

Atrocities Against Dalits: The Pabnava Incident

RATNESH KATULKAR

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Ratnesh Katulkar (ratnesh@isidelhi.org.in) works with the Indian Social Institute, New Delhi. He was a part of the 10 member fact finding committee on the Pabnava Incident.

Outraged by the marriage of a dalit boy to an upper caste girl, 200 dalit homes were pillaged and damaged by an upper caste mob in a nondescript village in Haryana on April 13, 2013. A fact finding team, comprising activists, visited Pabnava and released its report on the incident pointing to the prevalent deep rooted caste prejudices in society and the apathy of the administration towards the unfortunate incident.

About Pabnava

Pabnava is a village in the Kaithal district of Haryana comprising of about 5000 Rod families, 300 Chamar, 200 Balmiki and 200 other backward class (OBC) households along with a handful of Brahmin families. The Rods are the dominant caste in this region linking their ancestry with those Marathas who had fought the third battle of Panipat. Hence they call themselves Rod-Maratha. The dalit community in the village is landless and its livelihood is largely dependent on the Rod community in whose fields they work as daily wage labourers. However, the younger generation of dalits have had some access to education. A few of them are running shops, and some are technically skilled and work as plumbers and electricians.

Untouchability and casteism are common practices in Pabnava as they are in any other Indian village. The Rods claim that the prevalence of caste rules and social norms such as mutual bhaichara (brotherhood) are intrinsic to village life. The dalits also accept their lower position in society as a matter of fact. Therefore when a dalit youth Suryakant (24) broke the caste rules and tied the knot with a Rod-Maratha girl Meena (22) his college classmate, the Rods were unable to digest this transgression.

The Background

Mahendra Pal, a daily wage laborer belonging to the Chamar community, was completely unaware of the marriage of his son Suryakant to Meena until he received a call on April 8 from the girl's father to come to his house. This sudden call caused consternation in the dalit family as the upper caste Rod-Maratha community has been notorious for their dominance and perversity.

Accompanied by his brother he went to their house where Meena's father informed him about his son's marriage with his daughter. They stated that this marriage was against social norms as the girl and the boy were from different castes, and that the dalits cannot dare to think of marriage with any caste Hindus. The Rod family further warned him to bring Suryakant back to the village and to initiate the divorce proceedings immediately. They further instructed him not to disclose this news to anyone as this would harm their family image.

Threatened with dire consequences, Mahendra Pal immediately went looking for his son. After a hectic search he finally traced the couple to Chandigarh and pleaded with his son to get a divorce from Meena. But the couple who were under police protection, refused to comply. The police intervened on their behalf and warned Mahendra Pal not to pressurise the couple as this could lead to punishment. The couple was then shifted to a shelter home at Kaithal.

Meanwhile the news of this inter-caste marriage spread in the village, and the Rods called up their caste-panchayat to take-up this issue. Following the panchayat meeting, the elders from both the Rod and dalit community went to Kaithal on April 13 in order to convince the couple for an amicable divorce. But Meena refused. While Meena's family could meet her, Suryakant's father and uncle were not allowed by the administration to meet him.

The Incident

The tension between the two communities escalated in the village, and on the afternoon of April 13, a Rod goon Sultan Singh, alias Handa, with three other men from his community threatened to kidnap dalit girls and unleash terror.

Fearing retaliation from the Rods, the dalit women in the basti (settlement) fled to the neighbouring towns and villages. The dalit community approached the deputy superintendent of police Taken Raj who turned a blind eye to their demand for protection. The dalits then went to the superintendent of police who immediately issued an order to arrest Sultan Singh and deployed a small force of 10 policemen in the village.

At 8: 00 pm that evening a mob of 400 upper caste men armed with spears, batons, and other sharp-edged weapons went to the police station and got Sultan released. The mob then ransacked 200 dalit houses. The rampage continued for a few hours, and the attackers destroyed the tube wells in the dalit colony, burnt motor bikes, damaged televisions, computers, refrigerators and looted valuables and cash. Even the cattle were not spared. The grocery shops were also looted. When the police tried to intervene they were also assaulted by the mob. Three policemen along with the deputy superintendent of police Anil Rao also got injured.

Finally more police force reached there and lodged an FIR against the 52 culprits and arrested 24 of them. After the intervention of the National Scheduled caste Commission the

government announced a compensation of Rs 1,20,000 per head for the seriously injured. Fortunately, there was no loss of life or any sexual crime against the women as the dalit women fearing violence had left the village with their children earlier.

The village is now surrounded by a large number of policemen, but till date the main culprits have not been arrested. The police say that they are absconding.

The Fact Finding Team

The fact finding team ¹ visited Pabnava on April 17, 2013 and released their report to the media on 26 April at the Indian Women's Press Corp in New Delhi. Swami Agnivesh, a social activist, while releasing the report expressed his dismay over the incident and said, "this certainly is not an isolated incident as the crimes against dalits are scaling up even after 60 years of independence". He also sought punishment for the culprits and support for inter-caste marriages and said that his organisation is planning to hold a big mass inter-caste marriage programme in Haryana.

Himanshu Kumar of Human Rights Law Network called this incident a culmination of the deep-rooted caste prejudice and hatred. He elaborated on the changing dynamics of the socio-economic relationship between the communities since the dalits are now relatively more empowered through education. He recalled an incident where a landlord belonging to the Rod community labeled some former daily wage workers as thugs and said that they did not have the right to continue living in the village. This was because they found jobs that were better than the menial daily wage work they previously performed.

Ratnesh from the Indian Social Institute said that though in all incidences related to atrocities against dalits the women were the worst sufferers, the National Commission for Women never takes any notice. He insisted that the government must ensure the share in family property of those girls who are marrying outside their castes.

Recommendations by the Fact Finding Committee

The fact finding team made several recommendations. They demanded that the relevant sub-section (x) (XV) of section 3(1) and sub-section (iii) and (v) of Section 3(2) under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, be invoked in the FIR. They called for the immediate arrest of the remaining 27 culprits (named by one of the grievously injured victims Chandgi Ram in the FIR) who have been roaming freely in the village. They proposed that the properties of the accused should be attached under sub section 2 of section 7 of SC/ST (POA) Act, 1989, and that the accused should be excommunicated from the village as per the provisions of the same Act. All the non dalits of the village should be booked under section 16 of SC/ST (POA) Act, 1989, and a collective fine should be imposed on them for aiding and abetting the violence.

The team asked for a directive to be issued to the SP to provide adequate protection to the

victims and their family members in order to prevent further harassment and intimidation. They demanded that the deputy superintendent of police Taken Raj be booked under section 4 of the SC/ST (POA) Act, 1989 for his willful negligence in not providing protection to the dalits before the incident. A speedy departmental enquiry of other negligent police officials and their dismissal from the service was also called for.

A proposal that the victims should be provided with travel and dearness allowances as per Rule 11 of the SC/ST (POA) Rules, 1995, when they go for trials and also to meet the district and state officials was also put forward in the report. The government should allow the victims to engage senior advocate of their choice in this case as per sub section (v) of section 4 of the SC/ST (POA) Rules, 1995 was also suggested.

The team demanded that instructions should be given to the relevant authorities to provide the compensation to the victims as per Rule 12 of the SCs and STs (POA) Rules, 1995. The government should ensure that all the dalits should be adequately compensated for their loss of livelihood since the day of the incident. An accurate account of the damage and loss of property of the affected dalit families should be prepared and a rehabilitation package offered to cover the losses.

Another proposal suggested was that the area should be declared as an Atrocity Prone Area as per the SC/ST (POA) Act, 1989. The dalits should be given permission to carry arms as per the provision of the same act and rules.

The creation of a safe environment for the dalits by the government was advocated by the team. They suggested the deployment of an armed police force in the basti and that the government take immediate measures for return of dalit families who had fled from their houses. The fact finding team proposed the tabling of white paper by the central government in the forthcoming session of the Parliament on the growing atrocities, untouchability and other multiple forms of exclusion and discrimination faced by dalits in the state of Haryana.

Notes 1. The team comprised of Himanshu Kumar, Human Rights Law Network; Ratnesh, Indian Social Institute; Sanjeev, Delhi Forum; Mukesh Kumar, Sambhav; Utpala Shukla, Peoples Union for Civil Liberties; Advocate Rajat Kalsal; Advocate Rahul Singh; Mehul Dabhi, NCDHR-NDMJ; Rajesh Kumar, NCDHR-NDMJ; Abirami, NCDHR-NDMJ