Strengthening Institutional Responses to Address and Prevent Violence against Dalit Women in Haryana

Written By: Dr. Rajesh Tandon and Sonia Preisler

Background

Violence against women is globally one of the most tolerated of human rights violation. No communities are immune to its impact. Socially constructed ideas of what it means to be a woman, man, girl, or boy are based on dominant one-dimensional ideas of femininity and masculinity and intersect with age, class, caste, race, ability, and geographic location. All of these factors influence a woman’s experience with violence. This violence both reflects and reinforces inequalities between men and women, and compromises the health, dignity, security, and autonomy of its victims. The effects of violence against women on communities and societies are not just devastating, but they also result in reduced productivity, and in perpetuation of cultures of silence and impunity in respect of violence against women.

The intersection of violence with gender and caste oppression is seen in the epidemic rates of human rights violations of Dalit women in India. Dalit women face pervasive exploitation, discrimination and subordination based on power relations caused by cultural norms of caste, class, and patriarchal constructs of gender. This discrimination systematically rationalizes violence and denies Dalit women access to personal security, socio-economic development, agency, and social justice. Continued acts of violence against Dalit women have reinforced a culture of silence against this injustice; in addition, lack of public action against perpetrators of violence has created a feeling of impunity among them. Over the past few decades, the low status of Dalit women in Indian society has reached a crisis situation, and the urgency of the problem has led to many efforts to improve the situation for women in general and particularly Dalit women.

This policy brief offers recommendations as to how institutional responses can be strengthened to address and prevent violence against Dalit women in Haryana.
Haryana is regarded a developed state with uneven development indicators. Despite its high per capita income, it scores poorly on social dimensions. Despite outward modernity and signs of a globalizing economy, rural communities remain confined to rigid social frameworks, in which caste panchayats control social relations, meting out punishment for violations of customary law and caste hierarchy (UNDP India, 2009). Caste-and-gender based violence, female foeticide, low female literacy and honour killings are regular and common occurrences in the state (Farrell & Kumari, 2013).

Institutional Responsiveness

The Constitution of India has many legal mechanisms to protect and advance the rights of marginalized populations. There are many effective laws pertaining to the general population of women, as well as the protection and advancement of Dalit rights in India. However, despite the discrimination faced by Dalit women, there are no specific laws to protect their rights. This failure to recognize the unique experiences of Dalit women further discriminates against them by failing to acknowledge how systems of power have historically oppressed and exploited them. This is why cultures of violence, silence and impunity are created and maintained.

The various institutions and agencies in Haryana need to address violence against Dalit women in their communities as per their mandates in transparent and accountable manners. During the 2011-13 period, through a variety of interventions, PRIA supported institutional responses in the district of Sonepat in Haryana. This policy brief is based on the specific experiences of making these institutions responsive to prevent and address violence against Dalit women.

Formation & Functioning of Social Justice Committees

The Constitution of India now has local governance institutions in rural and urban areas after the amendments made in 1992-93 period. Panchayati Raj Institutions (PRIs) have been mandated to work towards economic development and social justice. Accordingly, the Panchayati Raj Act (1994) in Haryana has accorded similar mandates to these local governments.

The reality of many of the villages that PRIA worked with showed that panchayats mostly focus on implementation of hardware schemes for economic development. Hardly any attention has been paid by panchayats in Haryana to matters related to social justice. Focusing panchayat attention to violence against women in general and Dalit women in particular, is not regarded as a part of their responsibility.

To facilitate the work of panchayats on social justice issues, the Haryana Panchayati Raj Act (1994) provides for Social Justice Committees (SJC’s) at three tiers (village, block and district) specifically formed to address injustices against marginalized population. The foremost responsibilities of the SJC’s are to address caste-based discrimination and injustices, promote women’s welfare, and prevent anti-social activities in their respective jurisdictions.

The caste-based and patriarchal system prevalent in the society also seeps into the panchayats in Haryana. It has been observed that if a Sarpanch is from an upper caste, cases of violence against Dalit women are blatantly ignored or the victim’s family is forced to settle the case outside of legal perimeters (such as the police station).

PRIA’s experience shows that it is possible to facilitate the functioning of SJC’s through orientation of elected members of Gram Panchayats as well as the orientation of Gram Sabhas (Village Assembly comprising all adult voters of the village). Sustained discussions in SJC’s can motivate them to take up...
cases of violence against Dalit women and recommend actions to higher tiers. It has been demonstrated that when SJCs function well, Dalit women, who are survivors of caste-based gender violence can be encouraged to bring such cases to the SJCs. Based on these practical experiences of PRIA, the following recommendations are made to strengthen the functioning of SJCs in Haryana.

To strengthen the capacities of SJCs in addressing violence against Dalit women, it is critical that the following steps be taken by the Department of Panchayati Raj, Government of Haryana in this regard:

1. SJCs should be constituted within three months of newly elected Panchayats at all three levels.

2. Addressing violence against Dalit women should be made an explicit mandate of SJCs.

3. Within six months of Panchayat elections, an orientation of all SJC members at each of the three tiers should be conducted to make them aware of their roles and the procedures of the SJCs. One such orientation should be exclusively for women SJC members so that their learning can be enhanced.

4. All elected members of PRIs should be oriented about the functioning of SJCs as an integral part of the initial orientation that is provided by State Institute of Rural Development (SIRD).

5. Procedures for taking cognizance of violence against Dalit women and responding to the complaint received in this regard should be streamlined to ensure transparency and time-bound response by SJC at the Gram Panchayat. Similar procedures and delineation of commensurate responsibility should be made for SJCs formed at block and district levels.

6. All three tiers of Panchayats are responsible for spreading awareness about services available for marginalized communities, especially Dalit women, by providing all necessary phone numbers and locations, and writing them on the village walls/notice boards. This is important as when women need to seek this information they often face intimidation and lose their right to confidentiality.

7. Linkages should be established with all those who are stakeholders in cases of violence against Dalit women at the district level, especially with district law enforcement agencies, district administration and media. Clear accountability mechanisms for ensuring follow up of SJC recommendations to PRIs must be notified in the district administration.

The Department of Panchayati Raj, Government of Haryana can issue executive orders to implement the above; it can make District Panchayat Development Officers (DPDOs) accountable for the implementation of above responsibilities. In addition, the Director of the Department can annually review the functioning of SJCs with the DPDOs and assess the speed and effectiveness of responses to acts of violence against Dalit women.

Activating Legal Aid Cells

Legal proceedings remain complicated, time consuming, costly and unfriendly especially to Dalit community members in Haryana. Under the National Legal Services Authority (Legal Aid Regulations Act, 2011), legal aid clinics are required to be set up
in a cluster of villages to provide legal advice by professional lawyers and para-legal volunteers. In practice, Legal Aid Cells (LACs) face many challenges in providing effective services:

- vast distances between villages;
- inadequate human capacity;
- lack of proper compensation of time and energy of para-legal volunteers;
- weak linkages to Panchayats; and
- lack of awareness of violence against women, especially Dalit women, on part of the judiciary and legal fraternity of lawyers remain serious challenges.

PRIA’s experiences suggest that LACs can be activated to provide awareness on legal rights to Dalit women, as well as PRIs; it is also possible to enable legal assistance to survivors of violence when approached through an intermediary like PRIA.

It is recommended that the State Legal Aid Agency mandate the following of each district LAC in Haryana:

1. Legal aid cells should regularly (annually) conduct orientation programmes for members of SJC at all three tiers on legal provisions related to violence against SC and women.

2. Legal aid cells must have provisions to prioritize legal assistance to SJC when they are examining a case of violence against Dalit women.

3. The legal assistance mandate of the LAC should include priority in providing legal aid to Dalit women when acts of violence against them have occurred.

4. LACs should be empowered to take cognizance of violence against Dalit women *suo moto* and thereby outreach legal aid to such victims.

5. In order to promote greater awareness amongst Dalit women about their rights and legal provisions available in case of violence against them, legal aid cells must promote awareness campaigns.

All Women Police Stations

To encourage reporting of crimes against women, the Haryana government has constituted all women police stations (APWS). The stations are to provide accessible police services by women to women, in order to alleviate the social anxiety that exists around reporting sexual assault cases to male police officers. The APWS procedures are designed, keeping the socio-cultural environment in mind, to assist the victim through the process of reporting.

Despite such mechanisms, the majority of law enforcement agents continue to be of the view that most cases of rape are false, as women wanted, agreed to, invited or asked for ‘sex’, and later filed false complaints of rape out of embarrassment. Dalit women are perceived as being devoid of any entitlement to status or respect, and their bodies always sexually available without any requirement of a woman’s consent (Irudayam, Mangubhai, & Lee, 2006). Victims often are deterred from complaining due to the cultural and social stigma as well as a feeling of hopelessness that they will never receive justice – they bear the shame and humiliation, shrouded in silence.

PRIA’s experiences show that all women police stations are understaffed and inadequately equipped to be a police station. Most incidents of caste-based violence are not reported under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. If the case is registered, the police officers register it under the Indian Penal Code (IPC) or at best, under the Protection Civil Rights (PCR) Act (1955), which results in a much milder penalty. It is generally seen that cases of violence against Dalit women can be made weaker through a variety of practices as the police personnel continue to carry the caste and patriarchal attitudes prevalent in the society.
It is critical that the Government of Haryana mandate the following from each of the general and all women’s police stations:

1. Cases of caste-based violence should be filed under the SC/STs Atrocities Prevention Act, as this will deter perpetrators and begin to break the culture of impunity.

2. Sensitivity training on gender and the experiences of the marginalized populations need to be held at regular intervals in order for all law enforcement officers to conduct themselves with the spirit of the law.

3. All police stations must be adequately staffed and equipped to receive and file complaints. Each block of the state should have an AWPS, with specific mandates for outreach in their jurisdiction.

4. Just because there are all women police stations, it does not mean this is the only place that women can launch a complaint. Cases of violence against Dalit women should be readily registered in all police stations.

Promoting Supportive Social Infrastructure

One of the most difficult issues facing Dalit women in Haryana is the societal culture which is caste-ridden and patriarchal. This culture permeates households as well as institutions. Dalit women remain suppressed; many are illiterate and lack awareness; decades of violence against them has resulted in a culture of silence.

PRIA’s experiences indicated that Dalit women were afraid to speak out in the family or community about the acts of violence against them. Raising such complaints with SJC’s and panchayats was even more difficult. When they managed to gather enough courage to do so, they were strongly persuaded to desist from filing an official complaint, and agree to a mutual settlement of some sort.

In many cases, responses from SJC’s, PRIs and the police were so dilatory and apathetic that Dalit women and their families realized that they will receive no justice. On many occasions, filing of complaints resulted in further violence against them and their families. SJC’s, panchayats and the police and judiciary did not stand with them on such occasions.

PRIA’s experiences showed that a social support infrastructure is critical for Dalit women to be able to gain confidence to approach SJC’s and the police in the face of violence against them in Haryana. A strong Nari (women) Network in the district of Sonepat was supported by PRIA over the past decade; this network was able to provide regular information and social support to Dalit women; many local Village Information Centers are being run voluntarily by these women activists of Nari Network from their homes; some capacity-building support on legal matters was provided by Jindal Law College; legal awareness raising programmes were facilitated with support of LACs; and youth groups of Dalit boys and girls have been encouraged to understand their rights and the institutional mechanisms available to them.
In all these efforts, role of PRIA as an enabler, educator, facilitator and convener were critical during the past two years of engagement. It was in this role that PRIA co-convened a multi-stakeholder dialogue at Jindal Global University (Sonipat) on October 4, 2013. Dalit women, SJC women leaders, Sarpanchs and youth group members shared a common platform with the vice –chancellors of JGU and BPS Mahila Vishwavidyalaya, students and faculty of law, media representatives, state and district government officials, legal fraternity and local civil society. The need for strengthening such social infrastructure that supports the empowerment and voice of Dalit women was strongly under-scored during this multi-stakeholder consultation.

In light of the above, the following recommendations are aimed at a variety of social actors in Haryana, including colleges and universities:

1. Civil society, media and post-secondary higher education institutions can partner to promote awareness of rights and legal provisions for women in Haryana, Dalits in Haryana, and especially Dalit women in Haryana.

2. All public functionaries at state, district and block levels should be oriented to issues of gender discrimination, violence against women and violence against Dalits and Dalit women. Various government training institutions should be asked to undertake such educational programmes for sensitization of all public officials.

3. Linkages between colleges and universities with local communities, panchayats and SJC can be very productive in several ways. Students and faculty can support the community with awareness of laws, scheme and other provisions. They can also conduct systematic studies of issues of violence against Dalit women, and monitor the institutional responses periodically.

4. Civil society actors in Haryana can play an important role in facilitating strong networks and support groups of women leaders, especially Dalit women leaders, both from Panchayats and the community. Women need a platform of their own, and the civil society can facilitate that.

5. Finally, the role of media in supporting such efforts to prevent and address violence against Dalit women in Haryana is very critical. Media can raise awareness on these issues; can prompt government officials to take action in cases of violence against Dalit women. Media can also portray positive stories of leadership and socio-economic transformation taking place in the Dalit community.

Conclusion

It is imperative that various institutions mandated to prevent and address violence against Dalit women play their roles effectively in Haryana. In particular, PRIs can play a crucial role in strengthening the responses of Social Justice Committees whose mandate includes this set of issues. Further activation of Legal Aid Cells can support the legal complaints process in case of violence against Dalit women. Police actions are crucial in ensuring punishment to the guilty; All Women Police Stations in Haryana can be especially effective if their capacities and mandates are further strengthened.

In the caste-based patriarchal culture of Haryana, violence against Dalit women has to be dealt with urgently. Several of the institutional mechanisms are formally in place to achieve that goal but need to function in a transparent accountable manner.

References

