions and discourse. Due to the advocacy efforts of DAAA and other networks we have been able to influence the allocations and increased allocation of budgets.

The four major areas that DAAA has been emphasizing on are:



ADVOCACY FOR CHANGE

Engagement with the Ministry of Social Justice and Empowerment (MSJE)

Through our constant dialogue with policy makers on economic rights of Dalits and Adivasis, MSJE has taken the initiative of conceiving and framing guidelines to strengthen social accountability in the implementation of key government schemes, and develop a social accountability framework that will guide the functioning of the Ministry in an overall manner. Several rounds of workshops led to a first of its kind national consultation which



was jointly organized by MSJE and NCDHR in February 2020 to discuss this new framework with experts working on SC Budget and other Dalit issues across the country. Almost 10 national level experts and representatives attended the consultation, including the Secretary, MSJE and the Director, NISD. Further on through several meetings draft accountability framework was developed for Post Matric and Pre Matric Scholarship, Pradhan Mantri Adarsh Gram Yojana, Special Central Assistance to Scheduled Castes Sub Plan (SCSP). For the PMS it was proposed to have a portal to monitor the progress of the implementation of the scheme, which yielded a positive response from the Secretary, MSJE. After several rounds of deliberations with national and state experts a draft Social Accountability Framework from the perspective of DAPSC has been submitted. To make the schemes more transparent and accountable, MSJE had initiated drafting of new guidelines for PMS and other relevant schemes related to education for SCs ahead of the Union Budget release in February 2020.

Pre-budget consultations at union and state levels

The Union level pre-budget consultation was held at Ministry of Finance on 23rd December 2019. Secretaries of other Ministries and Departments, like, Member of NITI Aayog, Secretary of Revenue, Rural Development, School Education and Literacy, Health and Family Welfare, ICMR and CBDT, were also present. Around 15 to 20 Civil Society Organizations participated in the consultation where budgetary allocations for higher education were emphasized and necessary recommendations were made around the same. Some of the issues that came up during the consultation were:

- ✧ Large scale diversions
- ✧ Lack of accountability and transparency
- ✧ Insufficient allocation and untimely release of funds
- ✧ Un-utilized funds
- ✧ Lack of a perspective on gender

Consultations were also held by state coordinators along with other CSO/CLOs prior to the release of the state budget to ensure that their perspective on the SC/ST Component Plans with a special emphasis on Post Matric Scholarship is taken into consideration. In UP, the consultation was organized in Orai on February 17, 2020. The state team looked into the allocation under SCSP/TSP, particularly emphasizing on the schemes related to education. It was covered by local media which stressed for the need for such initiatives.

In Jharkhand, the team had participated in the pre-budget consultation organized by CSOs, particularly by 'Right to Food Campaign', in collaboration with several other CSOs prior to the release of the state budget. More than 60 people participated including community members,

teachers, journalists, students, especially women. Scholarships and other education-related schemes were some of the major themes discussed. There was substantial media coverage through

whom the recommendations put forward were visibilized. In Andhra Pradesh, a pre-budget consultation was organized in collaboration with 37 members who were Dalit leaders and representatives of different CSOs. The demands of the consultation were submitted to the AP Assembly Legislative SC Committee.

Press Conference

Following the release of the Union Budget 2020-21, a press conference was organized on 2nd February 2020 at the Press Club to release our budget analysis with the media. The panelists at the conference were Paul Divakar, Beena Pallical and Dnyaneshwar Shejwal. The meeting highlighted the denial of the budgetary rights of the Dalits and Adivasis and stressed on the need to have appropriate allocation for the development of the SC and ST community. Special emphasis was laid on allocations for higher education and sexual violence on Dalit women.

Tribal Sub-Plan Legislation in Jharkhand

After constant advocacy at different levels for almost a decade, this year the government has announced a separate legislation for STs in the state of Jharkhand. This demand for separate legislation was initiated in 2013 by several civil society partners/coalitions including NCDHR. Recently the government has announced that the Legislation for the Tribal Sub-plan (TSP) will be introduced in the state legislative assembly. The state team of DAAA has actively participated in the consultations and workshops organized by the state government (Adivasi Kalyan Vibhag – Dr. Ram Dayal Munda Tribal Research institute under Department of Welfare) for the TSP legislation. A drafting committee has been initiated including the CSOs and the government agencies and DAAA has played an active role in the drafting of the legislation. The first draft of the Tribal Sub Plan (TSP) Legislation has been prepared and submitted.

BUDGET RESEARCH

Release of Dalit Adivasi Budget Analysis (DABA) 2020-21

DABA provides an analysis of the existing schemes in terms of their allocation, nature of allocation and expenditure tracking. After the announcement of the Union Budget 2020, the Dalit Adivasi Budget Analysis (DABA) 2020-21 was released on 2nd February 2020 through a press conference held by NCDHR at the Press Club. DABA 2020 focuses more on the critical analysis of higher education with a special focus on Post-Matric Scholarship (PMS) for SC & ST students pursuing higher education. Apart from our usual chapters, ie., education, gender budgeting, land rights, manual scavenging, atrocities and access to justice, we have introduced two new chapters this time - Disaster Risk Reduction (DRR) and Disability Rights. The publication was released in English and Hind languages. The analysis shows that the allocations for SCs and STs stand at Rs. 83,257 Cr and Rs. 53,653 Cr, respectively. However, the proportion of allocation for targeted schemes is only Rs. 16,174 Cr (19.4%) for SCs and Rs. 19,428 Cr (36.2%) for STs. This shows that most of the allocation is either for notional or general schemes.

The team circulated DABA 2020-21 among policy makers and bureaucrats at the national level. Around 942 copies were sent to MPs, Ministers and Department Secretaries within 15 days of the presentation of the budget analysis. These 942 recipients comprise 390 MPs from the Lok Sabha, 199 from the Rajya Sabha, 62 Ministers and 291 Departmental Secretaries.

Release of Union Child Budget Analysis 2019-20

The Union Child Budget Analysis examines the allocations made towards child welfare using the principles of child budgeting and the government's role in achieving the specific goals as per the targets set by the UN under Sustainable Development Goals (SDG) for the development of children. Aspects like health, mortality rates, literacy rates, enrolment and dropout rates, academic performance, access to government schemes and scholarships, public expenditure on education, protection from crimes against children, protection against child trafficking and exploitation, and government initiatives towards ending child labour, among SC and ST children stress on the need to dwell into the details of the Budget Expenditure so as to have a clear picture of the state's interest and investment on this issue. It was noted in the analysis that out of the four rights, namely Right to Development, Right to Survival, Right to Protection and Right to Participation, the government spending is maximum in upholding the Rights to Survival and Development which include ICDS, Mid-Day Meal, Pre-Matric Scholarship. The percentage that the state government has spent on the Right to Survival and Development is 99%. Less than 1 % out of total SCC and STC for Child welfare has been allocated towards the Right to Protection, while the allocation on the Right to participation is only slightly above zero percent.

State Budget Analysis 2019-20

Apart from the Union budget analysis, state budget analysis was also released in Kerala, Delhi, Odisha, Bihar, Andhra Pradesh, Haryana, West Bengal, Uttar Pradesh, Punjab and Tamil Nadu. Much like the year before, huge amount of money has been diverted from the SCP budget, which is a clear violation of SCP-TSP guidelines. The way in which the budget is being cut, economic oppression, as a larger part of social oppression, weighs down heavily on Dalits. Hence, the following demands have been made to the respective state government through the press conference:



- ✧ The funds of SC & ST budget 2020-21 that are diverted to other items should be returned to SC & ST budget.
- ✧ Plans should be made for direct development of Dalits. SCP / TSP Guidelines should be strictly followed.

COMMUNITY MOBILIZATION AND CAMPAIGN BUILDING

DAAA anchors three major campaigns on access to public entitlements for the Dalit and Adivasi community. The campaigns focus on capacitating the community and its leaders, generating a demand and need for schemes and policies, and filling applications and conducting advocacy with the concerned officials at national and state level. Out of these three campaigns, 2019-20 was the fourth year for Shiksha ka Nyay (Justice in Education) campaign and Humara Panchayat Humara Hissa (Our Panchayat Our Right) is in its third year since initiation, while Humara Budget Humara Adhikar (Our Budget Our Right) took a more diverse and critical role this year.

Humara Budget Humara Adhikar (Our Budget Our Right)

The central aspect of DAAA's work is advocacy for budgetary allocations and utilization as mandated in the guidelines issued by the Ministry of Finance along with NITI Aayog. To this end, over the years, a cadre of Dalit and Adivasi leaders have been trained to track, monitor and analyze budgets. As a critical response to the State Budget 2019-20 and later the Union Budget 2020-21, coordinated efforts have been made to raise demands towards proportionate allocation, legislation (in states that don't have a legislation), utilization of budgetary allocation, and proper implementation of sub-plans, in various state pre-budget consultations and union pre-budget consultation.

Following the release of Union Budget on February 1, 2020, press conferences were held in most states that were widely covered by national, regional and online media. The national press conference was live-streamed. Following the release of state budgets, press conferences were held across the country with a preliminary analysis.

Shiksha Ka Nyay (Justice in Education)

DAAA has played a critical role in increasing the access to higher education for Dalit and Adivasi students. In its fourth year the campaign sought to solidify its work, expand it to other states and initiated the use of social media for collectivization, campaigning and outreach. Through the campaign, we have not only facilitated access to public entitlements in higher education, but have also been able to identify and address problems with policy implementation processes at multiple levels. This has enabled the students in seeking accountability from the right departments or institutions in question in the 6-tier process of access to schemes related to higher education for SCs and STs. Currently, the campaign runs in 11 states, namely – Uttar Pradesh, Bihar, Jharkhand, Odisha, Andhra Pradesh, Tamil Nadu, Kerala, Karnataka, Maharashtra, Rajasthan and Haryana.

Process

- ✧ Students meeting - identifying and making visible the existing gaps
- ✧ Capacity building of students and CSO/CLO networks on application filling process
- ✧ Engagement with external stakeholders/ network organizations
- ✧ Evidence building and research – RTI and complaints
- ✧ Filing of scholarship applications
- ✧ Policy engagement – national/state authorities

Through this process, a total of 64 student camps have been organized across various colleges in the seven states of Andhra Pradesh, Jharkhand, Uttar Pradesh, Telangana and Bihar. Around 6510 PMS scholarship applications have filled in this year, out of which at least 4237 are female applicants. It is to be noted that in UP, more than 220 applicants have received a copy of their application. 1557 applicants have started receiving their scholarship amount in the states of Andhra Pradesh and Uttar Pradesh. RTIs were filed both at the central, state and district levels to gather information on the status of application and disbursement of funds around a number of

schemes. In this year, a total of 253 RTIs have been filed on higher education. A total of 193 student meetings have been conducted with the participation of 4897 students, out of whom around 1909 were female students, to encourage SC & ST students to submit the applications for accessing their rightful entitlements in terms of student scholarship.

Chhatra Adhikar Aur Jagrukta Yatra, UP, and other student camps

Operational in the state of Uttar Pradesh, the Chhatra Adhikar Aur Jagrukta Yatra campaign was designed to facilitate the PMS online application process for Dalit and Adivasi students. Student camps and meetings are conducted in the college premises with active participation from trained student volunteers and other Dalit and Adivasi students. These frequent meetings with the students have increased their strength and many students have come together as student collectives and organizations. We now have a group of students under the banner “Student Leaders Start PMS Student Rights Tour Under Self-Leadership”, as a part of which they go to various colleges and give detailed information to the students about PMS. So far, the students and travel team have reached more than 1500 students in about 15 colleges, including those at the village level. Follow-up camps were also organized to ensure that maximum number of students are able to access the scheme.

The campaign has benefited more than 5000 students directly and indirectly. 210 PMS applications have been directly filled, wherein 85 are female applicants. More than 1250 applications have been indirectly filled by the students through trained volunteers across different colleges. More than 220 students have received a copy of their online applications as well, which is rare because students are usually not given a copy in most colleges. Out of the 210 applicants, 205 have received the first instalment of the scholarships. With our constant advocacy on the PMS issue, the college administration has become cooperative towards the students. Students have become hopeful with the presence of student groups and social organizations from their own community who are willing to take up their issues.

Similar student camps have been conducted in other states as well. In Andhra Pradesh 16 camps have been organized in colleges wherein 1562 students were able to fill applications, out of whom 693 were female students. Out of the total applications filled, 1352 students have been receiving the scholarship. In Jharkhand, 10 student camps have been organized across 10 different colleges. Around 353 students have been assisted on how to file the online PMS applications, out of whom 130 were female students. More than 3030 PMS applications have been filled, wherein 1230 were female applicants. However, due to ongoing pandemic and lockdown situation, the PMS amount has not been released in the state. As an immediate response, student volunteers/leaders have initiated an online campaign for the immediate release of funds for PMS. In Bihar, 3 camps have been conducted with 160 student applicants, out of whom 62 were female students. In Telangana, 15 student camps have been conducted with 298 applications filled, out of which 167 were those of female applicants. To sum up, the student camps have benefited over 10,050 applicants in accessing the PMS online application process.

Extension of last date for online PMS application

During the time of PMS application in the states of Jharkhand and UP, many of our students had been facing problems like applying for income and caste certificates, which are mandatory requirements to submit the application. Students have to apply for these supporting documents at the block level like Panchayat Samiti and Tehsil, which usually takes more than four weeks. Our state teams intervened in this matter by engaging with the District Magistrate and submitted demanded for an extension of the last date for online PMS application. As a result of constant advocacy with the respective DWO and DM, the timeline was extended by close to 2 months in both the states.

Students availing PMS exempted from tuition fees in colleges, AP

As per the PMS guidelines, the tuition fees of the students who avail PMS are released directly to the college from the government. Students are not required to pay the tuition fees directly to the college. However, due to delay in the transfer of tuition fees from the government, the students are usually compelled to pay the fees on their own. This was happening in about 10 colleges in Andhra Pradesh, while their course certificate wasn't issued even after completion of the course. After constant advocacy with the District Collector and the District Social Welfare Officer, directions were issued to the college authorities to not collect the tuition fees from the students and issue certificates to all those who have completed the course.

State level Students' Consultation, Jharkhand

A state level students' consultation was organized by our state team in Jharkhand to discuss and consolidate the issues faced by SC & ST students from state level bureaucrats and college administration in accessing PMS entitlements. Student volunteers, leaders, and CSO/CLOs worked in collaboration with our state team to organize the event. More than 143 students participated in the consultation out of whom 67 were female students. The consultation involved an in-depth discussion about the application procedure of PMS and specific issues faced by the female students. The consultation primarily brought out more than 15 cases that should be presented for the public hearing. The consultation also provided a platform for students to discuss other issues like lack of proper facilities in college hostels, non-availability of teachers in classes and came with their own solutions to handle these issues.

State level public hearing, Jharkhand

On 1st March 2020, a state-level public hearing was conducted at the training hall of the Welfare Department in Latehar, Jharkhand, to highlight the specific complaints filed by the SC & ST students. 15 cases were submitted before the jury, which consisted of President of the District Council, Representative of District Councils, President of Nagar Panchayat and members of CSOs. More than 156 students participated in the public hearing out of whom 63 were female students. Apart from the 15 complaints that were presented, other questions related to hostel facilities, problems with application procedures were also directly addressed by the jury members. The President of District Council assured to provide better hostel facilities for the SC & ST students.

Engagement with colleges and other educational institutions

In the course of the PMS campaign, the state teams have engaged with the college authorities to establish collaborations for PMS application process with the SC/ST students. In Andhra Pradesh, our team engaged with 31 college authorities including private colleges to discuss the issues faced by the students in filling PMS applications and request them to timely inform students about the status of their applications. 6 college authorities have extended their support to facilitate the students in filling the applications and display the information regarding their applications on the college notice board.



In UP, 35 regular meetings have been conducted with the college authorities. As an immediate response, the DWO, UP, declared workshops to be conducted across several districts for the college administration/authorities to ensure smooth ongoing of PMS applications process for the

SC & ST students. This is the first time the government conducted workshops for the college authorities at the district level. In Jharkhand, the team engaged with 10 college principals. The students have demanded for the opening up of a PMS application centre at college level and unbiased availability of officials at the application submission centre. Social media was also widely used to mobilize and involve Dalit and Adivasi students in the campaign.

Humara Panchayat Humara Hissa (Our Panchayat Our Right)

Panchayati Raj Institutions (PRI) are local government mechanisms that received constitutional backing with the 73rd Amendment Act, 1993. The PRIs were envisioned as decentralized local self-government institutions and are participatory in nature. The structure of the PRI is to ensure empowerment, and make the panchayati raj representatives accountable for development with social justice and efficient delivery of services. Further, the 14th Finance Commission made a significant shift in fund allocation to the local bodies. According to its recommendations, funds were to be directly transferred to the panchayat. As per the new recommendations, grants were to be made in two parts— basic and performance. Basic grant comprises 90% of the grant amount. These grants are directly responsible for basic services, 50% of the grant is released to the state as the first instalment at the beginning of the year, the remaining basic grant is released later in the year with the performance grants. The state is expected to release the funds within 15 days of receiving them

The campaign was initiated to ensure that money reaches the smallest unit of governance where, by law, the community has reservation of seats to be capacitated to demand their entitlements. Through this campaign we have been trying to improve the participation of elected Dalit-Adivasi representatives, especially women elected members in local government under the PRIs and make public institutions socially inclusive. The campaign is currently on-going in 11 states – Uttar Pradesh, Bihar, Jharkhand, Odisha, Andhra Pradesh, Tamil Nadu, Kerala, Karnataka, Maharashtra, Rajasthan and Haryana.

Process

- ✧ Community trainings - training on SCSP/TSP and working of PRI
- ✧ Engagement with external stakeholders/ network organisations (CLOs)
- ✧ Community meetings - identifying and making visible the existing gaps
- ✧ Capacity building of PRI members
- ✧ Submission of applications for accessing government schemes
- ✧ Evidence building and research – RTI and complaints
- ✧ Policy engagement – national/ state authorities

All the states focused on organizing community meetings in order to understand the problems faced by the community in accessing schemes. In total, 178 meetings were organized with PRI

members in the states of Odisha, Bihar, Telangana and Maharashtra, which saw the participation of 498 members out of whom 205 were women. 69 meetings were organized with members of CSO/CLOs in these states that gained participation from 713 members, out of whom 313 were women. As a result of our capacitation and mobilization processes, a total of 231 applications were filled this year for accessing a basket of schemes in the above mentioned states. The total number of beneficiaries were 207, out of whom 135 were female beneficiaries. Demands were also registered in the form of complaints, RTIs and memorandum to concerned authorities.

CAPACITY BUILDING

Training of student volunteers

The state teams of DAAA conducted training workshops for identified student volunteers in the states of Uttar Pradesh, Jharkhand and Andhra Pradesh in order to enhance their understanding on PMS, its guidelines, online and offline application process and other related issues. Around 193 student leaders/volunteers participated in the training workshops. The objective of the training was to capacitate student volunteers to further conduct workshops on access to PMS and to engage with SC/ST students on SCC/STC, hostel issues, post-matric scholarships. The volunteers were trained on the process of PMS application particularly to apply the PMS application online, generate login ID, upload the required documents on the website and submit their hard copies to the sanctioning authorities. Government officials like the District Welfare Officers and members of local CSOs also participated in the training and shared their perspective on the issue. As an outcome, student groups were formed in different colleges which further actively participate in organizing student camps in the colleges and assist students in filling the PMS application. The workshops were substantially covered by local media.

Strengthening the network of CSO/CLOs

CSO/CLOs were identified and trained by state teams in order to provide support to student groups and engage further with the students in the scholarship application process. We have identified 256 CSO/CLOs across the states of Jharkhand, Uttar Pradesh, Andhra Pradesh, Odisha, Bihar, Telangana and Maharashtra. The broad objectives behind collaborating with CSO/CLOs are:

- ❖ Building an understanding on SC & ST special component plan and budgetary allocations on higher education
- ❖ To strengthen the understanding among CSO/CLOs to tap the resources on PMS from higher education under SC and ST component plans.
- ❖ Developing joint action strategies to take the campaign forward



Capacity building trainings have been conducted in all the states with the objective of capacitating the CSO/CLOs on Post Matric Scholarship, its guidelines and how to engage with the concerned officials at the state and district level. It further looked into the process of PMS online applications

and discussed the different challenges faced by the students in accessing higher education particularly scholarships. The training also emphasized on SCSP-TSP legislation as a common advocacy agenda at the state level. As an immediate outcome, the network of CSO/CLOs along with the student volunteers organized camps in different colleges and sensitized the students on PMS advocacy process. Additionally, these groups had several meetings with the community members especially the families of female students to sensitize them about the need for higher education for female students and to access government entitlements.

OUTCOME AND IMPACT

Timely issuance of caste and income certificates to PMS applicants, UP

Considering various external factors like the merging of the regional banks, issue with the income and caste certificate, many students in Uttar Pradesh were unable to submit their PMS applications. For the first time, the students' group met the District Magistrate to discuss the issue. Although they faced difficulty with the college administration, a team from the students' organization stood up in support. Additionally, for some students the details on their bank account and Aadhar Card number did not match as per the government data, thereby making it difficult for them to access PMS. Student volunteers along with the state team approached the Sub-District Magistrate. Finally, **the income and caste certificates were immediately issued for more than 200 students and around 53 students were able to rectify their details related to Aadhar Card and bank accounts.** The campaign received adequate support from the SDM who also assured complete cooperation in future.

Benefits reaped from livelihood-related and other schemes

A list of livelihoods and entrepreneurship-related schemes have been identified by the state teams and applications are being filled to access the same. In Bihar, under the Mukhya Mantri Gramin Parivahan Yojana, purchase of vehicle under the subsidy for self-employment of Dalit and Adivasi youth is being consistently pursued. For the self-employment of Dalit women, we are in dialogue with private and government banks and departments so that Dalit women can be provided loans for self-employment. Applications for Pradhan Mantri Employment Generation Program, under which Dalit youth are entitled to receive Rs. 5 lakh to Rs. 25 lakh to set up industries, are also being timely filled.

In Jharkhand, horticulture has been in its full swing this year. Seeing the benefits of our work over the years, people have started collectivizing as a community. This time, they have grown 20-25 quintal of mango crops. Earlier the Tribal communities used to migrate for work, but they no longer have to. Around 10 new schemes related to horticulture have been sanctioned this year in our areas. Along with this, the state team is also assisting the communities in accessing ration by creating awareness about filling and tracking application through online means. Intervention activities in accessing MNREGA benefits have also been ongoing, which involves demand for work and advocacy for those who don't get work within the stipulated time.

❖ Maharashtra Government releases Rs. 12.33 Cr for construction of borewells and community halls

With the advocacy and strategic planning of our state team, the Maharashtra state government passed an order this year on the release of funds under scheme for construction of borewells that sanctions 27 beneficiaries, out of whom 26 are women. The total amount sanctioned under the scheme comes to Rs. 75.6 lakhs. Another order that has been passed for the construction of community halls in 39 villages amounts to Rs. 11.58 Cr. Both schemes together amount for Rs. 12.33 Cr worth of schemes accessed. Our State Team Coordinator, Rajesh Ghode, shares how the achievement has been made possible:

Our team has been actively involved in creating awareness in the village about their rights to public entitlements. We encourage people to demand their rights through schemes like borewell and tractor facilities. We advised those who have land to fill the application. There is a community fair (Samaj Mela) organized here in which 5000-20000 people get together. There we collectively decided to vote for Dhananjay Munde, the present Social Justice Minister and Foster Minister of Beed district so that he would work for the welfare of our community. He, along with the district MLA, had promised to work for the interest of our community. After winning the elections, we raised our demand for access to government schemes like construction of borewells, getting tractor, etc. We demanded for a community hall in the village so that we can make books available for children and create a reading space for them. We submitted a list of the villages that was processed by the authorities in 8 days. It's because of the mobilization and unity of the community that we have been able to make such an impact. People get their rights only when they unite. Now people from the community are becoming aware. They are being mobilized. They have united, so they fight for their rights!

❖ The story of Amba Mahotsav (Mango festival) in Jharkhand

As horticulture has been in its full swing this year in Jharkhand, people from tribal community see the benefits of our state team work that has been happening over the years, and have begun to collectivize as a community. This time, they have grown around 20-25 quintal of mango crops. As part of our mobilization, networking and advocacy strategies, we therefore organized Amba Mahotsav in the state this year. This is a tribal cultural festival that marks people's happiness of crops produce. We invited the State MNREGA Commissioner in order to connect the people with the market. Government officers and other public from the state and outside visited the Mahotsav and were thrilled to see the quality of mangoes available here. This helped us raise demand for the mangoes. Another major intention to invite government officials was to communicate to the Commissioner the kind of schemes that are demanded by the tribal community. As a result, 10 new schemes related to horticulture have been announced this year.



❖ Intervention for release of pending PMS scholarship, Andhra Pradesh

Our state team in Andhra Pradesh met the Deputy Director of the Social Welfare Department regarding the release of scholarship amount for the last academic year of 2018-19 and conducted a protest for the same in front of the collectorate with the participation of more than 500 students.

The team also engaged with SC Legislative Assembly Committee on release of the pending scholarship amount. Through our constant advocacy at different levels, on April 28, the government released the PMS funds for 2 academic years, ie., Rs. 1880 Cr outstanding PMS amount for the year 2018-19 and Rs. 4200 Cr for 2019-20. Additionally, the welfare department also initiated toll free number 1902 to monitor infrastructural facilities in educational institutions

Hear it from our field experts...

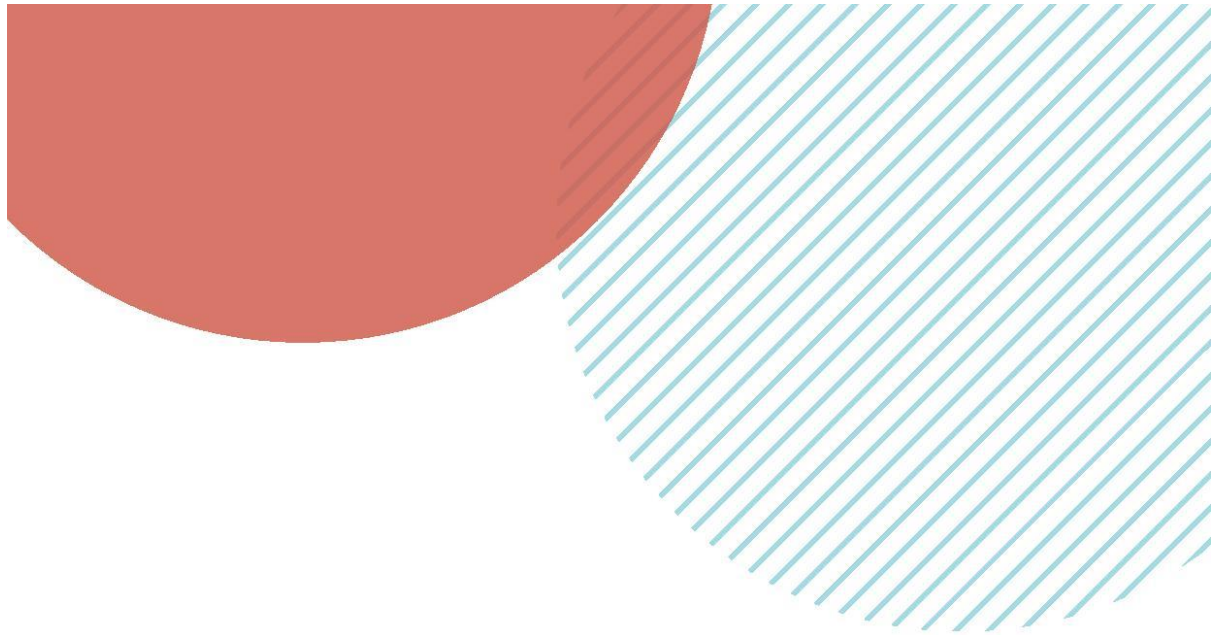
“It is difficult to work on Dalit issues. MLAs are supportive, but the college administration and government officials are biased against our social workers. They don’t take us seriously. They don’t believe that Dalit students should get any benefits. So Dalit officials in government departments play a crucial role in making our work happen. If it’s about self-respect for Dalits and women, we will still get it. But the moment we claim economic rights, they get threatened. They think that if we get economically capable, then we won’t listen to them. So they get scared if a Dalit asks for their economic rights. This is a major problem in working with officers and people in electoral politics. I have been doing social work for 20 years now, but I don’t think there is any organization other than NCDHR that is working on economic rights of Dalits... They (the government) divert SC & ST funds to general projects like building roads and toilets. You’re giving us toilets but we need a house first.”

- Rajesh Ghode, Maharashtra State Coordinator

“Follow up process on PMS and livelihood schemes has been difficult because the officials don’t cooperate. They don’t take responsibility thinking that we keep coming again and again... Information about schemes doesn’t reach the students. The government websites are not updated on time. No announcement is made by the college or state government. Due to this, very few students are able to apply for scholarships...

Some women have got some benefits through private banks, but the lockdown has made things worse. Vehicles bought on loans under the CM Gram Parivahan Yojana are not being used because of the lockdown. How will the person pay the instalment when there is shortage of food also? Even if the bank gives extra time to make the payments, how will we pay the instalments of these three months gone in the lockdown? Meetings have been delayed, relations with officials and PRI members have been affected, we will have to rework on these relations now. We are not able to have discussions like before. Even the DMs, GMs, and DWOs have been transferred in this period. Transfer of government officials affects our work because we have to re-establish our relations with the new appointed persons. Some officials at higher levels don’t want to give us time.”

- Dharmdev Paswan, Bihar State Coordinator



INCLUSION IN DISASTER RISK REDUCTION

The National Dalit Watch (NDW), an initiative spearheaded by NCDHR to respond in an organized and systematic manner to the scenario of exclusion of Dalit communities during disasters. NCDHR learned of rampant caste discrimination during the Indian Ocean Tsunami in Tamil Nadu (2004). National Dalit Watch- NCDHR in years has engraved the road towards Dalits Inclusion in DRR. The journey has been significant in terms of promotion of leaders and CBOs from Marginalized communities, ensuring pre and post disaster entitlements for the communities from marginalized sections. Building the premise of the phenomenon of caste discrimination based on the ground findings, and its rigorous advocacy undertaken by NDW with the major humanitarian stakeholders, including Sphere agencies and the National Disaster Management Authority, and state level administration, led to recognition of the issue and entitlements of the survivors of the aforementioned calamities and has developed a road map for coming years.

NDW over the past few years has instituted tools and methods to identify and document caste based discrimination. The tools enabled many Dalit rights organisations and grassroots activists to monitor exclusion during disaster. NDW has done several studies of disaster management and brought out the stories of exclusion. NDW has initiated the process of advocacy for inclusive DRR management act, Policies and on ground practices.

The past year the major interventions carried out by National Dalit Watch are

Formation and training of community task forces on Hazard, Risk, Vulnerability Mapping, October 2019

In Bihar, Odisha, and Tamil Nadu, NDW has formed task forces of 150 Dalit women and men, covering six districts, namely, Cuttack, Puri (Odisha), Supaul, Saharsa (Bihar), and Cuddalore and Nagapattinam (Tamil Nadu). They were oriented and thereafter engaged in inclusive vulnerability mapping exercises during October-December 2020, whereby they collectively identified the community level risks and multi-faceted vulnerabilities that impact women, children, and elderly differently. It was for the first time that the Dalit women and men were reflecting on their pre-existing caste-based vulnerabilities and how those impacted them differently. Cyclone Fani had hit them very hard and the members were shooed away from the multi-shelter cyclone shelters, the member from Odisha task force recalled, and the special challenges of women during cyclone Vardah and others were recounted by women members from Tamil Nadu. Based on the information generated, the task force representatives along with other members raised demands in the Gram Sabhas on 26 January, in Odisha. The demands included community cyclone shelters in Dalit bastis, concrete roads, and better public services.

Revision of the Vulnerability Mapping and Monitoring of Post Disaster Response Tool

NDW initiated the revision process of the Vulnerability Mapping and Monitoring of Post Disaster Response Tool (v.2013), on December 5, 2019, in New Delhi. The working group includes the senior humanitarian practitioners from CARE India, UNNATI, HelpAge, Handicap International India and RIGHTS (Kerala) working on integrate the concerns of women and adolescent girls, people with disability, elderly and children. The tool has been used over the years to gather evidences of exclusion, assess the degree of inclusion of Dalits and Adivasis in disaster response and risk reduction, and facilitate their access and realisation of the state entitlements. The process will include consultation with technical organisations to strengthen the tool technologically for easy to generate and access vulnerable hamlets superimposed on hazard maps.

Cyclone Fani Inclusion Assessment, Odisha, 2019

Soon after the severest tropical Cyclone Fani that ravaged Odisha in April 2019, affecting 14 districts, NDW in collaboration Ambedkar Lohia Vichar Manch-Odisha, conducted the inclusion assessment in select villages of the worst affected district of Puri, Khurda, Cuttack and Jagatsinghpur. The assessment took place during May-June 2019 and covered 2337 households. Albeit the State Government had ensured fewer casualties and the cash assistance of Rs. 2000 was received by most survivors across the board, the findings revealed delayed early warning, lack of transport arrangements during evacuation, greater house damages suffered by SC, ST and Muslims owing to weak housing structures, compromised sanitation facilities for women and girls, and no supplementary nutrition to the majority of eligible members. Subsequently, the submission of applications for proper losses and damage assessment and compensation were filed by the excluded households under different categories of damage, viz. housing, cowshed, beetle wine tress and fruit bearing tress. The applications are being followed up through RTIs and trained Community Task Force members.

Release of Cyclone Fani inclusion Assessment Report, Bhubaneswar, Odisha, July 19, 2019

The assessment report, “Cyclone Fani: Tracking Inclusion of Dalits, Adivasis, Minorities and Other Marginalised Communities in the Disaster Response,” was released in Bhubaneswar on July 19, 2019, wherein the survivors and civil society members voiced out their experiences. Repeal of the archaic Odisha Relief Code and providing land to the landless were among the key agendas for building resilient Dalit, Adivasi and other marginalised communities. The assessment by itself made people aware of their rights and entitlements in disaster and instilled confidence in them to approach the authority for fair damage and loss assessment and recompense.

State Level Consultation on Inclusion in Rehabilitation, Trivandrum, Kerala, November 1, 2019

After the 2018 disaster in Kerala, National Dalit Watch in collaboration with RIGHTS (Kerala) were engaged in a community driven process marked by consultations with the affected Dalit and Adivasi communities at every stage particularly on the challenges of restoring agriculture, livelihoods and housing, countering the vicious cycle of indebtedness exacerbated by every disaster and the hitherto unaddressed question of perennial floods in regions like Kuttanad. As a culmination of the community level consultations following the inclusion monitoring and ensuing community mobilisation, NDW-RIGHTS organised a public event in Thiruvananthapuram on November 1, 2019. The event brought together Dalit and Adivasi community leaders, concerned academics, civil society organizations and rights activists. Being the 63rd Anniversary of the formation of Kerala State, this public event assumed added significance, as a people’s charter for an inclusive “Rebuild Kerala” with dignity was released in the public domain.

The interventions for compensation post the inclusion assessment enabled hundreds of families securing government assistance over close to Rs. 15 Crore across Alapuzha (ALP), Pathanamthitta (PTA), Idukki (IDK) and Wayanad (WYD).

Sl No	Particulars	ALP	%	PTA	%	IDK	%	WYD	%	Total	%
1	Total No of Families	375		486		261		300		1422	
2	Received	371	99%	479	98.56	109	41.76	267	89.00	1226	86.22
3	Not received anything	4	1%	7	1.44	152	58.24	33	11.00	196	13.78
1	For Maintenance	1,92,56,000.00	46.00	1,99,24,000.00	39.61	35,30,000.00	10.23	10,90,000.00	4.84	4,38,00,000.00	29.36
2	New House & LIFE	1,84,00,000.00	43.95	2,44,00,000.00	48.51	2,44,00,000.00	70.72	1,72,00,000.00	76.38	8,44,00,000.00	56.57
3	Immediate Assistance	36,70,000.00	8.77	47,50,000.00	9.44	4,80,000.00	1.39	25,50,000.00	11.32	1,14,50,000.00	7.68
4	Immediate Assistance from SC/ST Dept	5,35,000.00	1.28	12,30,000.00	2.45	90,000.00	0.26	6,80,000.00	3.02	25,35,000.00	1.70
5	Land & House					60,00,000.00	17.39	10,00,000.00	4.44	70,00,000.00	4.69
	Total	4,18,61,000.00		5,03,04,000.00		3,45,00,000.00		2,25,20,000.00		14,91,85,000.00	

An Appeal to the Prime Ministry by the Dalits and Adivasis in COVID-19

NDW-NCDHR released an appeal to the Prime Minister on March 23, and the Chief Ministers of several states on the heels of the lockdown, seeking inclusive measures for protection of the target population. The appeal drew attention to the plight and greater impact of lockdown on the informal

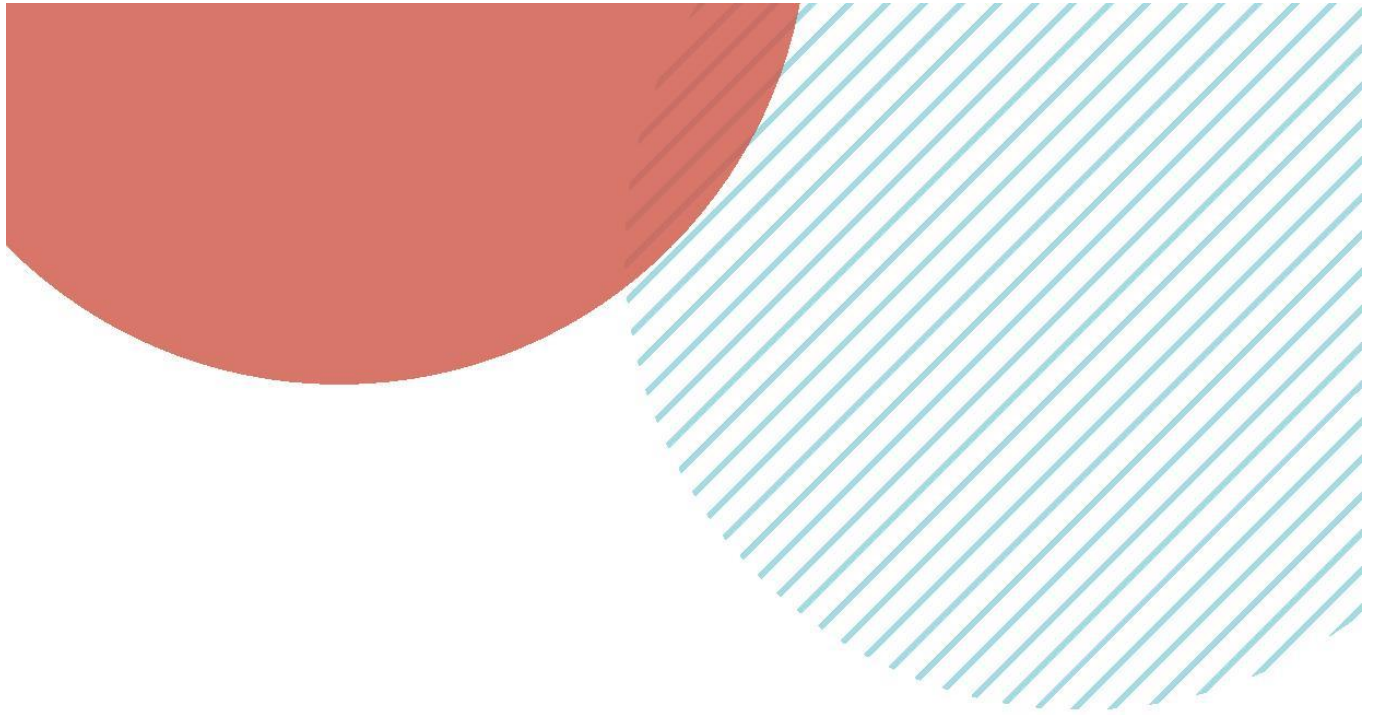
sector workers, self-employed, migrant and homeless, sanitation workers, sexual minorities and people with disability, most of whom hail from Dalit, Adivasi, Pasmada and Bahujan communities. The first stimulus package called the Pradhan Mantri Garib Kalyan Yojana, announced on March 27, saw some of the demands addressed, including livelihood support/cash support, enhanced financial assistance, digital learning to recompense loss of school days, free testing and treatment of Covid-19 under the Ayushman Bharat Scheme. The other demands included integrating the losses of informal/migrant sector workers as into the State /National Disaster Response Fund Norms; enhancing capacity of mohalla clinics and similar models wherever existent, to provide correct information and awareness on COVID in urban areas wherever, issues among marginalised communities; and accessible and people friendly complaints and grievance registration and redress mechanisms. The appeal had mobilised endorsements from 59 organisations and individuals by March 31.

Inclusion Monitoring Assessment conducted for the ECHO Consortium, Assam & Bihar Flood Response, 2019

NDW conducted the Inclusion Monitoring Assessment of Assam and Bihar flood responses in 2019, commissioned by the ECHO Response Consortium, as part of strengthening the inclusion aspects of the response. The findings of the studies were shared with the Consortium partners with an aim to help them design more inclusive response strategies and educate them on the pre-existing forms of vulnerability of marginalised communities.

Workshop on Post Disaster Needs Assessment, August 21-23, UNDP, New Delhi

The Sr. Programme Manager of NDW participated in a 3-day workshop on Post Disaster Needs Assessment (PDNA) Methodologies, from August 21-23, in New Delhi, organised by the United Nations Resident Coordinator's Office. The training included specialists from various United Nations Agencies, national level independent experts from various sectors and faculty members from National Institute of Disaster Management. This PDNA is a joint assessment by the UN, EU and the World Bank, which was conducted in Kerala disasters in 2018, and Cyclone Fani in 2019. Excerpts of Kerala 2018 disaster inclusion monitoring report of NDW-RIGHTS were also included in the Kerala PDNA report. The NDW representative took the opportunity to raise concerns over the gaps in the PDNA and dominant tilt towards reconstruction/infrastructure assessment than human and social impact and inclusion needs, which should inform the Government-UN Recovery Framework and Strategy. The three days were a learning experience in terms of understanding the PDNA process and modalities and exchange views to advocate an inclusive approach and focus on protection issues.



ACCESS TO JUSTICE NDMJ

1. TRAINING AND CAPACITY BUILDINGS

The capacity building programs organized by NDMJ have supported the CSOs and defenders in atrocity monitoring and organizing advocacy with the enforcement authorities and commissions. They have developed stronger relationships, capacity and technical skills for advocacy through their engagements with policymakers, and been more focused and effective in engaging government around SCs and STs (POA) Amendment Act 2018.

1.1 State level training of Dalit Human Rights Defenders

NDMJ has collaborated with Human Rights Defenders Alert (HRDA) for building capacities of Dalit Human Rights Defenders and to build platform of defenders to raise their concerns for their protection. In this year, NDMJ organized trainings at State level followed up with a National level Defenders Convention. More than 200 DHRDs including women defenders from 5 states participated in the Dalit Human Rights Defenders trainings. During training, many new strategies were evolved for protection of DHRDs, the defenders learnt on their rights to national and international protection mechanisms and developing support structures against threats and intimidation. The defender forums will play instrumental role for the advocacy for protective legislation for the defenders.

1.2 National Convention on the Rights of Dalit and Adivasis Human Rights Defenders

The National Convention was organised in collaboration with Human Rights Defenders Alert and Dalit Human Rights Defenders Network - DHRDnet. Nearly 100 defenders (60 women) from 19 states participated. The main sessions were - Present Risks and Challenges to HRDs in India, and Best Practices in addressing them, International & National Mechanisms for Human Rights Defenders - Developing Advocacy Strategies. During the session of Collective Action Plans and Way Forward after the deliberations and collective group discussion, the most important decision arrived were,- the need for the expansion of the Forum of DHRDs at Block, Districts, States and National Level also emerged and through continuous engagement with the National Human Rights Commission a forum of DHRDs would facilitate to draft protection policy for DHRDs.

1.3 Building Adivasis leadership

NDMJ organised two days training Program for 25 denotified tribe community leaders on basic legal mechanism. The sessions included- Introducing the Concept of Human Rights and Evolution of Human Rights, Understanding Human Rights Laws and Protection Mechanisms, Constitutional Rights and Criminal Laws, violation of the rights of NT & DNT community including illegal detention, engagement with Commission and Legal Service Authority as follow up of Fact finding cases

1.4 Empowering Dalit Women

NDMJ is consciously taking efforts to identify Dalit and Adivasis women CSOs, defenders and Advocates and build their capacities to intervene in cases of violence against Dalit women. Most

importantly the focus is to harness the leadership of Dalit and Adivasi women and girls. Total 2184 Dalit women were trained on Gender, Dalit Feminism, Rights, and Legal awareness specifically for Dalit women in Maharashtra, Bihar, Himachal Pradesh and Uttar Pradesh. These trainings have also provided a platform for women to come together as a collective and discuss the issues faced by them.



Regular trainings and meetings have assisted in formation of Dalit women collectives at the block level; which is promoting the steps taken by women in addressing their immediate local needs and boosting their self-confidence

1.5 Building Dalit Children leadership

NDMJ is developing insights and perspectives on intersectionalities of children issues and caste discrimination to address the issue of children with caste perspectives and vice versa. NCDHR team, defenders and partners gained more nuanced perspectives on child rights. The needs and concerns of Dalits and Adivasis children are mainstreamed in the overall programming of NCDHR with the concept of incorporation of 'children' as cross cutting constituency. NDMJ has capacitated Children groups as Child rights defenders to raise voice against discrimination. The children leaders are capacitated to be part of fact-finding team and consultations and are facilitated to share their opinions of their experience and realities, and demand action.

1.6 Training to Police Officials at Munger District, Bihar

A district level training program was organized for the district level police officials and social welfare officers on 28.11.2019 at Munger, Bihar. Mr. Rajesh Meena, District Magistrate, Munger and S.D.M inaugurated the training program. Mr. Rahul Singh from NDMJ trained officials on the provisions of SCs and STs (PoA) Act 1989 and Rules 1995 including the amended provision of the Act. The training program saw nearly 40 officers from Munger.

1.6 Strategic workshop:

A series of Strategic workshops were organized during December 2019- February 2020, with the support of consultant, focussing on context and situational analysis leading to deciding the SWOT and further leading to recalibrating / revising the Strategic Plan with the participation of NCDHR board members leadership staffs and defenders. This was followed by the development of the proposal including the objectives, outcome indicators, results and activities based on Outcome and Impact Orientation” (OIO). The strategic workshop was instrumental for collating the different areas of NCDHR led by different movements and bringing it in a single framework with more emphasis on synergies of different areas.

2. STATE LEVEL INTERVENTIONS

2.1 State Level Conference on the SCs and STs (PoA) Amendment Act 2015

State level Conferences were organized in Haryana, Maharashtra and Odisha. In total more than 2000 Dalit community members participated in the conferences. The focus of the Conferences was on SCs & STs (PoA) Act, Supreme court Judgment and new challenges faced by Dalit communities . In the conference, the status of Dalit and Adivasis atrocities, obstacles in the implementation of the SCs and STs (PoA) Amendment Act 2018 and and building accountability of administration and authorities on Dalit Rights was discussed.

The conference were instrumental in grounding of SCs & STs (PoA) Amendment Act with huge participation of community members, Formation of collective force at ground level towards effective implementation of PoA Amendment Act and Reenergizing the CSOs, community leaders, political leaders, Dalit youths, towards Dalit empowerment.

2.2 State and District Level Advocate Forums Consultations

Three State level advocates forum consultation was organized namely in Bihar, Maharashtra, and Uttar Pradesh. Total 52 advocates participated (Men 43, women-9) in the consultations. The Advocates discussed and strategized on the challenges faced in the courtrooms for case prosecutions, Supreme Court order, Strengthening district advocates forums, Amendments on SCs and STs (PoA) Act and newly appointed SPPs shared their experience on the cases. State level Core Committee of Advocates have been formed to assist other advocates in the legal follow up of atrocities cases and executive committees were formed to coordinate the state level advocates.

District Advocates meeting were also organized for strengthening District level Advocates forum in Haryana, Uttar Pradesh ,Karnataka Himachal Pradesh, Bihar and Odisha .Total 551 Men and 131 women advocates participated in the district level meetings. Discussion was held on various forms of challenges in courts and the required strategies for case follow up, gaps in implementation of SCs and STs (PoA) Act and

possible intervention in Criminal trials, intervention for Relief and Rehabilitation of atrocities victims.

2.3 Legal Clinics and Appointment of Special Public Prosecutors (SPPs)

Legal clinic is a platform to facilitate detailed interaction between the survivors, defenders, witnesses and advocates for recording statements, reviewing the selected atrocities cases - identifying in fact finding report, and providing expert legal recommendations for case documentation and further follow up. Legal clinics were organized in Himachal Pradesh, Bihar and Maharashtra. Total 120 survivors were present to receive the legal assistance. During the legal clinics, the advocates systematically prepared the documents for filing in the court and ensured that appropriate sections of the SCs and STs (PoA) Amendment Act 2015, POCSO 2012, sections of CrPC and other relevant legislations are invoked and the cases are efficiently followed up. Advocates were encouraged to file applications for themselves to be appointed as SPPs. During the clinics, total 80 atrocities cases were selected for filing applications for appointment of SPPs, 40 applications were filed for appointment of SPPs, 25 have been appointed as SPPs. Advocates, Appointment in process with court/Authorities are 30.

NDMJ is also adopting the strategy to file Public Interest Litigations in State High Courts, when the appointment of SPPs is delayed even after persistent follow up with the District Magistrates. In Bihar, NDMJ filed writ petition in high court for appointment of SPPs as the District Magistrate did not take positive action after filing applications. The high court gave favourable judgement with directions for filing separate writs for each case

3. ADVOCACY INTERVENTIONS

3.1 International:

- NDMJ Participated in 'CSOs-Collaborative and co operative actions on UPR III implementation." during the UPR III implementation workshop on 30th October at National Human Rights Commission organized with National Human Rights Commission. Thereafter National Dalit Movement for Justice (NDMJ)-NCDHR)
- International Dalit Solidarity Network (IDSN) successfully submitted a joint ICCPR report to the United Nations (UN) Human Rights Committee (the Committee) ahead of the adoption of the list of issues for the 126th session for the state party - INDIA. This submission sets out some of key concerns about violations of the International Covenant on Civil and Political Rights (the Covenant) vis-à-vis the Constitution of India with regard to one of the most vulnerable communities i.e, Dalit's and Adivasis, officially termed as "Scheduled Castes" and "Scheduled Tribes
- Dr V.A Ramesh Nathan, General Secretary, NDMJ-NCDHR participated in DEMOCRACY CONSOLIDATION IN ASIA CONFERENCE, "Renewing Asia's Commitment to Uphold and Promote Democracy Together" Organized by Asia Democracy Network (AND) on 2nd-3rd April 2019 and presented paper on Active Democracy - Addressing Caste and Gender Barriers.

- Ms Abirami participated in Dalit Women and Gender Justice UN HRC 41 SIDE-EVENT and spoke on NDMJ Work on gender justice for Dalit women at the UN Palais des Nations, 25 June 2019.
- Mr Rahul Singh participated in a workshop organized in consultation with NDMJ and collaborated by FINDAS and Tokyo University of Foreign Studies on 21.08.2019 at Tokyo, Japan. Mr. Rahul Singh from NDMJ-NCDHR participated and presented on Status of Dalit's in Contemporary India: Issues and Challenges.

3.2 National

- a) On October 01,2019, a three-judge bench of the Supreme Court of India recalled its own direction in the March 20, 2018 verdict which had virtually diluted provisions of the SCs and STs (Prevention of Atrocities) Act 1989 and Rules 1995. Soon after the March Judgement, National Coalition for Strengthening POA Act (NCSPA) & National Dalit Movement for Justice organized a National Consultation and decided to observe National Resistance Day and file petition in apex court against the March Judgment. Subsequently, NDMJ-NCDHR represented by Dr. V.A. Ramesh Nathan approached the apex court and filed a Intervener petition (I.A No (653596) of 2018 to the review petition filed by Union Government of India. In a remarkable and wide ranging judgment the Court ruled unanimously that 20.03.2018 directions encroach upon the field reserved for the legislature and against the concept of protective discrimination in favour of downtrodden classes under Article 15(4) of the Constitution. This is landmark case, which is likely to set a precedent from further dilution of SCs and STs (PoA) Act 1989 by the other courts in the country.

The SC verdict refers the Judgement of the writ petition filed by NCDHR on implementation of PoA Act in 2006 National Campaign on Dalit Human Rights & Ors v. Union of India & Ors. (2017) 2 SCC 432Before dealing with submission, we refer to the decisions. In National Campaign on Dalit Human Rights & Ors v. Union of India & Ors. (2017) 2 SCC 432, this Court has considered the report of Justice K. Punnaiah Commission and the 6th Report of the National Commission for Scheduled Castes/ Scheduled Tribes. The NHRC report also highlighted the non-registration of cases and various other machinations resorted to by the police to discourage Dalits from registering cases under the Act of 1989. In the said case this Court had directed the strict implementation of the provisions of the Act of 1989

- b) National Dalit Election Watch under the Aegis of NDMJ-NCDHR drafted the Election Manifesto both at National and State Level and generated awareness among the communities so that demands from Dalit and Adivasi communities can clearly be put before the people's representatives. Measures were also taken to monitor the atrocities on Dalits and Adivasis and any obstacles created for preventing them from exercising their democratic rights during General Election 2019.The guidelines issued by the Election Commission of India was also circulated to them for their references.

3.3 Policy interventions

- a) The draft bill on ‘ Prevention of all forms of Discrimination and Violence Against children in Educational Institutions, Bill – 2018‘ was evolved after rigorous research and wide consultations with child rights organisations. The Bill is being advocated with parliamentarians and respective ministries. The network partners in different states are ensuring this bill is taken into the community for awareness and lobby with state level mechanisms.
- b) In this period, NDMJ received an important opportunity to be part of an initiative by Ministry of Social justice and Empowerment. Ministry of Social justice and Empowerment has taken the initiative to conceive and frame guidelines to strengthen social accountability in the implementation of key schemes funded and implemented by the Ministry, and develop a social accountability framework that will guide the functioning of the Ministry in an overall manner. The Ministry has formed working groups to look at different schemes and make suggestions on mechanisms, processes and platforms that can be incorporated in the implementation of the said schemes, so as to strengthen social accountability. In this regard, NDMJ participated in a meeting on 28th February 2020. The meeting was organised with the objective of deliberating on the incorporating greater social accountability in the implementation of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and The Protection of Civil Rights (PCR) Act, 1955. Thereafter NDMJ was also assigned the responsibility to constitute a team of experts for preparing social audit frame for the PoA Act and organize a consultation with experts and lay down broadly the framework before them.

4. FACT FINDING AND LEGAL INTERVENTION

4.4 Supreme Court Interventions:

National Dalit Movement for Justice is adopting a model of promptly legally intervening in response to Supreme Court Judgments adversely affecting the rights of marginalized communities. This is being implemented by multiple interventions for achieving results. The innovation was in the area of responding to the judgements of Supreme Court for dilution of SCs and STs (POA) Act. The impact is restoration of the SCs and STs (POA) Act provisions to its originality.

- a) NDMJ with the support of iprobono challenged the recently legislated- 103rd Constitution Amendment Act, in Supreme Court of India, which provides reservation to economically weaker sections among general category. The government introduced 103rd Constitution Amendment Act to provide reservation in jobs and education for the economically weaker sections, including dominant castes. The bill offers 10 percent reservation in government jobs and admissions to higher educational institutions to those from economically weaker sections (EWS), who are not included in any existing reservation scheme.
- b) Intervening Petition filed in the Supreme Court of India challenging the Amendments to SCs & STs (PoA) Act seeking to revoke the Amended Act 2015 in its originality.

- c) Intervening petition filed against the order of the Ministry of Information and Broadcasting to the media to “refrain from using the nomenclature ‘Dalit’ and, instead, use only the Constitutional term, ‘Scheduled Caste’ has caused more resentment among the Dalit activists. NDMJ with the support of i-probono has filed writ petition in Supreme Court and representation to the Ministry of Information & Broadcasting was submitted against the directive.

4.5 Fact finding Missions:

Total 202 (Men – 72, Women -81, children ,33,Mass Attack -16) Fact finding missions were undertaken for legal action and case monitoring in critical cases of atrocities and heinous offences such as murder, mass attack, rape, massacre etc. against the SCs and STs Communities. Fact-finding team comprising trained defenders, media, members of vigilance monitoring committees, commission members and CSOs/CLOs pursued the case with the law enforcement officials and the police for prompt and proper action based on the fact-finding report. NDMJ also organised national fact finding and legal intervention in many grave crime committed against Dalits and Adivasis.

Forms of Atrocities		Case Status	
Caste Abuse	10	Number of Cases F.I.R Registered	151
Abetment to Suicide	0	Number of cases registered under SC/ST Act	135
Attempt to Murder	4	Number of cases Charge sheet Filed	13
Physical Assault	36	Number of Arrest	109
Murder	24	Number of Conviction	8
False cases	0	Total Compensation disbursed(INR)	30925000
Custodial Death/Police torture	2		
Mass Attack and property destruction	15		
Others	10		
Total	74		

Case Details	
Total Number of Fact findings	202
Men	70
Women	81
Children	33
Undertrials	2
Defenders	0
Mass Attack	16

Women	
Murder	2
Rape	6
Sexual Assault	29
Attempt to Rape	2
Rape and Murder	5
Gang Rape	3
Abduction	4
Domestic Violence	6
Physical Assault	7

Children	
Discrimination in Schools	5
Sexual Assault in Schools	2
Minor Sexual Assault	9
Minor Rape	10
Minor murder	3
Abduction and Rape	5
Cyber Crime	1

a) National Level Fact finding in Sonbhadra Massacre: NDMJ conducted a National level Fact finding mission in the brutal murder case of 11 Adivasis (Scheduled Tribes) including 4 women over a land dispute at Murtia village under Ghorawal Police Station in the district of Sonbhadra, Uttar Pradesh, INDIA. This mass and brutal attack left more than 25 Adivasis sustained with grievous injuries. The information reveals that the dispute over land had started on 17.07.2019 between Adivasi villagers and the dominant Village head. NDMJ submitted appeals to UN-OHCHR for just action and released press statements expressing its anguish. The fact finding team organised Protest and submitted its demand to Chief Minister.. As a result , the Government promised to provide Rs.18.5 lakh (including compensation of Rs.8 lakh and 25 thousand under SCs & STs (PoA) Act as well as Kisan Samman Nidhi) to each deceased, but provided only Rs.14 lakh to each deceased 69 accused were arrested ,Charge sheet has been filed u/s PoA Act. Government has promised to provide Govt job to one of the family members of the deceased.

b) A national fact finding team was formed to conduct fact finding in a mass attack on Dalits perpetrated Dabang Thakurs in Kanpur Dehat, Uttar Pradesh on 18.02.2020. In this incident , the victims were attacked on their heads, legs, buttocks and waist

by sticks, They were attacked by legs on their private parts, Women were locked in the a room by deception and beaten with Lathi and Molested. As a result of continuous follow up meeting with the officials, raising demand for prompt action, organising press conference etc. The Government of Uttar Pradesh released INR 24 lakhs as compensation to the victims and the 15 accused are arrested.

6. RESEARCH & ANALYSIS

- **Study on Section 4 of PoA Act-** NDMJ is part of a study organized by Commonwealth Human Rights Initiative on section 4 of the SCs and STs (PoA) Amendment Act 2015. Data in the state of Bihar and Haryana were collected on police negligence amounting to an offence under section 4 in the applications to authorities .The Study with Common Wealth Human Rights Initiative (CHRI) on section 4 of SCs and STs (POA) Amendment Act 2018 (Punishment for neglect of duties, being a public servant of non-SC and no ST) emphasized that DHRDs need to follow up regularly and approach to District & State authorities and mobilize the Dalit Groups for advocacy on section 4 representations.
- **Booklets/ Pamphlets for awareness generation:** Hindi booklets were prepared and disseminated for generating awareness on the SCs and STs (PA) Amendment Act 2018, Prevention of Women from Domestic Violence 2005, The Sexual Harassment of Women at Workplace (Prevention, prohibition and redressal) Act. Annual report of National Dalit Movement for Justice and Report of 'National Training for Special Public Prosecutors and Advocates to Ensure Access to Justice for Dalits and Adivasis ' were circulated for generating awareness.
- **Fact Sheets:** State Fact Sheets on the implementation of the SCs and STs (PoA) Amendment Act 2015 based on the information collected from Right to Information applications (in 201 atrocity prone areas of 30 States) were prepared for the states of Madhya Pradesh, Andhra Pradesh, Tamil Nadu and Karnataka. The Fact Sheets are used as Advocacy with commissions, enforcement agencies and policy makers.

Success Stories

One of the concrete strategy emerged based on the years of NDMJ experience of intervening in caste and gender based violence is the systematic and strategic involvement of multiple stakeholders in atrocity cases. So as to cater to the differential needs of survivors encompassing legal support, counselling, education, livelihood, rehabilitation etc.

In Pune District of Maharashtra, in a case where a **‘Dalit man was forced to eat human excreta’**, the fact finding team led by young Dalit women defender adopted multiple strategies to address multiple gaps in the case. A Dalit family working in Brick kiln was brutally beaten up and a member was forced to eat human excreta when they demanded for their wages. When fact finding team conducted spot visit, many gaps in the police investigation surfaced. The fact finding team found that at the first instance, the police denied registration of F.I.R. The Fact

finding team supported the ostracized family to register F.I.R. This fact finding case is one of the best practice as Section 4 (Wilful Negligence of Duty) and Section 15 (Rights of Victims and Witnesses) of the SCs and STs (POA) Amendment Act 2015 was used. The use of these sections demonstrates the confidence and learning's gained by the defenders and using the learnings to innovate and strengthen interventions in violence cases. The team also ensured to activate the Vigilance and Monitoring Committees at District and Sub Divisional level through triggering discussions on the negligence of duty by the police. Labour Department was also approached to take action against the Brick Kiln owner for the under payment of wages to the workers.

In Jehanabad District of Bihar, in a **gang rape case of minor girl**, Investigation agency after conducting the investigation gave report that no gang rape has been committed. The medical report also showed no evidence of gang rape. The Bihar state team after taking cognizance of the case formed 6 member fact finding team comprising of many CSOs. It was taken as a challenge as medical report and investigation agency produced false reports.

The CSOs collaborated in the fact finding team were quite experienced and had good rapport with the social welfare department. The team work with the CSOs yielded positive result and after the fact finding gang rape was established.

After the fact finding, the FF team for the follow up of the case advocated for formation of joint team constitution comprising the representatives of different human right institutions. State Commission for Protection of Child Rights and National Commission for Scheduled Caste were involved to secure their support throughout the case follow up resulting in just and speedy justice. The involvement of commissions during the fact finding missions has brought more credibility and validity in front of the police and enforcement agencies.

Similarly multiple approaches were adopted in '**Land eviction case**' of Dalit family in East Champaran District of Bihar. The victim was residing in house allocated under Indira Awas Yojna in a government land (Gairmajarua land). The family was evicted by police. The Bihar team on one side registered a case against the police and authority responsible for eviction under section 4 of the SCs and STs (POA) Act and on the other hand simultaneously higher authorities were approached and advocacy was organized for reparation. As a result the land was given back to the family with compensation but the proper section of the SCs and STs (PoA) Amendment Act 2015 was not invoked. The Fact finding team approached the higher authorities and State Commission of Scheduled Caste (SCSC), and submitted representation for invoking proper sections in the F.I.R and action against the Police for negligence. After advocacy with the commissions, the demand of the FF team was accepted and SCSC issued order for the transfer of the all the staff of the concerned police station and ordered investigation against them. Thereafter the new police team conducted proper investigation, victim statement was video recorded and invoked the applicable sections of the SCs and STs (POA) Amendment Act 2015.

FORM NO. 10B

[See rule 17B]

Audit report under section 12A(b) of the Income-tax Act, 1961, in the case of charitable or religious trusts or institutions

I have examined the balance sheet of **SWADHIKAR , AAHTS0320G** [name and PAN of the trust or institution] as at **31/03/2020** and the Profit and loss account for the year ended on that date which are in agreement with the books of account maintained by the said trust or institution.

I have obtained all the information and explanations which to the best of **my** knowledge and belief were necessary for the purposes of the audit. In **my** opinion, proper books of account have been kept by the head office and the branches of the abovenamed **trust** visited by **me** so far as appears from **my** examination of the books, and proper Returns adequate for the purposes of audit have been received from branches not visited by **me** , subject to the comments given below:

NIL

In **my** opinion and to the best of **my** information, and according to information given to **me** , the said accounts give a true and fair view-

(i) in the case of the balance sheet, of the state of affairs of the above named **trust** as at **31/03/2020** and

(ii) in the case of the profit and loss account, of the profit or loss of its accounting year ending on **31/03/2020**

The prescribed particulars are annexed hereto.

Place **NEW DELHI**

Date **08/12/2020**

Name	RAVINDER KUMAR SHARDA
Membership Number	084847
FRN (Firm Registration Number)	006226N
Address	R.K.SHARDA & ASSOCIATES 309, DELHI CHAMBERS, DELHI GATE, NEW DELHI-110002

ANNEXURE

Statement of particulars

I. APPLICATION OF INCOME FOR CHARITABLE OR RELIGIOUS PURPOSES

1.	Amount of income of the previous year applied to charitable or religious purposes in India during that year (₹)	75854342
2.	Whether the trust has exercised the option under clause (2) of the Explanation to section 11(1) ? If so, the details of the amount of income deemed to have been applied to charitable or religious purposes in India during the previous year (₹)	No
3.	Amount of income accumulated or set apart for application to charitable or religious purposes, to the extent it does not exceed 15 per cent of the income derived from property held under trust wholly for such purposes. (₹)	13285500
4.	Amount of income eligible for exemption under section 11(1)(c) (Give details)	No
5.	Amount of income, in addition to the amount referred to in item 3 above, accumulated or set apart for specified purposes under section 11(2) (₹)	25000000
6.	Whether the amount of income mentioned in item 5 above has been invested or deposited in the manner laid down in section 11(2)(b) ? If so, the details thereof.	Yes With Scheduled Banks
7.	Whether any part of the income in respect of which an option was exercised under clause (2) of the Explanation to section 11(1) in any earlier year is deemed to be income of the previous year under section 11(1B) ? If so, the details thereof (₹)	No
8.	Whether, during the previous year, any part of income accumulated or set apart for specified purposes under section 11(2) in any earlier year-	
(a)	has been applied for purposes other than charitable or religious purposes or has ceased to be accumulated or set apart for application thereto, or	No
(b)	has ceased to remain invested in any security referred to in section 11(2)(b)(i) or deposited in any account referred to in section 11(2)(b)(ii) or section 11(2)(b)(iii), or	No

(c)	has not been utilised for purposes for which it was accumulated or set apart during the period for which it was to be accumulated or set apart, or in the year immediately following the expiry thereof? If so, the details thereof	No
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II. APPLICATION OR USE OF INCOME OR PROPERTY FOR THE BENEFIT OF PERSONS REFERRED TO IN SECTION 13(3)

1.	Whether any part of the income or property of the trust was lent, or continues to be lent, in the previous year to any person referred to in section 13(3) (hereinafter referred to in this Annexure as such person)? If so, give details of the amount, rate of interest charged and the nature of security, if any.	No
2.	Whether any part of the income or property of the trust was made, or continued to be made, available for the use of any such person during the previous year? If so, give details of the property and the amount of rent or compensation charged, if any.	No
3.	Whether any payment was made to any such person during the previous year by way of salary, allowance or otherwise? If so, give details	Yes
	Details	Amount(₹)
	PAID HONORARIUM TO N.PAUL DIVAKAR(SECRETARY)	1620000
	PAID HONORARIUM TO V.A. RAMESHNATHAN (JOINT SECRETARY)	1436116
	PAID HONORARIUM TO ALOYSIUS IRUDAYAM(MEMBER)	300000
	PAID HONORARIUM TO BEENA PALLICAL(MEMBER)	1183820
	PAID TO HONORARIUM TO ASHA ZECHARIAH (MEMBER)	945000
	PAID TO HONORARIUM TO VIMAL THORAT (TREASURER)	25000
	PAID TO HONORARIUM TO VIJAY PARMAR (PRESIDENT)	25000
4.	Whether the services of the trust were made available to any such person during the previous year? If so, give details thereof together with remuneration or compensation received, if any	No
5.	Whether any share, security or other property was purchased by or on behalf of the trust during the previous year from any such person? If so, give details thereof together with the consideration paid	No
6.	Whether any share, security or other property was sold by or on behalf of the trust during the previous year to any such person? If so, give details thereof together with the consideration received	No
7.	Whether any income or property of the trust was diverted during the previous year in favour of any such person? If so, give details thereof together with the amount of income or value of property so diverted	No
8.	Whether the income or property of the trust was used or applied during the previous year for the benefit of any such person in any other manner? If so, give details	No

III. INVESTMENTS HELD AT ANY TIME DURING THE PREVIOUS YEAR(S) IN CONCERNS IN WHICH PERSONS REFERRED TO IN SECTION 13(3) HAVE A SUBSTANTIAL INTEREST

S. No	Name and address of the concern	Where the concern is a company, number and class of shares held	Nominal value of the investment(₹)	Income from the investment(₹)	Whether the amount in col. 4 exceeded 5 per cent of the capital of the concern during the previous year-say, Yes/No
Total					

Place **NEW DELHI**
Date **08/12/2020**

Name
Membership Number
FRN (Firm Registration Number)
Address

RAVINDER KUMAR SHARDA
084847
006226N
R.K.SHARDA & ASSOCIATES
309, DELHI CHAMBERS, DELHI GATE, NEW DELHI-110002

SWADHIKAR

Registered Office Address: 8/1, 2nd Floor, South Patel Nagar, New Delhi, India - 110008
Phone : +91-11-25842249, Fax: +91-11-25842250

Balance Sheet as on 31.03.2020 CONSOLIDATED ACCOUNT

Liabilities			Assets		
Particulars	Details	Total	Particulars	Details	Total
Capital Fund			Fixed Assets:		
To the Extent of Fixed Assets		1,259,766	As per last year	1,057,006	
			Add: Additions during the year	705,826	
General Fund				1,762,832	
Opening Balance of last year	1,510,127		Less : Depreciation During the year	503,066	1,259,766
Add : Excess of Income over Expenditure B/F	6,257,919	7,768,045			
			Investments		
Unspent Fund Balance			Fixed Deposits		
Opening Balance of last year	7,045,705		(including interest accrued - Annex 3)	15,472,453	
Add : Excess of Income over Expenditure B/F	32,027,582	39,073,287	Current Assets		
			Balance at Banks (Annex 1)	27,516,066	
			Cash in Hand (Annex 2)	202,683	
			TDS Recoverable (FY 2009-10)	20,500	
			TDS Recoverable (FY 2010-11)	11,000	
			TDS Recoverable (FY 2018-19)	74,709	
			TDS Recoverable (FY 2019-20)	99,525	
			Security Deposits (Rent/Electricity)	169,550	
			Receivables/Payables (Annex 4)	3,274,846	46,841,332
Total		48,101,098	Total		48,101,098

Date: 30-10-2020
Place : New Delhi



For Swadhikar
N. Paul Divakar
N. Paul Divakar
Chief Functionary

[Signature]



For R.K. Sharda & Associates
Chartered Accountants
FRN - 006226N

R.K. Sharda

CA R.K.Sharda
M.No. 084847
Prop.
UDIN -



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Income & Expenditure Account for the period ended 31st March 2020 CONSOLIDATED ACCOUNT

Expenditure			Income		
Particulars	Details	Total	Particulars	Details	Total
Access to Justice Program	22,749,200	75,854,342	Grants & Donations		112,536,671
Dalit Economic Rights Programme	32,435,572		Foreign Contribution	89,106,711	
Dalit Women Empowerment Programmes	15,103,723		Local Contribution	23,429,960	
National Dalit Watch Programmes	5,565,847				
		38,285,501	Interest Income		1,603,172
Excess of Income over expenditure C/F to BS			Bank Interest - Foreign Contribution	592,579	
			Bank Interest - Local Contribution	303,825	
			Interest on TDS Refund	15,540	
			Bank Interest - Foreign Contribution FD	571,826	
			Bank Interest - Local Contribution FD	119,402	
		114,139,842			114,139,842



For Swadhikar

N. Paul Divakar

N. Paul Divakar
Chief Functionary

Date: 30-10-2020
Place : New Delhi

[Signature]



For R.K. Sharda & Associates
Chartered Accountants
FRN - 006226N

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Receipts & Payments Account for the year ended 31st March 2020 CONSOLIDATED ACCOUNT

Receipts			Payments		
Particulars	Details	Total	Particulars	Details	Total
Opening Balances:					
Balance with Bank	4,572,459		Access to Justice Program	22,749,200	
Cash in Hand - Annex 2	65,362		Dalit Economic Rights Programme	32,435,572	
TDS Recoverable (FY 2009-10)	20,500		Dalit Women Empowerment Programmes	15,103,723	
TDS Recoverable (FY 2010-11)	11,000		National Dalit Watch Programmes	5,565,847	75,854,342
TDS Recoverable (FY 2016-17)	105,020		Closing Balances FCRA		
TDS Recoverable (FY 2017-18)	94,450		Balance with Bank (Annex 1)	27,516,066	
TDS Recoverable (FY 2018-19)	74,709		Cash in Hand - Annex 2	202,683	
Fixed Deposits (including Interest Accrued)	4,850,350		TDS Recoverable (FY 2009-10)	20,500	
Program Advances / Payables	(1,238,019)	8,555,832	TDS Recoverable (FY 2010-11)	11,000	
Current Receipts			TDS Recoverable (FY 2018-19)	74,709	
Grants & Donations - Foreign Contribution	89,106,711		TDS Recoverable (FY 2019-20)	99,525	
Grants & Donations - Local	23,429,960	112,536,671	Fixed Deposits (including interest accrued - Annex 3)	15,472,453	
Interest Income			Security Deposits (Rent/Electricity)	169,550	
Bank Interest - Foreign Contribution	592,579		Receivables/Payables (Annex 4)	3,274,846	46,841,332
Bank Interest - Local Contribution	303,825				
Interest on TDS Refund	15,540				
Bank Interest - Foreign Contribution FD	571,826				
Bank Interest - Local Contribution FD	119,402	1,603,172			
Total		122,695,674	Total		122,695,674

Date: 30-10-2020
Place New Delhi



For Swadhikar

N. Paul Divakar
Chief Functionary



FOR R.K. SHARDA & ASSOCIATES
CHARTERED ACCOUNTANTS
Firm Regn No. 006226N

CA R.K. SHARDA
PROP.
M.No. 084847
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CONSOLIDATED ACCOUNT

FC BALANCE ACCOUNTS AS OF 31 MARCH 2020	LOCAL BALANCE ACCOUNTS AS OF 31 MARCH 2020
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ANNEXURE - 1

FCRA		LOCAL	
Balance at Bank Details	Amount	Balance at Bank Details	Amount
Axis A/c 916010029077185	269,833	Axis Bank - 910010023906263	702,627
Axis A/c-913010055284749	518,299	Axis Bank - 916010053749340	16,926
Axis Bank - 913010054342149	1,917,008	Kotak Mahindra Bank 2013755168	9,749,207
Axis Bank - 913010054350441	2,415,194	Canara Bank 2010101019685	208,627
Axis Bank A/c 912010021990398	6,591,823		
Axis Bank A/C 913010016904765	3,200,032		
Axis Bank A/C 910010023945725 - FC MAIN	1,724,595		
Axis Bank - 914010040148150	201,895		
Sub Total	16,838,679	Sub Total	10,677,387

ANNEXURE - 2

Cash on Hand Details	Amount	Cash on Hand Details	Amount
Cash in Hand - Tide	2,958	Cash in Hand - Oxfam	6,159
Cash in Hand - Amplify	1,255	Cash in Hand APPI	2,308
Cash in Hand - BrW # 0115	401	Cash in Hand AP Study	4,108
Cash in Hand - IBP	18,389	Cash in Hand	31,523
Cash in Hand - KNH	2,356		
Cash in Hand - CA & BFTW	57		
Cash in Hand - FC	94,920		
Cash in Hand - NDW	16,643		
Cash in Hand DAAA	21,606		
	158,585		44,098

ANNEXURE - 3

FDR	Amount	FDR	Amount
FDR With Axis Bank	13,137,429	FDR With Canara Bank	2,335,024

ANNEXURE - 4

Accounts Receivables	Amount	Accounts Receivables	Amount
Advance to Suppliers	12,608.00	Advance to Suppliers	136,000
Program Advance to Staff	506,733.00	Program Advance to Staff	117,402
Project Advances	1,925,956.67	Salary Advance	421,328
Salary Advance	376,880.00	Project Advances	2,281,990.59
	2,822,178		2,956,721

Accounts Payables	Amount	Accounts Payables	Amount
EPF Payable	134,184.00	TDS Payable	16,963
TDS Payable	111,471.00	Creditors & Suppliers	25,516
Creditors & Suppliers	670,763.00	Expenses Payable	153,549
Expenses Payable	641,651.89		
Salary Payable	749,954.00		
	2,308,024		196,028

Net Receivable C/F to R & P and BS	514,154	2,760,693
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TDS Recoverable	Amount	TDS Recoverable	Amount
TDS Recoverable (FY 2009-10)	20,500	TDS Recoverable (FY 2018-19)	33,392
TDS Recoverable (FY 2010-11)	11,000	TDS Recoverable (FY 2019-20)	42,342
TDS Recoverable (FY 2018-19)	41,317		
TDS Recoverable (FY 2019-20)	57,183		
	130,000		75,734



For Swadhikar

N. Paul Divakar
N. Paul Divakar
Chief Functionary

For R.K. Sharda & Associates

Chartered Accountants
FRN - 006226N

R.K. Sharda
CA R.K. Sharda
M.No. 084847
Prop.



Date: 30-10-2020
Place : New Delhi

[Signature]



FD Workings (Annex 3)

FDR - Axis Calculation	Axis Bank - FC	Canara Bank - Non FC	Total
Opening as on 01.04.2019	3,622,786	1,227,564	4,850,350
Additions :			
New FD Made	9,000,000	1,000,000	10,000,000
Interest - 26AS	571,826	119,402	691,228
	13,194,612	2,346,966	15,541,578
Deletions/Redemptions			
TDS	57,183	11,942	69,125
FD redemption value	-	-	-
	57,183	11,942	69,125
Total	13,137,429	2,335,024	15,472,453

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SWADHIKAR
8/1, 2nd Floor, South Patel Nagar, New Delhi - 110008

CONSOLIDATED ACCOUNT
Schedule of Fixed Assets as on 31st March, 2020

Sl. No.	Particulars	Opening Balance as on 1.4.2019	Addition 1st half	Addition 2nd Half	Total (Rs.)	Depreciation	Closing balance as on 31.3.2020	Rate of Dep
1	Computers	642,154.00	274,200.00	388,750.00	1,305,104.00	444,292.00	860,812.00	40%
2	Printer	10,251.00	-	-	10,251.00	4,105.00	6,146.00	40%
3	Furniture & Fixtures	180,416.00	8,120.00	16,756.00	205,292.00	19,691.00	185,601.00	10%
4	Camera & Equipment	159,645.00	-	18,000.00	177,645.00	25,297.00	152,348.00	15%
5	Air Conditioner	64,540.00	-	-	64,540.00	9,681.00	54,859.00	15%
	Total	1,057,006.00	282,320.00	423,506.00	1,762,832.00	503,066.00	1,259,766.00	


For Swadhikar


N. Paul Divakar
Chief Functionary

Date: 30-10-2020
Place : New Delhi



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