

**Sexual Assault on Four Girls
in Haryana
in the Context of Dalit Rights
to Common Land**

A Status Report on Bhagana by AFDR, PUDR and WSS

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A joint team comprising Association for Democratic Rights (AFDR) from Punjab, People's Union for Democratic Rights (PUDR) and Women against Sexual Violence and State Repression (WSS) from Delhi visited Bhagana village of Hisar district on May 13, 2014. The main purpose of this visit was to meet the villagers after the gruesome gang rape incident of the four Dalit girls earlier on March 23 by five men of the Jat community and to understand its links with the ongoing struggle that the Dalit community has been waging since May 2012 for access to common land.

Following the incident of gang rape, 90 families, largely from the Dhanuk community, came to Delhi and sat on a dharna at Jantar Mantar on April 16, demanding justice and compensation. Then, on June 4, which also happened to be the first day of the Parliament session for the newly elected government, the Delhi police forcibly evicted them from the dharna site along with other groups sitting at Jantar Mantar. The police used brute force to drive away the protesters, ostensibly, for 'security concerns' in view of the upcoming session of Parliament. Some women activists from Delhi were also roughed up and were even hit on their private parts by the women police.

In Bhagana, our team met Dalit residents of the village, the sarpanch and other men from the Jat community, and the people sitting in protest at the Mini Secretariat in Hisar. The team visited the offices of the DM and SP in Hisar and met one of the local lawyers, who has been appearing on behalf of the Dalits. We also met the survivors and representatives of the Dalit community sitting at Jantar Mantar in protest.

This is an update on the detailed report brought out by AFDR and PUDR on Bhagana in 2012 titled, *This Village is Mine Too*.

Sexual assault on the four girls

Four young Dalit girls from Bhagana were abducted by five Jat boys from the same village on the night of March 23, when they had gone out to relieve themselves. They had been stalking them for quite some time. The girls were dragged into a car, sedated and gang-raped. Later, they were taken to the Bhatinda railway station, about 170 kms from Bhagana, and were left there. One of the girls recollected that though she was aware of being raped by her abductors, she was in no state to resist because of the effect of the drugs she was forced to take.

The morning after their disappearance, the girls' families had approached the sarpanch of the village, Rakesh Panghal. He belongs to one of the most powerful Jat families of Bhagana, owning around 44 acres of land. Instead of taking a serious note of it and suggesting filing a complaint for missing persons with the police, the sarpanch initially tried to laugh it off and interpreted the incident as a possible case of elopement. When the families persisted, he finally relented and admitted of knowing the whereabouts of the girls. On the morning of March 25, he took the parents and relatives of the girls to the Bhatinda railway station. The girls were there. The sarpanch accompanied the girls in a car while the relatives were asked to come by bus. Throughout the journey, the sarpanch kept intimidating the girls, telling them to

forget the incident and warning them of dire consequences for their families, if they went ahead with filing a police complaint.

Undeterred by the threats, the girls and their families went ahead and filed a police complaint on the same night. FIRs were filed on March 25 [FIR no. 299/2014] at the Sadar Police Station and the girls were made to undergo medical examination to ascertain rape and physical assault. Charges have also been levelled against the accused under the Protection of Children from Sexual Offences Act, 2012 (POSCO), the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [Section 3 (1) xi] and under several sections of the Indian Penal Code (IPC) [Sections 363/366/366A/376/120B/328]. Initially, the police was showing reluctance in filing the case and sending them for medical examination. However, pressure from the families and local Dalit activists forced the police to file an FIR and arrange for medical examination of one of the four girls at 11.00 in the night. The police called the other three girls the following day for medical examination.

One of the victims, an 18-year-old girl, in a complaint filed has alleged that five youths kidnapped her and her three friends, including two minors, on March 23 and gang raped them after giving them some drugs. The accused include two brothers named Sumit and Lalit, and Sandeep who are residents of Bhagana and two unknown youth from a nearby village. One of the accused in the incident is the nephew of the sarpanch.

When the team met the sarpanch and other representatives of the Jat community, they tried to underplay the accusation of rape, maintaining that it was a clear case of elopement. Others alleged that one of the girls was having an affair with one of the Jat boys. The sarpanch and his associates denied that there existed any caste-induced disharmony in the village. According to him, all the people in the village lived in an atmosphere of perfect *bhaichara* (harmony) and that it was only a section of people responsible for creating problems in the village. According to them, they were doing this to get money from the government.

The accused were arrested on March 29 and April 1. The girls were given a compensation of Rs 1. 2 lakh each and two of them got an additional Rs 65, 000/ each from the state government.

In our interactions with the people, some women shared openly how these incidents of sexual violence were not new to the area. Earlier they would be hushed down but now people are willing to speak about them and even file cases. This became possible because the community came together to resist the routine caste violence, injustices and other atrocities, including sexual violence, being perpetrated by the Jat community.

Some recalled a rape incident that had happened a long time ago. A 12-year-old girl was gang-raped all day long by some members of Jat community. The victim finally succumbed to the injuries. We were also told of another rape incident, about six-seven months ago, of the daughter of a migrant worker from Delhi, working at the local water reservoir. The father of the girl was badly beaten up, when he protested.

In recent times the sexual attacks on Dalit women have become more frequent in Haryana. These attacks are intended to show the power of the dominant castes. Some villagers felt that the immediate provocation for this incident was the altercation that took place sometime ago between the father of one of the girls and the sarpanch. The sarpanch had threatened him that someday he would teach him a lesson.

With so many families having moved out, the fear and insecurity of those who remain seem to have increased much more. Some women expressed how they lived with a great deal of fear in even going about their daily chores or moving around the village. No one dares to go out alone. On the other hand, the March 23 incident, the subsequent arrests of five Jats and the complicity of the sarpanch and his uncle have made the Jats harden their stand, though; they are also scared. To understand the current situation, we need to have a closer look at the socio-economic relations in the village itself.

About Bhagana

Bhagana village is about three hundred years old. The two significant communities inhabiting the village are Jats, who form 54%; and Dalits, who form 24% of the population.

Like any other village in Haryana all Dalits in Bhagana are landless wage labourers. Their only source of livelihood in the village is working in the fields of the dominant caste group (Jats), who own most of the land in the village. The Jats of Bhagana are related to each other and enjoy strong unity.

Dalits in Bhagana are on the three sides of the village, while Jats and other upper caste families live in the centre of the village. Chamars and Dhanuks are the two main Dalit subcastes, who live on two sides; while a small section of the other Dalit castes, like the Valmiki community, lives on the farther side of the village.

There are two kinds of crop sharing systems practiced here – *siri* and *batai*. The Dalits and other backward caste groups take plots on *batai*, which is a crop-sharing arrangement where the *bataidar* cultivates the land and the produce is divided between the landowner and the *bataidar*. After the social boycott, Dalit families are not getting any work in the village. They travel daily to the nearby villages in search of work. Migrants also swarm the village to work as agricultural labourers. The other system of agricultural labour is that of *siri*, whereby the labourer enters into a bond and he is paid a consolidated amount and for that period is bound to the landlord to do all kinds of tasks. Although Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is operational in the block of Bhagana village, only 50 percent of funds seem to have been officially utilized. The people we spoke to were unaware of this though mention was made of another government scheme in operation until some time ago.

It is interesting to note that when the Jats had also started an agitation a few years back to be included in the Other Backward Castes (OBC) category so as to avail reservations and other benefits, one of the centres of the *rail roko* agitation was the Meyer Railway Crossing that is right outside Bhagana village. According to some of the people we met, their harassment at the hands of the Jat community has intensified since then.

On *Shamilat deh* land

One of the major contentious issues between Dalits and Jats in Bhagana is the right to use and access to *shamilat deh* land. *Shamilat deh* refers to common land belonging to village panchayat. There is an estimated 280 acres of such land in Bhagana, which is practically in the hands of Jat farmers of the village. Out of this, 60 acres has been distributed among people through auction, which was organised by the panchayat. As per the existing legal provisions, it is the responsibility of the panchayat to distribute

the *shamilat deh* land amongst the landless farmers in the village, including Scheduled and Backward castes. In the panchayat of 14 members, six members belong to Dalit and other castes while the rest are from the Jat community.

According to the Punjab Village Common Lands (Regulation) Haryana Amendment Act of October 9, 2013:

A Panchayat may, gift, sell, exchange or lease the land in Shamilat deh vested in it under this Act to such persons including members of Scheduled Castes and Backward classes on such terms and conditions, as may be prescribed.

Since this land was already being used by Jats for their personal use or for planting trees, the situation worsened after this amendment. Hundreds of trees planted were sold and money was pocketed by the panchayat. The demand for the distribution of this land was raised by Dalits. One of the villagers, who is leading the Dalit community in the struggle, alleges that the village head has grabbed 40-50 acres of common land for his personal use.

In 2012, around 222 plots of 100 yards each had been carved out. A list was made by the self-appointed 21-member committee to implement the scheme. An amount of Rs 1,000/- was collected from each family under the pretext of allotting plots. According to the sarpanch, 123 plots were allotted to Dalit families. However, the panchayat chose to withhold the legal documents instead of handing them over to the allottees. Dalits contend that the plots allotted to them are the ones that were refused by the upper caste people as those were part of the cemetery. While carving out plots, many trees had been felled. We were told that trees were sold at Rs 5000-10,000 each and the money was kept by the panchayat. As of now, the Dalits have no legal entitlement to the plots they were allotted.

It was only when the Dalits started registering police cases against the atrocities and social boycott steps taken by the Jats that the panchayat and the village elders began the process of giving the land. But that process too had to be suspended as it was being done in illegal manner, using threat and intimidation.

On March 21, 2014 a case was filed by Dalits for the distribution of *shamilat deh* land and was dismissed by the High Court of Punjab and Haryana. However, the judgment upheld the distribution of *shamilat deh* land and stated that it could not intervene as there was a mechanism in place for approaching the higher authorities for implementation of land distribution.

On social boycott

In March 2012, the Jat community under the leadership of Panghal Khap, one of the many clans of the community which all Jats of the village belong to, announced a *bandi* – social and economic boycott – on the Dalits of the village. The boycott was in retaliation of the Dalit protest against the decision of the panchayat, headed by Rakesh Panghal, to allocate the common land of the village, including the playground on the outskirts, to members of the Jat community.

As mentioned in the earlier joint report of AFDR-PUDR, the dominant caste often used social boycott as an effective instrument to teach a lesson to questioning Dalits. When there was a conflict between Chamars and Jats over the issue of the playground and Ambedkar chowk, Jats imposed social boycott on Chamars. This meant ban on the use of all common resources and services in the village. Dominant castes

stopped employing the Chamars in their fields and ordered the shopkeepers not to sell goods to them. Over 137 families, largely from the Chamar community, fled Bhagana as a result of the severe social boycott that was affecting not only their routine daily activities but also their livelihood. They have been sitting in protest outside the Mini Secretariat in Hisar for the past two years, demanding justice. However, the Dhanuks, who are the second largest Dalit community, decided to stay back in the village. They continue to work for Jats and other dominant castes. According to the lawyer, representing Dalits in the social boycott case, fifty families have since returned to the village.

Vijendra, one of the villagers, told us that the remaining Dalit families were neither allowed to go to the shops in the village nor work in the fields. One of the young boys of this community told how the *bandi* or social boycott in their own village over the last two years have aggravated their hardships and pushed them further to the margins. They are being neglected and denied access to water. They cannot roam about freely as they are routinely threatened by Jats. Dalits no longer want to live in the village and would prefer to settle down somewhere in towns.

Apart from the Dhanuks and a small number of other Dalit communities, there are migrant workers through whom Jats are getting their agricultural work done. When the Chamars left the village, the Jats managed to cajole the Dhanuk community not to go with them. However, as we have seen, even the Dhanuks have had to face the brunt of the dominant community.

An elderly person who relies on daily wages shared with us how difficult it has become now as they are having to travel almost 8-10 kms to get some work for the day.

Many from the Dalit community reiterated the decision to leave the village as the only solution to their woes. Their earnings have dwindled and in the face of the situation where they are having to face social boycott and have no work, they are left with no other choice but to migrate elsewhere. We need to see the implications of social boycott and how it is a violation of basic democratic rights of an individual as it affects their right to livelihood as well as free mobility among many other things.

When once the Dalits complained that despite having been settled in the village for over a hundred years they have got no land to work on, they were told by a panchayat member to send their girls to them and they will have land to till. This is the kind of humiliation they are subjected to on routine basis. It is true that a girl of any other community in the same situation too might be equally vulnerable to sexual assault but the confidence with which the Jat community operates in the village shows their power and domination over the poor Dalits. Their confidence that they could terrorise victims of their sexual violence into silence, surely arose not only from the gendered and patriarchal notion of 'shame', but also from the fact that they were Dalits, who would think many times before daring to take them on.

Conclusion

The sexual assault on the four girls is clearly a casteist attack that is often used to assert caste domination. It was intended to silence the people, who dared to question their authority or power. It has compelled the Dalits to leave the village. The fact is that casteist and patriarchal forces are feeling emboldened because they feel that the Haryana administration and the police are with them. The administration and police have time and again protected the perpetrators not only in Bhagana but also in the entire state.

The incidents in Bhagana are a perfect example of the impunity that the powerful and dominant caste groups enjoy when they commit crimes on the oppressed and marginalised sections of society. Their confidence that they can get away with anything they do makes them repeat these crimes again and again.

AFDR, PUDR and WSS demand:

1. A fresh FIR must be filed naming the sarpanch and his uncle for intimidating the victims to remain silent about their complicity in the crime committed.
2. Arrest of members of the illegal committee that carved out the Shamilat lands should take place immediately.
3. The administration must ensure that the social boycott of Dalits is ended immediately. And those responsible for this prosecuted under relevant laws.
4. Every Dalit family must be given access to water and other facilities like any other family in the village.
5. Dalit families must be provided protection so that they can return to their village and it also must be ensured that they are not pressurised and intimidated for withdrawing the cases.
6. Restoration of land use rights over Shamilat land should happen without any delay. Access to common lands by Dalits should be upheld in practice by all concerned.