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Access to Protection of *Dalit* girls: An Inquiry *The case of Garhi Chhaju, Haryana*

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The views expressed in this case study are those of the authors alone and do not necessarily reflect the policies or the views of UNICEF or the Indian Institute of Dalit Studies.

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Acronyms and Glossary

BPL	Below Poverty Line
FGD	Focus Group Discussion
FIR	First Information Report
ICDS	Integrated Child Development Services
IIDS	Indian Institute of Dalit Studies
INR	Indian Rupees
MWCD	Ministry of Women and Child Development
NCDHR	National Campaign on Dalit Human Rights
NCRB	National Crime Records Bureau
NGO	Non-governmental Organization
NHRC	National Human Rights Commission
OBC	Other Backward Classes
POA	Prevention of Atrocities Act
SAARC	South Asian Association for Regional Cooperation
SC	Scheduled Caste
SSA	<i>Sarva Shikha Abhiyan</i>
ST	Scheduled Tribe
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund

Glossary

<i>Anganwadi</i>	Day care centre for children aged 0 – 6 years, which is a part of the ICDS programme
<i>Basti</i>	Settlement where people of a specific group reside
<i>Choupal</i>	Gathering place in a village
<i>Eve-teasing</i>	A euphemism used in South Asia for sexual harassment or molestation of women by men. It ranges in severity from sexually suggestive remarks to outright groping
<i>Numberdaar</i>	Village clerk
<i>Panchayat</i>	Local self-governing body of the village
<i>Sarpanch</i>	Democratically elected head of the <i>Panchayat</i>
<i>Tehel/Tehelna</i>	Visiting the fields for defecation
<i>Tehsil</i>	Block (sub-division of a District)

Foreword

The Knowledge Community on Children in India is a partnership between UNICEF and the Government of India which aims to fill knowledge gaps and promote information-sharing on policies and programmes related to children in India. In 2007, under the aegis of this initiative, 57 graduate students from India and across the world visited and documented projects focused on child rights and development. Their fresh perspectives, commitment and hard work are reflected in this series of case studies, which are published by UNICEF.

The case studies cover key sectors linked to children and development and address important policy issues for children in India. These include: primary education, reproductive and child health, water and sanitation, child development and nutrition, social exclusion and village planning. Based on desk research and field work, these case studies tell the story of innovations in service delivery, what works, why and under what conditions and put a human face to the successes and challenges of development in India.

UNICEF recognises the potential and power of young people as drivers of change and future leadership across the globe. As such, the KCCI Summer Internship Programme also aims to develop a cadre of young research and development professionals with interest, commitment and skills relating to child rights. UNICEF hopes to continue this collaboration with young researchers, the Government of India, and various research partners, so as to bring fresh perspectives and energy to development research and our ongoing efforts towards the fulfilment of rights of women and children in India.



Representative
UNICEF India

Dedication

Dedicated to the *Dalit* families of Salwan village, Haryana, where in March 2007, a minor caste based conflict, escalated into mob violence with 2000 Rajputs descending on the 200 *Dalit* families residing in the village and ransacking and burning their houses. While the Research Team initially intended to study the impact of these atrocities on children in this village, Salwan was still reeling from the atrocity and court cases were being filed at the time of our visit. The sensitivity of the issue forced the team to abandon the initial choice and move to a less sensitive area and issue. However, even a single visit to the village revealed that **not only does discrimination against Dalits still exist, but it is alive and thriving**. We, therefore, dedicate this report to the villagers of Salwan, who we met for only a day, but remain in awe of their determination and courage.

Executive Summary

Children in India, especially girl children, have been identified as one of the most vulnerable sections of society by the Government of India. With an existing caste system still in place, wherein the *Dalits* are continually victimised by means of exploitation, violence and discrimination, the *Dalit* girl children become even more vulnerable due to their triple identity of *Dalit*, child and girl.

There is, however, a lack of empirical research to elucidate this issue. Hence, this study aims to fill a very specific gap in the literature on the subject by focusing on the protection of *Dalit* girl children, a triply marginalised community in India. It also maps the vulnerabilities of *Dalit* girl children in accessing protection and helps analyse the impacts of accessing such protection upon these children in Garhi Chhaju, Haryana.

In doing so, this study investigates the issues of protection faced by *Dalit* girl children. In particular, the focus is on the access to protection for *Dalit* girl children in a rural setting. The village of Garhi Chhaju in Haryana was chosen for this investigation, due to its high *Dalit* population, and relative absence of large-scale caste-based atrocities. The post harm access to protection for *Dalit* girls aged 11-18 was examined, and four main institutions were identified as protectors: the family, *Panchayat*, school and police. Through various ice-breaking activities, focus group discussions, and one-on-one interviews, information was collected.

The study finds that in addition to enduring problems arising out of marginalisation of gender, poverty and childhood, the *Dalit* girl child faces additional barriers in her access to protection due to caste based discrimination. This identity affects social and power structures, in much of rural India, increases vulnerability, limits access to protection and elicits poor quality of protection. Once the child has encountered harm, it is found that the process of accessing protection translates into a vicious cycle, which often exacerbates the initial vulnerability and the creates new vulnerabilities to harm. This vicious cycle, which is illustrated in the report through three case studies, is derived from the vulnerabilities of caste identity of these children. It has significant negative impacts on the lives of these girls and their families – including their education, freedom and vulnerability to harm. Overall, the study finds that these impacts translate into some form of denial of the child's four basic rights of survival, development, protection and participation.

Since no combined legal focus on *Dalit* girl children exists today, this study works separately on the existing legislative frameworks on *Dalits* and on girl children,. By juxtaposing these

frameworks with the vulnerabilities of *Dalit* girl children in Garhi Chhaju the study reveals gaps in both approach and implementation. It also reveals areas of concern, where no legislation currently exists. Overall, it appears that *Dalit* girl children are ‘falling through the gaps’ of the protection provided by those concerned with children and those concerned with *Dalit* issues, since neither group addresses their dual identity.

This report concludes by providing specific recommendations for the legislative framework for *Dalits* and children, separately, with a special focus on reconsidering and defining child Protection across the country. It also provides a starting point for various other research studies on the issues concerning the triple identity of the *Dalit* girl child. As issues of caste-based discrimination, child rights, and gender rights gain prominence in India, care should be taken to acknowledge those who lie at the margins of these categories, and whose voices cannot be heard unless these three issues are considered together.

Introduction

Hum to Dalit hain... humari kaun sunega?

(We are *Dalit*'s... who will listen to us?)

Jat log hum ko yahan khelne nahi dete hai. Hum ko Chure chamar bulakar bhaga dete hai

(The (*Jat*) dominant caste people do not let us play here. They shoo us away by calling us by our caste names)

Ghar se bahar nikalte hi Jat ladke mujhe chedte hai. Bhai ko batane par, un dono ladkon ke beech bahut badi ladai ho gaye. Isse mera school jana choot gaya.

(As soon as I go outside my house, *Jat* boys tease and verbally harass me. On telling my brother, a huge fight erupted between the two. Due to this I had to drop out of school)

School main sir bahut marte hai, lekin main agar papa ko bataungi, to wo kahenge ki kaam nahi karne se hi mara hoga. Ulta aur maar padh jayegi.

(Sir beats us a lot in school, but if I tell my father, he would say that it happened, probably, for not completing school work. Instead of sympathising, he would also beat me up)

These are only some of the voices of young *Dalit* girl children between 11 – 18 years, who are currently living in Garhi Chhaju village, in district Panipat, Haryana. Many of them attend school, while many are not able to do so. These voices recorded during the field visit, form the crux of this study. They depict the real experiences and conditions of the *Dalit* girl child - who faces the challenges and vulnerabilities of being a *Dalit*, a girl and a child, all at once. It is significant to note that the three different identities of the *Dalit* girl children are difficult to separate and the vulnerabilities they face are as a result of the same.

This study aims to map these very vulnerabilities of the *Dalit* girl child. Furthermore, it identifies the issues of protection faced by them, especially in the rural setting. It also looks at the perceptions of the *Dalit* girl child about her own safety and protection and how her perceptions impact her ability to access institutions that can provide her with the same. The various impacts of accessing protection by the child are highlighted within the report via three specific case studies from the village itself.

The reason for a specific focus on the *Dalit* girl child within an identified rural setting was to develop an initial inquiry into the access of protection by the *Dalit* girl child with her own

experiences as substantiation for the same. This study presents a preliminary inquiry, since previous studies have not focussed on this target group.

The following section presents a tabulation of the existing legal framework for the protection of children and *Dalits* as applicable for the purposes of this study. Since there is no combined legislation directly addressing the *Dalit* girl child, the provisions for their separate identities are listed separately. Next, the background information on child protection issues as well as *Dalit* issues is highlighted. The lack of literature on issues of protection of *Dalit* children adds to the relevance of this report. The next section, defines certain terms used in this report for the purpose of explaining them clearly.

In Chapter one, the purpose and the aim of the report is reiterated, along with an explanation of the methodologies adopted in the field. It also lists the various limitations of the study identified across a period of two months.

Chapter two maps the village and the school which the *Dalit* girl children attend. The general issues observed within the village are also mapped. This section then focuses on the daily activities of *Dalit* girls and maps the vulnerabilities and issues of protection they face, via the methodologies adopted by the study. Various constraints in accessing protection and the aftermaths of accessing this protection which leads to a vicious cycle of discrimination, are also discussed here.

The three case studies drawn from the village experience are detailed in Chapter three.

Chapter four then moves the argument of the report a step further by analysing the impacts or the aftermath of accessing protection on the *Dalit* girl child as well as on her family and community. In this section, both primary and secondary impacts of accessing protection are analysed. The chapter concludes by outlining how these impacts result in the denial of her four basic rights of survival, development, protection and participation, as defined under the UNCRC.

In Chapter five, the report shifts from the field into the current legislative framework as existent in India for *Dalit* girl children. Here, the gaps in the approach and implementation of various legislative policies, Acts and schemes are identified. Also, the omissions and oversights observed within this framework that address child protection of *Dalit* girls is listed. The supporting system of these legislations is often found in the work of NGOs. These are also observed in the context of the provisions for *Dalit* girl children.

Finally, in Chapter six, some general and some specific recommendations are made. They aim at addressing a varied audience: legislators, civil society, schools and NGOs. The report is then brought to a close with the mention of further areas of studies and research on the issue of

protection of the *Dalit* girl child, in order to continue the process initiated in the form of an initial inquiry via this report.

Existing legal framework for the protection of children and *Dalits*

A legal framework that specifically provides protection to the *Dalit* girl child is currently missing. The existing legislation, however, covers areas of child protection and those of the vulnerable *Dalit* community separately. This current framework is provided below in two sections, one that covers the child and the other that covers the *Dalit* identity as applicable to this study.

Provisions for Child Protection	Provisions for <i>Dalit</i> protection
<p>Constitution of India</p> <p>The Constitution of India recognises the vulnerable position of children and their right to protection. The right to equality, protection of life and personal liberty and the right against exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e), 39(f). These reiterate India’s commitment to the protection, safety, security and well being of all people, including children.</p>	<p>Constitution of India</p> <p>Articles under the Indian Constitution that provide for protection of members of the SC/ST communities are: Article 15, 15 (4), 17, 25 (2) (b), 46, 244, 338.</p>
<p>Acts and Legislations</p> <ul style="list-style-type: none"> • Indian Penal Code <ul style="list-style-type: none"> o Rape (Section 376) • Commission for Protection of the Rights of the Child Act, 2005 	<p>Acts and Legislations</p> <ul style="list-style-type: none"> • Protection of Civil Rights Act, 1955 • SC/ST Prevention of Atrocities Act, 1989 • Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 • <i>Devdasi</i> System Abolition Acts
<p>National Policies</p> <ul style="list-style-type: none"> • National Policy for Children, 1974 • National Policy on Education, 1986 • National Charter for Children, 2004 • National Plan of Action for Children, 2005 	<p>National Policies and Campaigns</p> <ul style="list-style-type: none"> • National Commission for SCs and STs • National Human Rights Commission • National Commission for <i>Safai Karamcharis</i>
<p>Schemes and Programmes</p> <p>Various schemes are undertaken by the Haryana government as prescribed by the MWCD, government of India:</p>	<p>Schemes and Programmes</p> <p>Various schemes are undertaken by the Haryana government as prescribed by the Ministry of Social Justice and</p>

<ul style="list-style-type: none"> • <i>Kishori Shakti Yojna</i> This intervention focuses on school dropouts, girls in the age group of 11-18 years, to meet their needs of self development, nutrition, health, education, literacy, recreation and skill formation. • <i>Balika Samridhi Yojna</i> To improve enrolment and retention of girl children in schools. • Integrated Child Protection Scheme (proposed) The ICPS hopes to bring together multiple vertical schemes under one comprehensive child protection scheme, combining existing child protection schemes of the Ministry and integrating interventions for protecting children and preventing harm. 	<p>Empowerment. These include stipend distribution based on the Special Component Plan, reservations and special monetary considerations in school fees.</p>
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Background and literature review

Children comprise 40 per cent of India's 414 million people (Ministry of Women and Child Development, 2006). When compared globally, India is home to 19 per cent of the world's children (UNICEF). However, it was not until the Government of India ratified the UNCRC on 11 December 1992 that the need to focus on child protection as a special category of child rights came into attention. Legislations focusing on child protection have only recently been given a special focus by the Ministry of Women and Child Development in its upcoming policies, schemes, programmes and legislations, even forming a Government of India - UNICEF Work Plan on Child Protection.

Despite recent attention paid to children by the government and various other organisations, much else remains to be considered in securing the development, survival and protection of children. Vast data has been collected both by UNICEF and the National Crime Records Bureau (NCRB) on the child sex ratio, trafficking, working children, abuse and crimes against children, as these are the issues that most commonly demand child protection. In 2004, UNICEF pointed out that over 12 million 5 to 14 year olds are working and efforts to counter this have only been visible after October 2006 when the notification against child labour was passed. Along with these, the National Crime Records Bureau (NCRB) 2005 recorded a 3.8 per cent increase in crimes against children from 2004 to 2005. Another main area of concern is corporal punishment, with a child abuse study conducted in 2007 reporting 69 per cent of the respondents undergoing corporal punishment in school.

It has been identified that there are certain children who are more vulnerable to such abuse and exploitation than others. Such children have been classified as “children in difficult circumstances” by the Government of India (2007). The need to protect some children is seen as greater than for others.

One such category is those children belonging to ethnic, religious minorities and other socially marginalised groups. *Dalit* children are a group that falls under this category. According to *Dalits In News*¹, children are often involved in caste-based atrocities either as direct or indirect victims. Within the year of March 2006 to March 2007 alone, *Dalit* children in India have been subjected to or been witnesses of 47 instances of rape, beatings, deaths, sexual harassment and untouchability.

The specific focus of this study, as mentioned above, is on girl children belonging to the *Dalit* community, since their triple identities of being *Dalits*, girls and children make them even more vulnerable to harm. In fact, the Ministry of Human Resource Development (2005) identifies children of *Dalits*, minority communities and girl children as especially vulnerable in difficult situations.

Despite the Indian Constitution having formally declared the issue of untouchability as a cognisable offence under Articles – 15(2), 17, 29(2), its forms and manifestations are rampant across the nation. Research by Shah *et al.* (2006) depicted a comprehensive picture of these manifestations in their book “Untouchability in Rural India”. The evidence presented suggests that though the more blatant forms of untouchability are on a decline, discrimination on the lines of caste hierarchies continues to exist. This interferes in the public, personal and institutional spheres of *Dalits* living in India. However, like other sources of literature on the topic of *Dalits*, it has not tackled the issues of *Dalit* children and specifically, of the *Dalit* girl child.

Contextualising this discussion within the regional focus of the study, Haryana is a state where *Dalits* comprise as much as 19.5 per cent of the population. However, despite such a large population, they remain un-empowered. The India Human Rights Report 2007 on Haryana, states that Haryana has ‘remained a lawless state, especially with regard to *Dalits*. Their rights continue to be violated by upper caste people in alleged connivance with the police’. Though the Haryana Government has announced a compensation policy for *Dalit* victims of atrocities by the upper caste, there are still constant reports of violations of the rights of this group. Statistics of caste-based atrocities in the media reveal that there were over a 100 major atrocities reported to the Haryana police in 2006², including rape, arson, murder and kidnapping.

¹ *Dalits In News* is a daily compilation of media coverage of *Dalit* based atrocities. It is brought out by the media division of NCDHR

² National Campaign for Dalit Human Rights: <http://www.dalits.org/haryanaatrocities.htm>

Haryana has also not been at the forefront of child protection legislation in India. Corporal punishment in school is not yet declared illegal³, and the state has one of the highest rates of infant mortality in the country⁴. High levels of female foeticide result in gender imbalance, and the state is also known for the prevalence of child trafficking. The lack of a State Human Rights Commission combined with limited NGO and multi-lateral intervention makes monitoring and evaluation mechanisms less effective.

Such a situation reflects the high vulnerability of *Dalit* children in Haryana. Not only do they face the direct impact of atrocities due to their *Dalit* identity, but they are also more vulnerable due to their status as children. This vulnerability is heightened by the prevalence of gender discrimination and female foeticide. Hence, girl children of *Dalit* families can clearly be identified as those requiring special attention.

Definitions

For the purpose of this study, the following terms are defined:

Child: A child is a *Dalit* girl in the age group of 11-18.

Dalit: Human Rights Watch (2006) defines *Dalit* to literally mean “broken” people. It is a term first coined by Dr. B. R. Ambedkar, one of the architects of the Indian constitution and leader of the *Dalit* movement. It was also used by the *Dalit* Panther Movement, a movement that claimed rights for “untouchables,” and is now commonly used by rights activists. Administrative parlance now uses the term “Scheduled castes,” while rights activists and the population more generally employ the term “*Dalits*”.

Child Protection (Theoretical Definition): According to the United Nations High Commissioner for Refugees (UNHCR), child protection includes any appropriate legislative, administrative, social and educational measures taken to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

³ Unlike in many other states of India such as Delhi, Punjab, Andhra Pradesh, Goa, etc., where Education Acts have been amended to declare corporal punishment in school as illegal.

⁴ 819 per 1000 males as reported by UNICEF: http://www.unicef.org/india/child_protection_1360.htm

Child protection (Operational definition): Child protection is any measure taken to provide safety and protection to a child in a post-harm situation. These measures can be taken via formal or informal means. Formal means would imply means of protection as stipulated in the national legal framework, and informal means would imply means of protection not stipulated in the national legal framework. These means are usually coping mechanisms, which often arise from dominant social understanding, but can also take illegal forms.

Harm: Harm is any encounter with issues in child protection highlighted in this study.

Post harm situation: A situation directly following an initial harm, in which a child accesses informal or formal protection.

Access to protectors: Access to protectors does not necessitate access to protection; it simply indicates that the child has successfully approached an individual or institution responsible for providing protection. These, for the purpose of this study have been identified as the family, school, police and *Panchayat*.

Access to protection: A child has access to protection if her access to a protector results in a measure that protects the child against a specific harm and is compliant with the rights of the child as defined by the UNCRC.

Safety: Safety is defined as that state, where the child is effectively protected from the initial harm and this protection is achieved through a means that does not violate the rights of child as defined by the UNCRC.

Coping mechanism: A coping mechanism is a victim-centred method that is chosen by the family to protect the child from further harm.

Vulnerability: Vulnerabilities are factors that lead to the issues of child protection.

Chapter One

Purpose of the study

Main purpose

To map the vulnerabilities of *Dalit* girl children in accessing protection and to analyse the impacts of accessing protection upon them.

Objectives

- To map the vulnerabilities of *Dalit* girl children in seeking and/or receiving protection in a post-harm situation.
- To identify the perceptions that *Dalit* girl children have about their safety and protection and how these perceptions impact their ability to access institutions that can provide them with the same.
- To understand what role local institutions play in providing protection to *Dalit* children, and what attitudes they have towards doing so.
- To identify the gaps in the implementation and approach of policies, schemes and laws available for the *Dalit* girl child against discrimination, and for protection.

Methodology

1. Coverage of the study

This study was designed as a local case study with sampling from a single village in the state of Haryana. The format of a case study was adopted since this study is only an initial inquiry into the access of protection by the *Dalit* girl child and the report documents only the experiences of this group of children in the village. Six days were spent in the village, where in-depth fieldwork was undertaken by four researchers with the support of two translators and villagers.

2. Sampling design

2.1 Selection of the state

The state of Haryana was chosen for this case study by IIDS with the approval of UNICEF. It was identified on the basis of a) *Dalit* population b) the high incidence of atrocities on *Dalits* and c) Lack of intervention

2.2 Selection of the village

The village of Garhi Chhaju in Panipat district was selected for the study, due to its large *Dalit* population, geographical accessibility and apparent absence of distinct tensions between *Dalit* and non-*Dalit* communities, which provided an environment conducive to research.

2.4 Selection of NGOs

Various NGOs were selected as sources for data collection on the basis of their work on issues of child protection and *Dalit* issues. The aim in speaking to NGOs was also to identify the provisions available, if at all, for *Dalit* girl children to access protection.

2.5 Selection of respondents in the village

For the purpose of this study, respondents included *Dalit* girls aged 11 – 18, as well as the stakeholders of protection. The girl child respondents can be further classified into two groups:

• Children in a family environment, not attending school

Girls not attending school were selected based on caste such that only those *Dalit* girls who did not attend school were included in this study. This age group ranged from 11 – 18 years.

• Children in school

All girls from Garhi Chhaju, attending standards 6, 7 and 8 in the government school were selected as respondents. Girls in these standards were all included regardless of their caste status. These girls were in the 11 – 13 years age group.

Stakeholders included all the local institutions responsible for ensuring safety and protection for *Dalit* girl children within the village. For this study, the stakeholders were the family, school, *Panchayat* and police. Apart from these local institutions, the study also examined Delhi-based national and multi-national NGOs that work in different parts of the country, including Haryana.

3. Data collection

As required by the study the field work was divided into two categories; data collection from a) NGOs and b) the village

3.1 The village

The main purpose of identifying this sphere for data collection was to map the vulnerabilities of *Dalit* girls in seeking and receiving protection. It was also to understand the processes they went through while accessing protection, the vulnerabilities that they encountered along the way and the outcomes post-access, of protection. The main sources of data were: the *Panchayat*, the *Anganwadi* centres, the school and the family members of the girls.

3.2 Non-governmental organisations

The NGOs interacted with were the Haq Centre for Child Rights, Salaam Balak Trust, Akshay Prathisthan, Ashray Adhikaar Abhiyaan, Saarthak, Deepalaya, and Udayan Care.

4. Tools and techniques of data collection

Participatory methods of data collection were conducted in the Jorasi Government Girls Middle School with all 22 girls from Garhi Chhaju, their families, the Garhi Chhaju *Panchayat* and non-school going girls. Data collection was carried out over a period of six days.

Visits to the Government Girls Middle School were made on all five working days of the week and the initial interaction with *Dalit* girls from Garhi Chhaju was established in the school itself. This was done via the various tools and techniques of data collection identified below. The remaining time was spent in interaction with various stakeholders. Though there were a limited number of days for field work, the research tools and methods adopted proved extremely useful in obtaining information from the girls as well as other stakeholders. It was possible to counter the culture of silence that first seemed to exist, when the team entered the village.

• *Ice breaking activities*

The purpose of these activities was to develop an initial rapport with the girls at school. These activities included playing games, introductory activities and songs.

• *Exercises*

Once the initial level of contact was established, it was necessary to engage the girls in games which required a greater level of involvement, and which served as a bridge between pure ‘fun’ activities and discussions. These were conducted through exercises such as drawing, rotational story telling, photography, daily activity clock mapping and interactive village mapping. These helped identify specific cases which needed further study through FGDs and one-on-one interviews.

• *Focus group discussions (FGDs)*

The purpose of the FGDs was to gauge children’s perceptions on the kind of safety and protection that is accessible to them and also to identify situations in which they feel the need for protection. The sites where these girl children were particularly vulnerable were also mapped through FGDs. Both these were gauged by two sets of FGDs conducted in the village. The first was an FGD with young *Dalit* girls, both school-going and those who had dropped out of school. There were 9 girls in total who shared their individual experiences with the group. The other FGD group consisted of the mothers of school going *Dalit* girls and also those who had dropped out of school. There were 10 women in total who identified various vulnerabilities of their children related to protection.

• ***Interviews: One-on-one and semi-structured***⁵

Interviews were conducted with members of NGOs and in the village. At the NGOs, the social worker and the head of the organisation were interviewed via semi-structured interviews. In the village, the stakeholders included the school authorities, families of the girls including both parents and the *Panchayat* members. Some older *Dalit* girls were also approached using this same methodology.

Limitations

- There was not much existing literature available to reference as a study of this nature has not been conducted before.
- It was difficult to form a framework for analysis of child protection, because there is no legal child protection framework in India, or an official legal Indian definition of child protection.
- The study has not looked at pre-harm preventive protection measures.
- The issues broached were very sensitive (along caste, age and gender lines) and often required in-depth questioning. This restricted the sample size of the study, especially given the restricted time frame.
- This sensitivity also made it difficult to broach these subjects with the children and engage with them on a deeper level.
- Interaction with non-*Dalit* girl children was limited and restricted to school-going children alone. Thus, a full-fledged and comprehensive comparison between the issues of *Dalit* and non-*Dalit* girls was not conducted.
- The specific school based problems and vulnerabilities of the *Dalit* girls attending the Government High School in Jorasi were not mapped.

⁵ The research team decided against using information from semi-structured interviews. The explanation behind this decision is provided in Annexure I.

Chapter Two

Village mapping

As outlined in the section on methodology, the study focuses on the village of Garhi Chhaju in Haryana, India. This village, which falls under the Samalkha *tehsil* of Panipat district, has a population of roughly 2,850; of whom 1,400 are registered voters and the rest dependents. There are approximately 700 households in the village, out of which 525 hold ration cards. Around 200 of the 700 households are *Dalit*, and all the *Dalit* households are below or close to the Poverty Line status⁶.

Households are geographically segregated along caste lines in Garhi Chhaju. The Dalits, who include the *Balmiki*, *Chamaar*, *Banjaara* and *Harijan* castes⁷ all live at one extreme end of the village, while the dominant castes (the *Jats*) live throughout the middle and the other end. The other non-*Dalits* in the village include the *Nais*, *Jogis* and *Kumaars*, who belong to the Other Backward Classes (OBC) category. There are also some *Brahmin* households, but these are few and far between.

The infrastructure in Garhi Chhaju includes three *Anganwadi* centres⁸, one government-run primary school⁹, one private-run school from I to XII Standard, three water tanks and a tube well system, seven (non-functional) hand pumps, six *choupals* (four on the side of the *Dalit Basti* and two on the side of the *Jats*), 1 veterinary hospital and two temples. The two schools are next to each other, and there is a liquor shop located 100 metres from both the schools.

The main points of access to protection for a child are the family, school, *Panchayat* and police. The nearest police station is in the town of Samalkha, around three kilometres from Garhi Chhaju. The *Panchayat* consists of eleven members including one female *Dalit Sarpanch*. Of the ten other members, four are women (one of whom is a *Dalit*), and the other six are men (of whom five are non-*Dalit*). Since there is no government middle or high school in the

⁶ The current definition of eligibility for BPL status is based on the official poverty line as estimated by the Planning Commission in 1993-94 (adjusted for population levels in 2000).

⁷ *Harijan* is a term coined by Mahatma Gandhi, which literally means “sons of god”. Although this was originally an umbrella term covering the so-called ex-untouchables, it is now colloquially accepted to mean a certain section of the *Dalit* population.

⁸ These centres cover all households in the village, and households are assigned to the centres based on where they are geographically located, which leads to an automatic segregation along caste lines.

⁹ Standard I to V

village, children who wish to study go to the Government Girls' Middle School and Government Middle and High School in Jorasi, a village three kilometre from Garhi Chhaju.

School mapping

The Government Girls' Middle School, which was one of the main focus areas, has 140 students in three standards- VI, VII and VIII and seven teachers, including the headmaster. It was established in 1989. Corporal punishment is the dominant form of discipline in both the Government Girls' Middle School and the Government Middle and High School in Jorasi. Boys from Garhi Chhaju attend the Government Middle and High School from Standard VI through X, while girls join the school for Standards IX and X.

General issues of *Dalits*

The general issues of *Dalits* observed in the village, including the issues and concerns expressed by the villagers during one-on-one interviews and FGDs are as follows:

1. Lack of facilities: There is no government middle and high school within the village, which forces the children to travel a distance of three kilometre either on foot or bicycle. This distance is especially problematic for girls, as parents are more reluctant to send them to distant schools, than in the case of boys. There is no hospital within the village boundary, the nearest hospital being in Samalkha, which is three kilometres away. Given the constraints in terms of transportation, the villagers feel that this is a major area of concern.

2. Hygiene and sanitation: The village had infrastructure issues with regard to water and sanitation. Although the *Panchayat* records showed a bi-annual cleaning of the entire village, the *Dalit Basti* was significantly dirtier and less hygienic than the non-*Dalit* areas.

3. Alcoholism and abuse: Many villagers complained that alcoholism and subsequent abuse and harassment are serious problems, whether confined to domestic violence against women or creating public scenes and embarrassment.

4. General safety and security of girls: Most of the people interviewed do not send their girl children out alone even within the village, and quote the "*kharaab mahoul*" or "bad neighbourhood" as the reason for this.

5. Dissatisfaction with institutions: Villagers expressed dissatisfaction with the police and the *Panchayat* in the village. The main issues were that the police were corrupt and indifferent to their problems, while the *Panchayat* discriminated on the basis of caste, and was also subject to internal gender and caste discriminations and divisions.

The *Dalit* girl child: Daily activities

Mapping spheres of existence

In order to map where and when the *Dalit* girl child may encounter risks, this section will identify the geographical spheres they occupy throughout the day, and briefly describe the activities they carry out when occupying these spheres.

For the purposes of this study, the *Dalit* girls were placed in two categories: those who attend school, and those who do not. Those attending schools occupy the same spheres as those who do not, with the exception of the route to school, the playground and the classroom.

Sphere	Description of Activity	Time of activity
Home	<ul style="list-style-type: none"> • The home is a space for domestic work such as cooking and cleaning, additional work to earn money for the family such as sewing, and space for studying, socialising, eating, sleeping and shelter. 	Throughout day and night.
Street where house is located	<ul style="list-style-type: none"> • While the street on which the house lies is used to access all spheres that lie beyond the home, the <i>Dalit</i> girl child actually spends time in the street for social interaction with adults or others peers. • If girls are allowed to play, they are only allowed to do so in the street where their house is located. This keeps the girls close to home so they can return quickly if they encounter an unsafe situation or if they are needed to help out with domestic work. • Indirectly, this limitation ensures that they only play with other girls who also belong to the same caste, if not the same sub-caste since the layout of the village is segregated by caste. 	For social interaction: In the late afternoon or evening when there are fewer domestic tasks to undertake.
Route to School	<ul style="list-style-type: none"> • The route to school is an open road that cuts between fields and through the village of Jorasi where the school is located. It is a 30-minute walk to school. • <i>Dalit</i> girls either ride a cycle or walk to school. Most often they go in groups, but there are times when they have to ride their cycle or walk to school by themselves. 	The route to school is used by the <i>Dalit</i> girl children between 7:30-8:30 am when going to school, and 2.00 – 2:30 pm when returning home.

Classroom	<ul style="list-style-type: none"> • The <i>Dalit</i> girl children are taught and disciplined in the classrooms of the school. 	The classrooms are occupied from 8 am - 2 pm – the operating hours for the school.
Playground at School	<ul style="list-style-type: none"> • The <i>Dalit</i> girl children are taught and disciplined in the playground. • The playground is also used for the assembly and play during the lunch hour. 	The playground is occupied from 8 am – 2 pm – the operating hours for the school.
<i>Dalit Basti</i>	<ul style="list-style-type: none"> • The homes of <i>Dalit</i> girls are located in the <i>Dalit Basti</i>. Any errands, social interaction or general needs bring her into the sphere of the <i>Dalit Basti</i>. The home, street, <i>choupals</i>, and route to fields all fall within the <i>Dalit Basti</i>. 	All times of the day.
<i>Choupal</i>	<ul style="list-style-type: none"> • <i>Choupals</i> are accessed by <i>Dalit</i> girls when seeing to the needs of the elders who use the space. <i>Choupals</i> are located close to houses and cannot be avoided when walking through the <i>Dalit Basti</i>. For this reason the <i>Dalit</i> girls are in constant contact with the place, even when they do not use it themselves. 	<i>Dalit</i> girls are exposed to the <i>choupals</i> on the route to and from school, and anytime they leave their house, if they live near the <i>choupal</i> .
Village – Outside <i>Dalit Basti</i>	<ul style="list-style-type: none"> • The rest of the village that lies outside the bounds of the <i>Dalit Basti</i>. This area, belonging to other castes, is entered in order to carry out specific errands 	This area of the village is rarely visited – perhaps twice a month during daytime hours – before the evening.
Routes to the fields	<ul style="list-style-type: none"> • The routes to the fields vary and can fall in the <i>Dalit Basti</i> as well as the remaining village. 	The routes to the fields are used any time the fields need to be accessed.
Fields	<ul style="list-style-type: none"> • The <i>Dalit</i> girls access the fields to <i>Tehel</i>. On occasion, if a male member is unavailable, they are asked to herd animals or carry out errands in the field. 	To <i>Tehel</i> : The fields are mostly accessed very early in the morning or very late at night. For work: In the evening.

Mapping vulnerabilities

The most prominent issues of child protection that emerged within the spheres occupied by the *Dalit* girl child in Garhi Chhaju were: sexual harassment, violence, and constraints in accessing protection.

Caste based discrimination

While not a specific issue of child protection, caste-based discrimination is found to be the basis of all such issues uncovered in the field. For this reason, the problem of caste-based discrimination is elaborated on, prior to the other issues and helps explain how such discrimination heightens the vulnerabilities already faced by these girls on the basis of gender, age, and economic background.

Caste based discrimination is observed as an overarching vulnerability of being a *Dalit*. '*Dalits* are marked by a legacy of the deepest social degradation in the form of a centuries-old tradition of untouchability' (Shah et al. 2006). From incidents of untouchability to caste-based mass violence, the *Dalit* identity is synonymous with discrimination. It permeates their life and provides the backdrop against which the protection issues of *Dalit* girl children in particular, are highlighted.

Even though discrimination itself is not a cause for accessing child protection, it definitely leads to issues of protection for *Dalit* girls. In fact, caste-based discrimination makes the *Dalit* girl child more visible to the eyes of the perpetrators and simultaneously more invisible to the eyes of the protectors.

In addition, most of the *Dalits* in Garhi Chhaju are economically disadvantaged. Research by Shah *et al.* (2006), describes this factor in detail. They state that the 'evidence of the centuries of discrimination and exploitation suffered by the *Dalits* is to be found in economic status, which is usually worse than that of all other social groups...' Clifford Bob (2007) also added, 'Throughout India, Dalits continue to occupy the lowest rungs of the economic system... [and] continue to face significant disadvantages, discrimination, and violence'. Total household income as well as per capita income is least for the SC population, as compared to national averages. Human Rights Watch (2003) reported that SCs have a total household income of INR 17,465, i.e., 68 per cent of the national average, and a per capita income of INR 3,237, i.e., 72 per cent of the national average.

Being *Dalit* increases the vulnerabilities to issues of sexual harassment, violent abuse and constraints in accessing protection which arise from just being economically disadvantaged. Since *Dalit* girls have the added burden of caste based discrimination, they have to survive being economically disadvantaged, being *Dalit* as well as being girl children. The combination

of these identities leads to a heightened need for child protection, since they are the most vulnerable even amongst other girls in the village.

Indicators of Caste Based Discrimination: Village divisions based on Caste lines, not entering homes of persons from lower castes, not playing with individuals because of caste identity, name calling in reference to caste, reprimanding one for standing up to a person from a higher caste, disregarding someone because they are from a certain caste, taking liberties with a person's body and modesty because they are from a lower caste.

Issues of child protection: Sexual harassment and violence

In addition to caste-based discrimination, each identified issue of child protection springs from a host of vulnerabilities related to the infrastructure of the village, social norms, and institutional weaknesses. The following section elaborates on these factors of vulnerabilities:

Indicators of sexual harassment : Direct and indirect sexual advances, suggestive glances, lewd conversation with minor girls, threat of sexual assault.

Indicators of violence: Beating, punching, caning, and slapping, slamming children's heads against the walls, physical intimidation, breaking and entering homes.

Factors of vulnerability

Living far away from school: All 11-14 year old *Dalit* girls in Garhi Chhaju, who attend school, go to the Government Girls' Middle School in Jorasi. On the route to school they are often eve-teased and taunted by boys from the *Jat* community from both Garhi Chhaju and Jorasi.

It was for this reason that Jyoti, a 16-year-old *Balmiki* girl, dropped out of school. When her parents found out about the harassment and teasing she faced on the way to school, they decided that their best recourse was to discontinue her education. Economic constraints did not allow Jyoti to attend the private school within Garhi Chhaju.

No latrine facility at home: Most *Dalits* in Garhi Chhaju do not have latrine facilities in their homes and therefore, visit the fields to *Tehel*. *Tehelna* poses a problem for girls on the route to the field and in the field itself. They are followed and teased by non-*Dalit* boys, who have also, on occasion, surrounded them once they have reached the field. In fear of being sexually harassed, girls make a strict effort to only *Tehel* in the early hours of the morning and late at night, when boys are less likely to be outside. Rani, an 18-year-old *Balmiki* girl, explained that girls are often too embarrassed to report such harassment to their parents or family members. This leads to the problem never being addressed.

Living close to the liquor shop: The liquor shop is located immediately outside the *Dalit Basti* in Garhi Chhaju and is unavoidable on route to and from the fields. *Dalit* girls going to or returning from the fields have no other option but to walk by the shop where men often leer at them and make suggestive remarks. Young non-*Dalit* men and boys who enter the *Basti* to drink also bother the girls.

Living close to the choupal: There are four *choupals* near the *Dalit basti*, all of which face residential streets. In the evenings young non-*Dalit* boys sit and drink in some of these *choupals*. One *choupal*, the *Balmiki choupal*, attracts *Jat* boys in particular. When in these *choupals*, the boys taunt *Dalit* boys and make lewd comments at the *Dalit* girls. During this time the girls living in the *Balmiki* street or nearby are hesitant to step out of their houses, as their streets can be viewed from the *choupals*. The girls are also fearful of passing the *choupals* – which is necessary in order to get anywhere in the *basti*. Priya, a 17-year-old *Chamaar* girl is one of many *Dalit* girls who does not go anywhere in the village alone. Even when she needs to go past the *choupals*, she ensures that she is always in a group, because going alone almost certainly implies a threat of harassment.

Having unprotected homes: *Dalit* houses in Garhi Chhaju offer only limited privacy and protection to their occupants because they do not have proper boundary walls. Low in height, the walls are easy to climb and look over. This becomes a problem in the evenings when young non-*Dalit* men and boys enter the *basti* to drink. They often enter the streets and look for and call out to girls. Even when inside their homes, the girls remain visible to the boys and thus vulnerable to their advances. Similarly, inadequate boundary walls do not provide protection against violence. Despite retreating to their homes, the *Dalits* in Garhi Chhaju have been attacked by non-*Dalits* who climb over to continue a fight, or to make a fresh attack. A group of *Jats* climbed over the walls of the *Dalit Sarpanch's* house, and beat up Meena, her 17-year-old daughter, along with other members of Meena's household. This was possible only because their house was not adequately protected and the walls very low.

Negative indirect repercussions: Female relatives of *Dalit* boys are targeted by non-*Dalit* boys with whom they are in conflict. The women and girls of these families are targeted with the intention of aggravating or reprimanding the *Dalit* boys and as a result they face violence, sexual harassment and abuse.

Ideas of discipline: At the Government Girls' Middle School in Jorasi, corporal punishment is understood to be the most efficient means of discipline. While some parents did express concern against corporal punishment, they use violence to discipline their own children at home. Teachers at the school did not appreciate criticism of corporal punishment and discouraged parents from supporting their children against corporal punishment by saying that any child whose parents supports her in that regard would not do well in school.

Teachers' Views

During the semi-structured interviews the teachers of Jorasi Government Middle and High Schools generally claimed that the use of corporal punishment does not exist at school, there are no safety issues on the way to school or in the playground, and caste is not an issue among the children. This was not consistent with the information relayed by both *Dalit* and non-*Dalit* children in the school. In keeping with their findings in these interviews, the team could only conclude that the teachers were completely unaware of their surroundings or were unwilling to share information with them.

It is only after an incident at school, where a girl was badly beaten by a teacher, that the team found that the teachers had a tendency to diminish the implications and excuse the misconduct of other teachers, that caste-bias among the children existed and often led to conflicts and caste-bias was practiced by teachers as well. The research team has used all this information in the report and have also made recommendations that they feel could best address these issues.

Constraints in accessing protection

Indicator of constraints in accessing protection: Repeated risks of the same incident, either by the same or a new perpetrator.

Factors of vulnerability

Lack of accountability and discrimination at school: There is no Parent - Teacher Association or any formal forum, where parents can share their concerns and track the activities and incidents at school; nor are there any mechanisms to ensure that the school and its teachers are held accountable to the parents of the students. Without such mechanisms in place, the school ignores the voice of the *Dalit* parent. The *Dalit* parents are seen as people of “*neech soach*,” i.e., lower thinking – and thus people whose complaints should be disregarded because they do not know what is best for their own child. Such a notion of the *Dalit* parent and the lack of formal means by which the *Dalit* parents can make themselves heard, makes it difficult for a *Dalit* child to access protection from the school, especially against issues that arise in school.

Corruption in the police: Both *Dalits* and non-*Dalits* in Garhi Chhaju expressed a disdain towards the corrupt practices of the police. They complained that giving a bribe is a necessary pre-requisite to receiving a favourable response from the police. The non-*Dalits*, while inconvenienced by this, were for the most part, able to buy protection from the police while all *Dalits* were left to resolve their issues through different means – often dissolving their immediate vulnerabilities by giving money to the non-*Dalits* with who they were in conflict.

Discrimination in the Panchayat: The decisions made by the *Panchayat* often favour the dominant non-*Dalit* caste. A conflict between a *Dalit* and non-*Dalit* tends to be resolved in favour of the non-*Dalit*, regardless of his role as victim or perpetrator. There are cases where

the *Panchayat* has not examined a conflict between a *Dalit* and a *Dalit*, as the majority of its members are non-*Dalits* and refuse to consider the case. This discrimination in the *Panchayat* makes it a very unlikely institution from which a *Dalit* would seek justice or help. Puja, a 17-year-old *Chamaar* girl expressed disdain at the thought of accessing the *Panchayat* for protection. She said that the *Sarpanch* is not in the least empowered, nor does the *Panchayat* care about the conflicts that affect *Dalits* negatively.

Difficulties for families to provide protection: *Dalit* parents are often unable to secure protection for their children. Reasons for their difficulties stem from a lack of awareness of their own rights, lack of self confidence due to lack of education, fears they have about social backlash, negative perceptions and experiences they have of institutions of protection and lack of economic resources. This leaves *Dalit* girls unable to access protection, even after they have approached their parents. Ramdas, a 45-year-old *Balmiki* man, quoted his lack of education as a constraint to accessing protection. His perception: “*Hum to anpad hain, humein kya maloom hoga*” (*We are uneducated, what would we know?*) revealed his lack of self-confidence and resulting negative perceptions of access.

Interviewing the Parents

The parents were most comfortable in talking about the experiences and difficulties of others. While they eventually did speak about themselves, the research team began investigation by finding out about the experience of one family through a conversation with another family. They then crosschecked the information through other sources and their own experiences and observations.

This is how the team came across one of the case studies: of Puja, the girl who was not allowed to go outside her home, except for school, and never openly spoke of what had happened to her, nor did her parents. The team first heard about it from others in the village. Upon interviewing Puja and her family, the researchers found out the restrictions Puja was under – the reason her parents gave for these restrictions was vague, and while they eventually alluded to the case, they refused to go into details. The team found out the perceptions that Puja and her family had on protection and access to protection through indirect questioning; but they found out more about Puja’s specific situation from the neighbours, children whom she used to play with, and others who were involved in her case.

Child’s fear of negative repercussions: A child’s fear of negative repercussions keeps the child from reporting any harm to her parents. Unreported harm can be anything from corporal punishment at school to sexual assault in the village. The child fears that her parents will blame and reprimand her for being in a particular situation of harm. The reprimand they fear most is physical assault. Since parents are the primary protector and the child’s first point of access, the child who is afraid to tell her parents ends up accessing no other protector and receiving no form of protection.

Chapter Three

Aftermath of access to protection: A vicious cycle

Once the vulnerabilities mapped above translate into harm, the key question of accessibility to protection arises.

When the processes of access, means of protection, outcomes and impacts on *Dalit* girl children were analysed the main finding was that *the aftermath of access to protection by a Dalit girl child results in some form of denial or violation of her basic rights* as defined by the UNCRC (1989) – those of survival, development, participation and protection. Moreover, one of the key forms in which this denial manifests itself is a heightening of the child’s initial vulnerabilities and/or the creation of new vulnerabilities for the child, her family and her community, thereby re-creating and stressing the need for access to more protection. This vicious cycle of denial and heightened need can often lead to continuing and incessant harm to the same child and her family, and also has severe and multi-layered impacts on the victim and her family.

The key variables involved in this vicious cycle are:

1. The protector accessed in the post-harm situation
2. The means of protection used or accessed by the protector
3. The outcome of protection
4. The primary and secondary impact on the victim.

The protector accessed could be any of the four institutions responsible for providing protection in Garhi Chhaju – the family, school, *Panchayat* and police. The means of protection used or accessed by the protector can be understood to be either formal or informal, where formal means are defined as those that follow the legal or institutional frameworks and procedures as laid out by law, and informal means are either coping mechanisms as adopted by the family or illegal measures taken by figures of authority such as the police or the *Panchayat*¹⁰.

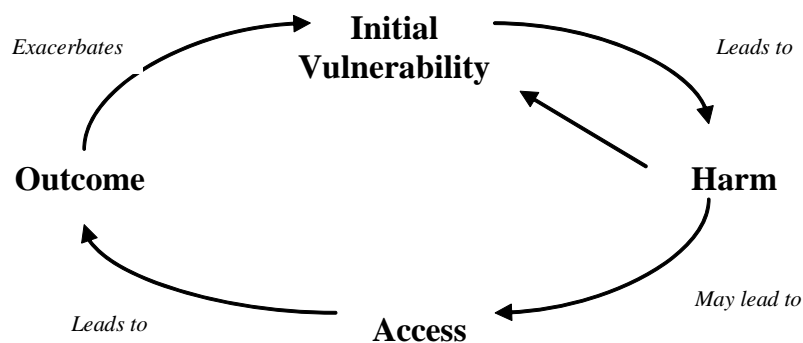
Once the protector institution is accessed and a means of protection is employed, there can be a range of outcomes that arise as a result of this process. The most desirable of these is the outcome of “safety”, where the victim is protected from further harm and the perpetrator is suitably punished as per legal guidelines, which in itself acts as a preventive mechanism against

¹⁰ Illegal measures could range from deliberate lack of involvement (negligence), demands for bribes or a display of favouritism towards one involved party as compared to the other.

further harm to the same or other victims. The team did not see any instances of such a desirable outcome in Garhi Chhaju. What was seen was either an intentional or unintentional further victimisation of the victim. This manifested itself in a lack of protection from the existing vulnerability or effective protection from that *specific* harm which intentionally or unintentionally resulted in a denial of the victim’s basic rights.

Moreover, this process of access to protection and the outcome reached, all have specific primary and secondary impacts on the victim. These impacts are multi-faceted and often recurring. They result in new and heightened vulnerabilities, thereby completing the vicious cycle.

In case of harm, it is not always guaranteed that the victim will access protection. Often, *Dalit* girl children do not voice their own vulnerabilities or even any direct harm that has been done to them in fear of receiving negative repercussions from their parents. A striking example of this was 13-year-old Kusum, a *Harijan* girl who was beaten very badly by her Mathematics teacher at the Government Girls’ Middle School in Jorasi. She returned home, and did not inform her parents of her bruised condition. However, upon questioning by her father, she broke down and admitted that she had indeed been beaten badly, but was too scared to report this at home.



To illustrate and explain the above findings, the following case studies of three *Dalit* girl children in Garhi Chhaju have been presented. These particular case studies have been chosen because they exemplify three different forms of access to protection – coping mechanisms via an informal source, recourse to illegal methods via a formal source, and formal legal access. The three *Dalit* girl victims in these case studies accessed different institutions and protectors, and the process of accessing protection led to different primary and secondary impacts. The outcomes, however, show a startling commonality: they all result in further victimisation of the victim, and some form of denial of their basic rights.

The three case studies that exemplify the diagram above are outlined as follows. Below each narration is an explanation of how the key variables interacted in that particular case to produce

the outcome. The section then concludes with a detailed description and analysis of the impact of accessing protection including primary, secondary and tertiary impacts of the process on the victim.

Case study 1

Puja, a 17-year-old Chamaar girl was walking through the Dalit Basti one day with another female friend. They happened to walk past a group of Jat boys, who started directing sexual comments towards Puja. A Harijan woman who was walking behind Puja protested and asked the boys to behave themselves. This rebuke from a Harijan woman angered the boys, and they responded by beating them up.

The family of the Harijan woman approached Puja's family, and asked them to testify that the woman had intervened on the girl's behalf. Puja's parents refused to testify. They did not even take the matter to the Panchayat. In order to protect Puja from such further instances, her parents no longer allow her to leave the house, except to attend school. Despite the economic constraints of the family, they decided to send her to the private high school in the village as opposed to the Government High School in Jorasi.

Now Puja wakes up each day to only go to school and then return to her house where sewing and stitching awaits her. Even the chances of a future education are very bleak for her, since her parents will not permit her to leave the house or the village. The fear from their past experience still daunts their lives and has led them to resort to their own coping measures to protect their girl child.

An examination of the key variables in Puja's case reveals that:

1. Unlike Kusum, Puja confided in her family; they were her first point of access for protection.
2. Her parents, however, did not pursue the matter with an institution such as the police or the *Panchayat*, but resorted to an informal coping mechanism – that of locking her up at home and restricting her mobility. The reasons behind this decision were various – negative perceptions of the accessibility and effectiveness of the institutions in question, fear of community backlash and fear of impact on social perceptions.
3. The outcome was that the coping mechanism did protect Puja from that particular vulnerability, but the outcome impacted her enjoyment of her four basic rights.

Case study 2

Meena, a 17-year-old Harijan is the daughter of the female Dalit Sarpanch in Garhi Chhaju. Her mother was elected to this post two years ago. Displeased with this result, some Jats conspired to oust her from this post. Their efforts included making false allegations against Meena's two brothers in a case of violence.

Also a group of Jats attacked the Sarpanch's house where Meena and her sister-in-law were physically assaulted. Instead of an investigation being conducted, the police suggested that the Sarpanch make an informal monetary compromise with the Jats. Soon after, the Sarpanch's family settled their grievances with the Jats by paying a sum of 150,000 INR.

Meena, even after two years, continues to be frightened by the thought of another attack on her, since the Jat men still roam about freely in the village. Her parents and brothers do not allow her to go to school or move around the village freely. For now, she leads a homebound life with constant fear of further threats of violence on her and her family.

In sharp contrast to Puja, Meena was not the direct target of the initial harm upon her family. However, the conflict between her brothers and the *Jats* led to a direct harm upon her. The key variables in this case are:

1. She accessed her family for protection, who then accessed the police as an institution of further protection.
2. The police, instead of responding via formal legalized means of protection, resorted to an informal and illegal means of settlement, i.e., convince the *Dalits* to buy their protection from the *Jats* via financial means.
3. This means of protection proved effective in only a very narrow sense. While it protected Meena from a recurrence of the incidence - the financial strain on the family, the all-pervading fear she lives in, and her restricted mobility all combine to deny, in some form or the other, her basic rights and those of her brothers. In fact, an interview with one of her brothers even revealed that they are apprehensive of the strength of their protection once their money runs out, even though they payment is not recurrent.

“Jab paisa khatham ho jaayega, tho patha nahin kya hoga”

(I do not know what will happen once our money runs out)

Further questioning revealed that the total sum involved in fighting the case was over 400,000 INR. The most striking feature of this case was that the victims were the children of *Sarpanch*, the head of the *Panchayat*, which is one of the main institutions to provide protection to the members of the village.

Case study 3

Rani, a 16-year-old Balmiki girl, and her younger brother Pramod attended a private school situated in the Jat area. As they were among the few Dalits in school, they were often targets of caste based aggression and ridicule. On one such occasion, one Jat boy challenged another to beat Pramod. No school authority intervened to stop the assault.

Jai Krishan, Rani and Pramod's father, approached the Headmaster to address the matter but his complaint was ignored. Upon finding out that an official complaint was lodged at school, the Jat boys decided to confront and attack Jai Krishan. He received serious injuries and was hospitalised. The same boys continued to taunt Pramod outside of school; their threats also extended to Rani. Eventually these threats escalated to such a level that Pramod and Rani could no longer attend school or roam around freely in the village.

One day the Jats gathered around Rani's house and shouted out discriminatory remarks, sexual comments and threatened to break down the house. Rani filed an FIR against these young men. However, when the police inspector came to investigate, he was accompanied by the same Jat youth. Frightened, Rani was not able to relate all the details carefully.

Now two years past the incident the case has not progressed any further. Rani's family continues to face threats and harassment at the hands of the Jats. In addition to this, the family also faces exclusion from the remaining Dalit community, as other Dalits do not want to place themselves at risk by associating with them. Rani has not returned to school but hopes to do so one day.

The key variables in this case are

1. Rani and her brother approached their father for protection, who went to the police station in the nearby town *Samalkha*.
2. Rani's case study also contrasts with the other two, as she was the only person who accessed protection via formal legal means.
3. This, however, does not imply that they received adequate protection; in fact, the case remains unsettled despite NGO intervention¹¹.

¹¹ The National Campaign for Dalit Human Rights, a Human Rights NGO based in New Delhi, intervened to help Rani and her family file the FIR. However, their intervention was limited to legal assistance.

Chapter Four

Impacts of the aftermath of accessing protection

The process of accessing protection can heighten vulnerabilities and create new issues of concern for the *Dalit* girl child. These impacts can be primary or secondary in nature and often result in some form of denial of the four basic rights as espoused by UNCRC – survival, development, participation and protection. Moreover, the protection provided has negative repercussions on the victim and does not even hold the perpetrator responsible for the act.

Primary impacts

1. Backlash from perpetrator: The key primary impact of accessing protection is, as mentioned above, an increased vulnerability of the victim. This is due to the increased *visibility* of the victim, which leads to backlash from the perpetrator. This happens for the following two reasons:

Any suggestion of access to protection by a *Dalit* may result in backlash by the non-*Dalit* community as the act of accessing protection is considered to be beyond the social bounds of a *Dalit*.

“Tum choode chammaar log to aaj kal bahut akad gaye ho”¹²
(You low-caste people have become too bold these days)

In addition to this, the victim becomes vulnerable to perpetrators since the perpetrators’ perceptions regarding the victims’ limited access to protection are reinforced. Not just a heightening of existing vulnerabilities, accessing protection often leads to the creation of new vulnerabilities to different issues, such as in the case of Rani, for whom the initial threat of violence led to further threats and vulnerabilities to sexual harassment.

2. Hindrance in education: In Garhi Chhaju, parents mostly reacted to issues of sexual harassment or violence through informal coping mechanisms, which implied restricting the girl at home, and discontinuing her education. In Rani’s case, she adopted a coping mechanism by dropping out of school.

3. Restricted mobility: This primary impact of accessing protection, especially through coping mechanisms, is that of restricted mobility. These restrictions can be severe such as in Puja’s

¹² This statement was made to Pramod, Rani’s brother, by Sanjay – a Jat boy.

case (where she is not allowed to go out of her home at all, except to school) or less so as in Meena’s case, where she is not allowed to play or roam around in the village by herself. Such restrictions hinder the social and emotional development of the child.

4. Decreased likelihood of receiving protection in the future: This arises from the authorities’ inherent or forced caste bias. This impact observed in Rani’s case, was a side effect of the family’s repeated attempts to access protection. Now if Rani or any of her family members go to the police, they are viewed warily and with suspicion. The police intentionally victimises the individual by dismissing their complaint and denying them protection. They insinuate that the recurrent harm is the fault of the victim and not the perpetrator.

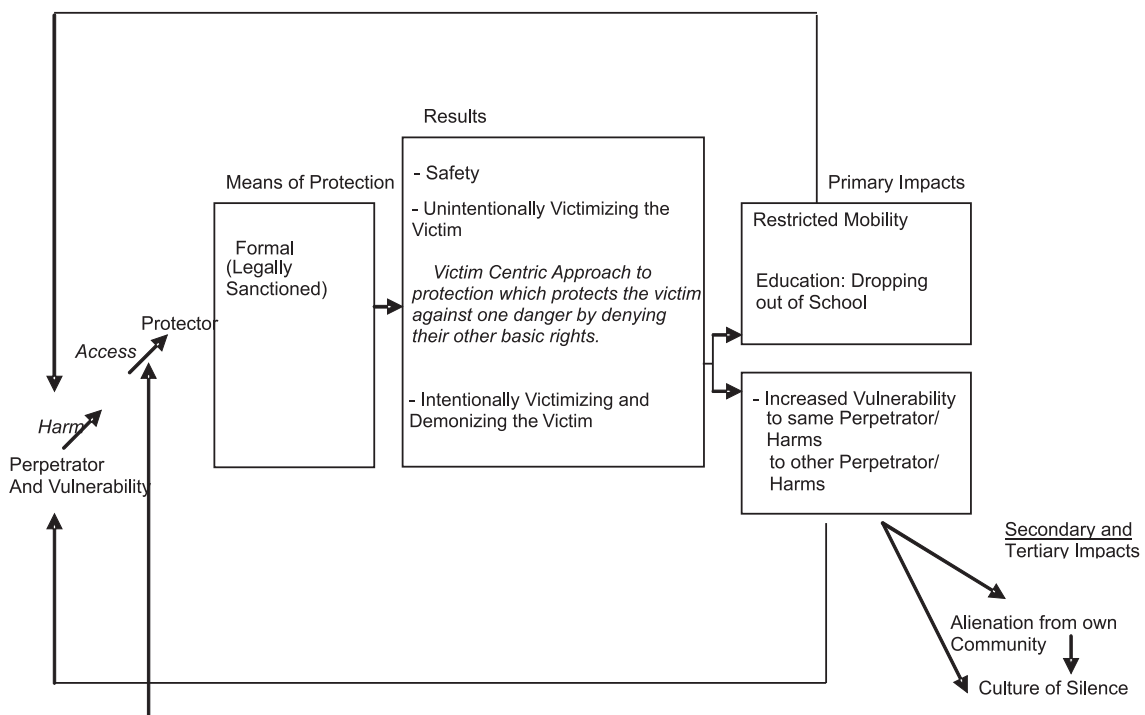
Secondary impacts

1. Alienation from own community: Often, fear of backlash from the non-*Dalit* community, as described above, leads to alienation of the victim and her family from the *Dalit* community; e.g., as happened with Rani and Pramod. This alienation leads to the loss of the intra-community support system that further heightens the victims’ existing vulnerabilities.

2. Culture of silence: This impact is characterised by reluctance to voice harm that can exist on:

a) The community level: This silence is often created due to fear of backlash from the opposing non- *Dalit* community

b) The individual level: This arises due to fear of backlash from one’s own community and fear of backlash on any level of accessing protection. This may be due to the intentional or unintentional victimisation of the victim by the protector accessed.



The diagram above summarises the concepts and processes elaborated in this section, and demonstrates the dynamics between vulnerabilities and access to protection. It also lays out the various primary and secondary impacts of access, which have been explained above with examples. This also highlights how these feed back into the initial vulnerabilities, outlining the key variables of institutions of protector, means of protection, outcomes and impacts.

Analysis

In the case where the *Dalit* girl child accesses a protector, not only do her existing vulnerabilities get heightened, but it also results in some form of denial of the four basic rights of the child – that of survival, development, participation and protection. This denial can arise out of the means, outcomes or impacts of accessing protection.

This analysis is substantiated and exemplified through each of the three in-depth case studies described above.

Case study 1: Puja, the 17-year-old girl who was sexually harassed while walking in her own *Basti* in the village, now lives a life of severe restriction. Not only is she prevented from going out of her home and her whole family has resorted to adopting the culture of silence and denial with respect to this incident. Direct questioning did not reveal any details of the incident, and it was triangulation and indirect probing that provided information about her case. This implies that there is little, if no discussion of the issue, and the tangible impacts on Puja ensure that her right to participate in the social lives of her family and community are denied.

Case study 2: Meena, the *Sarpanch's* daughter, also lives in fear and denial. Although her family (temporarily) bought their protection, the implicit threat of further assault still persists. She does not go to school anymore, nor does she feel free to leave her home. As with Puja, this impacts her right to participation. In addition, it also has an impact on her right to development, as her access to education is hindered.

Case study 3: Rani's access to a legal protector has left her the most vulnerable of the three case studies. The backlash from the *Jat* community, the negative perceptions of the police and the lack of any means of protection have all heightened her vulnerability. The constant threat of violence is a direct infringement of her right to protection. The impact on her education violates her right to development, and the pervasive fear she lives in leads to a denial of her right to participation. She cannot leave her home for fear of being harassed or attacked, and when asked to identify the place in which she felt safest, she said "*Mere liye tho kuchch bhi surakshith nahin hain*" (*There is no place where I am safe*).

This denial of rights, as shown above, is varied and dynamic, and has long-term impacts on these girls' lives, often leaving them helpless and debilitated.

Chapter Five

In accordance with the existing legal provisions in India, the *Dalit* girl child is legally addressed by two different sets of legislation; one that addresses the *Dalit* identity, and the other addressing the identity of a child. An examination of the effectiveness of such legal frames, when juxtaposed against the reality of the *Dalit* girl child in Garhi Chhaju, reveal significant gaps. These emerge both in their *approach*, i.e., the theoretical intentions that back the legal provision and their *implementation*, i.e., their procedural protocols.

The following section briefly describes the gaps in the approach and implementation of various legislative provisions, as observed in the lives of *Dalit* girl children in Garhi Chhaju. These gaps have both primary and secondary impacts on the quality and accessibility of protection for children. This section also identifies areas where there is a complete lack of legislative provision for *Dalit* girl children. Since, NGOs often step in to fill gaps and omissions in legislations, this section concludes by inquiring into the NGO intervention in issues of *Dalit* girl children.

Oversights in legislation (Approach)

A gap or an oversight in approach is characterised by a disjunction between the actual outcome and the intended outcome of a successful implementation of the legislation.

1. Culture of silence: An overarching gap in existing legislation is the failure to take into account the culture of silence that operates when a *Dalit* girl child is put into a situation of harm. This silence, which is often combined with denial, is a distinctive characteristic of each of the three identities these children have – that of being a girl, a child, and a *Dalit*. This often has a major primary impact on their access to protection.

- a. Community backlash, social exclusion and negative social perceptions are all commonly perceived or anticipated effects of the reporting of sexual harassment. While the existing legislation does account for a certain level of confidentiality in reporting, often the very thought of a young girl visiting a police station is enough to dissuade the parents from allowing such access. A focus group study conducted among *Dalit* women revealed many such feelings, with one woman going so far as to say that it would be an ‘insult’ to the parents, family and community, if their daughter went to the police station.

- b. Parents often overlook the hesitations and vulnerabilities of the child, both as a result of parents not being approachable and the child's own fear of speaking out. This contributes to the culture of silence.
- c. The aftermath, repercussions and backlash from the dominant community is a final stamp on the culture of silence as experienced by *Dalit* girls. While this is a reality in many cases, even the fear of this aftermath can decisively create a culture of silence. Often both these factors act in conjunction towards creating this silence. An individual conflict can easily snowball into a community conflict, and this in itself is enough to act as a deterrent for parents while filing or reporting cases of sexual harassment or abuse.

2. Increased vulnerabilities: The culture of silence, however, is not the only gap that arises as a result of this aftermath. Bringing the issue of harm to a full circle, an individual fight or conflict can increase vulnerabilities of the victim, and also create new vulnerabilities for the family and perhaps even for the *Dalit* community. The SC/ST Prevention of Atrocities Act (PoA), while dealing with prevention and rehabilitation, does not take these increased vulnerabilities into account. This leads to a gap in approach that also has a direct primary impact (as mentioned in Chapter Four) on the victim's access to protection. In addition, since the culture of silence ensures that the very access to protection is curtailed; the general victim-centred preventive measures cannot be put in place.

3. Lack of integrative measures: Another gap which leads to a primary impact on the victim's vulnerability and access to protection can also be traced back to the culture of silence. This silence (and denial) leads to the alienation of the victim from her own community, both due to the increased vulnerabilities of the entire community and the fear of backlash. This alienation further increases the vulnerability of the victim and her family. In this situation, the SC/ST POA Act fails to provide sufficient integrative measures, above and beyond the existing rehabilitative apparatus. In addition, the limited access to protection often ensures that there is no opportunity to implement the rehabilitative apparatus that exists as per the Act.

4. Barriers in evoking the Prevention of Atrocities Act: The main perpetrators of many caste-based atrocities have been known to hire or co-opt members of the SC community in the actual performance of the atrocity, in the knowledge that it cannot be evoked under the PoAA¹³. This gap is significant because the PoAA is much more severe than other measures of punitive action, both in terms of punishment and compensation. The PoAA states that for verbal discrimination to be punishable it must be practiced in a "public place". Hence, due to

¹³ This gap has been identified by P.S. Krishnan, Former Member Secretary of the National Commission for Backward Castes, and was proposed as an amendment to SC/ST Prevention of Atrocities Act, 1989 in the Discussion Paper for Consultation on SAARC Social Charter: India Input 20-21 November 2002, India International Centre Annexe, New Delhi.

the existence of culture of silence and denial and a fear of backlash, it is often difficult to compel two other witnesses to testify.

There are other gaps in approach that may not have a direct or primary impact on access to protection, but manifest themselves in secondary impacts. These lead to heightened vulnerabilities, impacts and needs for access to protection. These are outlined below:

5. Method of distribution of stipend: The Special Component Plan in India stipulates a monthly stipend for *Dalit* girl children, to support and aid their education. This stipend, which amounts to 350 INR per child per month, is being distributed to girls in the Government Girls' Middle School in Jorasi. The headmaster distributes the stipend by singling out these girls from their classrooms and by calling them by their caste-names. This often leads to resentment and humiliation among the girls. Hence, the positive impact of this provision is diminished. Such public discrimination by the headmaster leads to a significant weakening in his accessibility as a 'protector' and thereby negatively impacts the girl's access to protection.

6. Definition of verbal discrimination/ perceptions of protection: Verbal discrimination can be evoked under the PoAA only if it is specifically targeted at an individual and not at a group. However, when a protector, e.g., the school authorities, the *Panchayat* or the police practices such verbal discrimination, there is an impact on the *Dalit* girl child's' perceptions of the accessibility of that protector.

7. Caste system in the school curriculum: The school curriculum covers the caste system but the information given does not ease the caste tensions that exist among students. Since a more detailed picture of caste in India is missing, the rudimentary information given can exacerbate caste discrimination instead. Thus even though the caste system is taught in school, it fails in its goal of raising students' awareness about the realities of the caste system.

8. Misuse of bicycles provided under SSA: Under the government's *Sarva Shiksha Abhiyan* Programme (SSA), all girls going to school from a village 2 or more kilometres away are eligible to receive cycles in standard VI for commuting to school. This provision does not reach many girls in Garhi Chhaju. Even if they do receive their cycles, they often used by their family members for other purposes.

The school sports teacher confirmed:

'Yeh bacchiya cycle pe nahi aate hai, kyunki inke bhai aur baap le jate hai.'

(These girls do not come to schools on cycles because their brothers or fathers take them for their own use).

Therefore, this provision fails in its approach to ensure that all girls living in Garhi Chhaju reach school safely.

9. Reservation for Dalit woman Sarpanch: Despite the *Sarpanch* in Garhi Chhaju being an elected *Dalit* woman, her role as a *Panchayat Sarpanch* is only a replication of her role in the village and in her house. Gender and caste discrimination, together hinder her ability to perform the role of a *Sarpanch*. In turn, this creates a secondary, impact on *Dalit* girl children's access to protection. Puja, during an interview, explained her difficulty in accessing protection via the *Sarpanch*.

‘*Woh (Sarpanch) kya karegi, uska to mard sara kaam sambhalte hai, aur baki jaati ke log uske baat sune bhi nahi hai, usse batane se kya fayda, woh kuch nahi kar sakti.*’
(What can the *Sarpanch* do? Her husband handles all her work. In fact, people of other castes do not even listen to her. What is the point in telling her, she can't do anything to help!) Hence a gap emerges in the approach where the very significance of reserving the *Sarpanch*'s post for a *Dalit* woman is nullified by the dominant gender and caste discriminations still prevalent in society.

Discrimination within the *Panchayat*

The *Panchayat* members were willing to speak about health and education issues, but issues of village politics, economics, caste discrimination and conflict made them very uncomfortable. The knowledge of this discomfort was in itself valuable to the analysis of the *Panchayat* as an institution for protection. This knowledge, however, was not derived mainly from the answers they provided but, rather by what they withheld, deflected or re-directed.

The research team interviewed the *Panchayat* members separately, but wanted to meet them together for an initial interaction. In attempting to arrange such a meeting, the team discovered that a caste bias exists within the *Panchayat*; in fact, they found that the entire *Panchayat* never meets in the same space because of gender and caste disparities. They also discovered that despite demonstrating concern for safety in the village, the *Panchayat* keeps no records of conflicts in the village and could not collectively acknowledge all the conflicts that occurred in the village – especially those that involved *Dalit* youth or children.

10. Discrimination in classrooms: Another area where *Dalit* girl children fail to access protection is in the instances of discrimination based on caste in classroom situations. This is an impact of the gap in the approach of how teachers should deal with issues of discrimination in class and what is suggested to them. The *Child Protection: A Handbook for Teachers* as published by the Ministry of Women and Child Development (2006) is a very comprehensive text highlighting the myth that untouchability and caste discrimination are now non-existent. The handbook points out ways in which this problem can be dealt with:

...by ensuring them (SC/STs) their economic, social and cultural rights, particularly in terms of access to education, health care and society security services; programmes of child labourers and the ending of degrading practices such as manual scavenging. (p. 38-39)

However, practical suggestions of ways in which teachers can avoid situations of discrimination are lacking. This makes the child afraid of voicing her problems and her access to the protector itself is denied.

Oversights in legislation (Implementation)

A gap in implementation of a prevailing legislation is characterised by an undesirable outcome, due poor implementation. It is similar to a “gap in the approach of legislation” discussed above, but it is a procedural weakness rather than a misdirected intention.

In Garhi Chhaju, the three main gaps identified in the implementation of prevailing legislation cut across different areas of institutional concern – corruption, accountability and preventive action.

1. SC/ST caste certificates: There was confusion regarding the categorisation of certain sub-sections of the *Dalit* population, the *Banjaras*, with regard to their Scheduled Caste status. Many institutions of authority, which include the *Panchayat*, the schools and the *numberdaar* of Garhi Chhaju, accorded only some members of the *Banjara* community Scheduled Caste status. The source of such divergence in treatment can be attributed to the lack of awareness on the part of the community, leading to corruption at the grassroots level. This was confirmed by the finding that it was the educated section of the *Banjara* community that received their rightful status. This gap in implementation reflects the problem in attainment of the SC/ST provision. In addition, without a valid SC/ST caste certificate it is not legally possible to evoke the PoA Act.

2. Accountability of the Panchayat: The role of the *Panchayat* has been clearly defined by the Ministry of *Panchayati Raj* as a body that is ‘able to enforce economic development and social justice at the local level’. Within Garhi Chhaju, the *Panchayat* did not maintain any records of cases where social justice was imparted or where resolutions were made between differing parties by the efforts of the *Panchayat*. The *Sarpanch* also displayed a significant amount of resistance in revealing the existing records of administrative work done by the *Panchayat*. This reflects a clear lack of accountability that often has a direct impact on the level and quality of protection accorded. This caste-based discrimination practiced by the *Panchayat* is more obvious in terms of resolving *Dalit-Dalit* or *Dalit-Jat* issues and conflicts.

3. Kishori Shakti Yojna: The gap in the implementation of this scheme is striking in Garhi Chhaju, due to its non-existence in the entire district of Panipat. This scheme under the Haryana government’s ICDS programme focuses on girls in the age group of 11-18 years who are school dropouts. It aims to meet their needs of self-development, nutrition, health, education, literacy, recreation and skill formation. This scheme attempts to mobilise and enhance the potential of adolescent girls as social animators. However, due to limited budget allocations,

this project is not implemented and another opportunity for the non-school going *Dalit* girl child's access to preventive measures of protection is lost.

Limitations and oversights in the legal and governmental framework

Apart from the gaps identified in the approach and implementation, there are also issues and concerns faced by *Dalit* girl children in Garhi Chhaju that are currently not covered under any existing legislative framework. However, some of these issues are currently under consideration for inclusion within these frameworks. For example, the emerging law being proposed on child abuse by the Ministry of Women and Child Development hopes to cover all issues of child abuse. There are also some issues concerning the *Dalit* girl child that are being incorporated under central legislative frameworks; but this is not being done in the state of Haryana.

1. Definition of child protection: There is no official definition of child protection as adopted by India. Without a legal definition of what constitutes child protection, there is no judicial recourse that can be sought when children are faced with instances of harm.

2. State Human Rights Commission: At this point, a State Human Rights Commission does not exist in Haryana. While the NHRC does operate in the state of Haryana, its interventions are very limited.¹⁴ Recent incidents such as the Gohana and Salwan atrocities on *Dalit Bastis*, as well as smaller-scale atrocities in villages such as Garhi Chhaju merit in-depth intervention. Contrastingly, the Haryana state government has declared that 'atrocities-prone areas' do not exist in the State.

3. Oversight of verbal discrimination by Law: One of the most prevalent forms of verbal discrimination the team encountered was caste-based name calling:

"Arey tum choode chamaar log yahaan aa jao"
(Hey you low caste people, come over here)

An examination of the PoA Act reveals that such caste-based name-calling is not an atrocity unless it is practiced against a specific individual, and not a group. Moreover, reference to caste names is not an offence unless the intention is derogatory and/or specific derogatory utterances precede the caste name. This Act, hence, does not prevent the discriminatory act of group name-calling, as it does not treat it as a legal offence.

4. Corporal punishment: There is no central legislation in India banning corporal punishment in schools. Different states have enacted laws or made policies to ban this practice. The Central

¹⁴ The latest update on the website of the National Human Rights Commission was of 25 interventions in the year 2001-02.

Government is presently working on a law on child abuse, which includes corporal punishment as an illegal offence against a child across India. However, until this law comes into existence, the missing link acts as a huge gap in ensuring access to protection for girl children against violence in schools. The *Dalit* girl child often is more liable to punishment and abuse in schools due to discrimination on the basis of caste, which makes her more vulnerable in a situation where no legislations are available.

5. Social inclusion: Existing social norms often perpetuate caste-based discrimination and segregation. For example, the geographical separation between the *Dalit* and the non-*Dalit Bastis* often generates animosity and tension. Addressing such social norms requires a focus on encouraging social inclusion rather than punishing social exclusion, which is currently missing from the legal framework.

Non-governmental organisations

Non-governmental organisations are often one of the key stakeholders in addressing the gaps and areas of concern as outlined above. They provide monitoring facilities and support in a variety of ways – preventive measures, protective measures, rehabilitation, legal interventions, advocacy, etc. A natural next step was, therefore, to examine NGO work in Garhi Chhaju and to identify gaps in approach and implementation in their operations. However, there is a very limited NGO presence in Garhi Chhaju. The team was able to identify only one NGO – National Campaign for Dalit Human Rights, which intervened in the case of a caste-based conflict. This case was also identified in this study as Case Study 3. The NCDHR intervened only legally and focused very little on preventive and rehabilitative measures. An interview with a worker from NCDHR revealed that while they are sensitive to children’s vulnerabilities, they are currently constrained in terms of financial and human resources, and therefore, limit their interventions to specific legal post-harm consultation and support.

Therefore, the lack of protection-specific intervention in Garhi Chhaju, both from child-focused as well as *Dalit*-focused NGOs results in *Dalit* girl children “falling through the gaps”.

Interviews with Delhi-based child-focused NGOs that work in different parts of India revealed that they are reluctant to ‘discriminate’ between different groups of children. Even maintaining caste-disaggregated data of the children that they work with was a sensitive issue. Moreover, the political nature of the caste issue in India, combined with the institutional rather than community focus of many such NGOs, make it unlikely for them to work specifically on *Dalit* children¹⁵.

¹⁵ A notable exception was Action-Aid India, which had a specific *Dalit* wing. However, it also does not work specifically on *Dalit* children.

Much like the NCDHR, NGOs that focus on *Dalit* issues do not focus on child-related vulnerabilities and needs. Organisations such as the Indian Institute of Dalit Studies, a research and advocacy organisation based in New Delhi are just beginning to explore these areas. Reasons specified for this lack of focus are: time, finance and human resource constraints.

A combination of the above two factors implies that currently, there is no organisation that can address the triple identities of these girl children. The juxtaposition of these triple identities hence, results in heightened vulnerabilities and the need for protection.

Chapter Six

After identifying the existing gaps in implementation and approach, as well as the oversights in the legislative framework as applicable in Haryana, this study suggests specific recommendations to counter these problems. To implement any of these recommendations, it is essential to first recognise that the *Dalit* identity heightens the vulnerability to harassment, abuse and violence and the intersection of caste and gender doubly impacts *Dalit* girls' security and protection. It is also important to recognise that caste and gender identities lead to exclusion and restrict access to protection from formal institutions for *Dalit* girl children.

The following recommendations are suggested keeping in mind Garhi Chhaju village and the need for protection of the *Dalit* girl child.

General recommendations

1. **Preventive measures** should consider that heightened and new vulnerabilities can emerge in the aftermath of an initial incident of harm via repercussions and backlash from the dominant caste. Protection should be continued on a preventive basis even after the initial harm is addressed.
2. **Privacy and protection** of complainants should be a priority in addressing incidents of violence. Panchayats, Police and other law enforcing agents should be specially oriented on the added vulnerabilities faced by *Dalit* girl children and the protection needed by them.
3. All States have not banned **corporal punishment** in schools and Haryana is one such state. A ban needs to be implemented nationwide to ensure that all children are protected from corporal punishment.
4. Regular **monitoring systems** for evaluating the performance of local institutions such as the *Panchayat* and schools should be formulated and implemented. This would then properly address issues of mis-categorisation of sub-castes and of recording and resolving disputes.
5. **Advocacy and awareness** of the dual identity - being a *Dalit* and being a child, need to be promoted. Knowledge on Scheduled Caste rights and child rights and how to avail them should be made easily accessible. This can be incorporated via inclusion of awareness information in the school curriculum.

6. Developing **inclusive** platforms for *Dalit* and non *Dalit* children in schools should be a conscious effort.
7. **Children's voices** need to be heard. There needs to be a platform for *Dalit* girls to express their fears and concerns without fearing any repercussions. They should be able to provide their opinions on the provisions and schemes developed for them. They should also be integrated into the management of schools and institutions that are responsible for their safety.

Specific recommendations

1. Legislative recommendations

- 1.1 There needs to be a **legalized definition of Child Protection** that is accepted by national, state-wide, and local government bodies as well as the legal framework such that there is a basis on which to form policies and guidelines catering to the needs of children and their protection. It would be essential to take into account the vulnerabilities of children who face discrimination not only because of their status as children but also due to their caste identity.
- 1.2 Anti-discrimination legislation in educational institutions may be promulgated.
- 1.3 Independent complaint mechanisms at district or block levels could be set to facilitate access to justice and protection.
- 1.4 The following issues which are presently under the purview of the **PoA Act** should be reconsidered/ included:
 - The Act should have specific **coverage** for *Dalit* children and protection. Currently, the rights specified under it are for *Dalits* in general, with a few focussing on *Dalit* women, but none on ***Dalit* children**.
 - The Act should address the fact that **caste-based name-calling** is not an atrocity under the Act unless it is practiced against a specific individual, and not a group, by making it illegal to discriminate against groups as well.
 - The Act should reconsider that reference to **caste-based name-calling** is not an offence unless the **intention** is derogatory because it is difficult to establish perpetrators' "intentions". There should be clear indicators on how to determine derogatory "intentions".
 - Ensuring confidentiality of the **witnesses** could ease the difficulty of compelling two witnesses to testify that verbal discrimination has taken place.

2. Haryana does not have a **State Human Rights Commission**. Since NHRC's interventions in Haryana have been minimal so far, this needs to be put into place immediately in order to provide more focused interventions.

3. There are minimal **NGO interventions** in the village from either *Dalit*-focused or child-focused NGOs which have resulted in *Dalit* girl children falling through the gaps. The *Dalit* NGOs in particular would need to start focussing on the issues of *Dalit* girl children as they are already familiar with the complex issues of *Dalits*.

4. The **handing out of stipends** to Scheduled Caste students is problematic since the girls are singled out on the basis of caste during disbursement of this amount. The government needs to adopt more discrete ways of handing out the stipends, possibly by directly depositing the stipend into the girls' own or girls' families' bank account.

5. A '**library system**' needs to be adopted in schools to ensure that the girls use their cycles provided under the SSA programme to commute to school. In this system, it could be made compulsory that the girls sign their cycles in and out of the school or else pay a fine. This would ensure that they can use their cycles, by themselves and not leave them behind for other family members.

6. Further areas of research:

- Child rights issues through the lens of *Dalit* studies.
- Corporal punishment in schools, for example in Haryana, and how it affects *Dalit* children.
- Discrimination faced by *Dalit* girl children due to their dual identity.
- Psychological impact of discrimination on *Dalit* girls.
- Impact of caste-based violence on the daily life of *Dalit* girls.
- Impact of the aftermath of accessing protection.
- The inner workings of institutions such as schools, the police and the *Panchayat* that make them unable to provide *Dalit* children with protection. Such a study would require an examination of caste discrimination, and also of other elements such as corruption, gender disparity, and administrative details.

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Annexure I

Notes on methodology: Adapting to the field

Child abuse, gender based problems, sexual harassment and caste-based discrimination are sensitive issues which can only be broached with time and be revealed on trust. In the six days of field study spent in Garhi Chhaju, the research team was able to gain the confidence of the girls, who shared their experiences with them. The team was unable to do so with the adults in the village.

Speaking about these issues made the adults uneasy. Unlike the children in the village, the adults felt they had much at stake when offering the research team this information. The *Panchayat* members had to consider their reputation and authority, the *Dalit* parents had to consider the safety of their family, while the teachers had to consider their jobs.

It did not take the research team long to realise that the adults they spoke to were either censoring or embellishing information and generally painting an extremely positive picture of the school, village and themselves. They arrived at this realisation by observing the village and triangulating all information among all parties: teachers, parents, children, and the *Panchayat*. The children provided the team with the most consistent information, and by piecing together the data they found consistent among the adults they were able to determine if a person was evading a subject, omitting, or exaggerating a situation. For this reason, the research team abandoned the use of the information derived from semi-structured interviews in the report, as the information, they found, was generally restrained or inaccurate.

The adults, who eventually did open up, did so after we had been in the village for a few days and during free flowing conversations that started out casually. The information from these encounters proved most consistent with other sources and the team's own observations and experiences of the village. Instead of treating the adults as a reflection of a sample pool, which in turn represents the village, the research team decided to use the testimonial provided by the adults as mini-case studies and stand alone evidence throughout the report. Their decision was based on the fact that while they derived much from each encounter, all their questions were not always answered, not all people answered the same questions, and not all answers were consistent. For example: the child reports being beaten by her mother, but the mother denies ever having beaten her kids. Without having enough time to delve deeper and reconcile these inconsistencies, the team chose to work with the information they could confirm through cross checking.

Annexure II

Games and activities for girl children

The following games and activities were conducted with girls aged 11-18, who were from Garhi Chajju. They were carried out both in the Government Girls Middle School in Jorasi, as well as in the village itself.

The general objectives in these interactions were:

1. To break the ice and encourage engagement on a gradually deepening level.
2. To gauge girl childrens' perceptions on what kind of safety and protection is accessible to them.
3. To identify situations in which Dalit girl children feel they need protection, and to gauge sites of vulnerability.
4. To determine if Dalit and non-Dalit girl children feel differently about the same institutions when it comes to their protection.
5. To identify specific cases studies to examine in-depth.

The details and specific objectives of each game/activity is listed below.

I. Games that serve as ice-breakers and also serve as a foundation for engaging with the girl children.

Name of the Game	Description	Specific Objectives
Grouping (Also called Fire and Mountain)	Pick a leader (loud voice) who shall call out numbers sporadically. Girls walk around in different directions until the leader calls out a number - after which they group themselves accordingly.	Ice breaking activity To observe the interaction between girls.
Name Game	Ask each girl to mention the names of previous girls who went before her and then end the list with her own name. Draw the girls into a circle for this game.	To learn the names of the girls. To identify which girls are Dalits (matching faces with the information derived from school records). Ice breaking activity.

<i>Hum Honge Kamayab</i>	Teach girls the song on the first day of interaction and sing it together at the beginning and/or closing of each day.	To break the ice and establish rituals
Simon Says	Pick a leader. The leader carries out and announces the action: Simon says, touch your nose! Everyone must follow unless the leader does not begin her announcement with “Simon Says”.	Ice breaking activity To observe the girls’ interaction.

II. Activities/Games requiring a moderate level of engagement, and serving as a bridge between ice-breakers and serious or semi-serious discussion.

Name of the Game	Description	Specific Objectives
Drawing Games	All girls are asked to draw the person they are closest to. Care is taken to ensure that this is a person with whom they have regular two-way interaction. Their drawings then form the basis of discussion.	To identify possible sources of protection, and to gauge who the girls are likely to access in case they encounter harm. To identify recurring themes and to check for the absence of “obvious” care-takers such as parents or teachers.
Daily Activity Clock (To be conducted with girls both in school and out of school)	Engage a particular set of girls in identifying the different activities they are involved in through the course of the day. Can also be undertaken to identify the daily activities and whereabouts of their parents.	To gauge what spheres are used and when. To gauge with whom girls spend time and when. To gauge what activities occupy most/least time.

III. Activities that give direct input into mapping vulnerabilities of girl children when it comes to issues of child protection

Name of the Game	Description	Specific Objectives
Measure of Accessibility	In small groups the girls are be asked to place local institutions in order according to 1) who they would be most-least likely to go for help. 2) who they think has the most-least power to help them. The institutions will be: the family, <i>Panchayat</i> , school and police.	To gauge the impression girls have of their local institutions in terms of the protection these institutions can provide for them.
Photography	To give a few girls a disposable camera and ask them to take pictures on a particular theme. Develop and use these photographs as a basis of discussion.	A non-invasive method to identify the places where girls feel safe.
Social Map (To be conducted with both girl children and adults, for the purposes of comparison of perceptions)	Engage a group of people in drawing out the village and identifying the social structures and institutions in the area. Can be done separately with different groups.	To identify where people live – how the village is divided geographically, socially and what institutions exist within its boundaries.
Rotatory Storytelling	An opening line for a story is given to the girls and each girl adds a line to further it. Moderation is very limited, and the girls are encouraged to form the story on their own.	To gauge sites of vulnerabilities for girls. To identify recurring themes in the stories formed, and observe interactions between girls.

Background Note on the Internship Programme

UNICEF India's Knowledge Community on Children in India (KCCI) initiative aims to enhance knowledge management and sharing on policies and programmes related to children in India. Conceived as part of the Knowledge Community on Children in India, the objectives of the 2007 Summer Internship Programme were to give young graduate students from across the world the opportunity to gain field level experience and exposure to the challenges and issues facing development work in India today.

UNICEF India hosted over 57 interns from India, Germany, Denmark, Bolivia, Japan, U.S., U.K., Australia, Ireland, Norway, Finland, Bangladesh, Canada, Italy to participate in the 2007 Summer Internship Programme. Interns were grouped into teams of 3-4 and placed in thirteen different research institutions across eleven states (Andhra Pradesh, Bihar, Jharkhand, Maharashtra, Madhya Pradesh, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal) studying field level interventions for children from 4 June to 8 August 2007.

Under the supervision of partner research institutes, the interns contributed a combination of desk research and fieldwork, the end result of which were 15 case studies of UNICEF assisted Government programmes and other interventions aimed at promoting the rights of the children and their development. Six of these are supplemented by short films capturing the reality of children and their families. The case studies cover key sectors linked to children and development in India, and address important policy issues for children in India. These include: primary education, child survival, health, nutrition, water and sanitation, child protection and village planning.

Another unique feature of this programme was the composition of the research teams comprising interns with multi-disciplinary academic skills and multi-cultural backgrounds. Teams were encouraged to pool their skills and knowledge prior to the fieldwork period and to devise a work plan that allowed each team member an equal role in developing the case study. Group work and cooperation were key elements in the production of outputs, and all this evident in the interesting and multi-faceted narratives that these case studies are on development in India.

The 2007 Summer Internship Programme culminated in a final workshop at which all teams of interns presented their case studies and films to discuss the broader issues relating to improvements in service delivery, elimination of child labour, promoting child rights and decentralization and village planning. The KCCI Internship case studies series aims to disseminate this research to a wider audience and provide valuable contributions to KCCI's overall knowledge base.