



Dalit Women in Rajasthan

Status of Economic, Social & Cultural Rights

Fact-Finding
Mission Report-1

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Preface

In all nations across the world there are communities which continue to be marginalized and are denied their rights due to their location within the society determined by their class, caste, race, ethnicity, gender and colour. In India, caste discrimination ensures *Dalits* remain one of the most oppressed and exploited people. In case of *Dalit* women, this discrimination is systemic in nature and ensures their exclusion and subordination as poor, as *Dalit* and as women. *Dalit* women form a major part of the poor in India. On the one hand *Dalit* women are forced into the labour market because of the need to sustain themselves and their families. At the same time the only occupations that are available and traditionally allocated to them are those which no one else would prefer to do. Better paid and dignified occupations continue to be out of reach for them through a systematic denial of rights to education, training, land and other livelihood resources. This in turn has ensured their exclusion from active participation at socio-economic and political levels, and has restricted them to the bottom of the society, impoverished and invisible as citizens.

During PWESCR's planning phase while travelling in Rajasthan to map women's economic, social and cultural rights, I met with Mimrothji from Centre for Dalit Rights. We shared our mutual concerns about *Dalit* women's situation and decided to jointly undertake a fact finding mission to highlight day to day drudgery and failure of the government to respect, protect and fulfil *Dalit* women's rights. The goal was also to explore strategies to address these concerns.

Fact Finding Mission to Rajasthan

The purpose of this fact-finding mission undertaken by PWESCR and CDR was to specifically look at *Dalit* women's realities in context of ESCR. Five villages from two districts of Rajasthan were identified by CDR for the study. The fact finding mission focused primarily on three ESCRs:

1. Right to food
2. Right to water
3. Right to livelihood

However, women's realities and inter-connectedness of various rights brought out other rights and issues, especially those connected with education and health. The focus was to analyze whether rights of *Dalit* women from these villages were being upheld. We also wanted to assess whether human rights standards were being used and enforced in ensuring *Dalit* women's upliftment, development and equality with regards to right to food, water and livelihood. International human rights framework and corresponding Indian Constitutional legislation and policies were used as benchmark.

This fact-finding mission was conducted in January, 2007 by M.P. Choudhary, Ajay Kumar Ranjan, Suman Devatiya and Anita Verma from CDR under Mimrothji and Satishji's guidance and by Sridevi Panikkar and myself from PWESCR. Babulal from CDR visited all villages before the fact finding team's visit to conduct background research.

This fact finding clearly demonstrates in spite of various laws and schemes for the poor and *Dalits*, there is not much being done on the ground to address the day to day hardship faced by *Dalit* women. We hope this fact finding will encourage those responsible for upholding *Dalit* women's rights to develop locally and nationally using international human rights standards, relevant criteria on minimum standards especially in the context of food, water and livelihood. With a legal framework and monitoring methods present within this report, we hope to assist *Dalit* leaders to develop their own assessments and specific standards for *Dalit* women's rights.

I want to thank Radha Holla, Shewli Kumar, Lora Prabhu and Poulomi Pal for their inputs on various parts of this report.

Priiti Darooka, PWESCR

Foreword

I am very delighted to say that Centre For Dalit Rights, Jaipur and PWESCR (Programme on Women's Economic, Social and Cultural Rights), New Delhi have, for the first time, jointly conducted a grassroots sample survey of rural and urban based *Dalit* communities focusing on women in the districts of Jaipur and Dausa. The main objective of this study is to highlight the ground realities, plight and problems of *Dalits* in general, and women, in particular, of marginalised communities in rural and urban localities of Jaipur and of Dausa Districts. The villages were Karwa Ka Bas, Bagariya Ki Dhani, Gudliya, and Jhalana slum colony of Jaipur, and Raiger Mohalla of Dausa District. This survey indicates violation of various human rights mainly because of poverty and illiteracy among *Dalits* women. There is denial of access to natural resources and non-implementation of legal measures and schemes that are meant for them. Besides this, they face an unjust and inhuman social structure for which society as a whole has to be blamed.

Dalits have been suppressed and exploited for several decades and the Government has miserably failed in its constitutional obligations of recognising their fundamental human rights, in implementing legal mechanisms, schemes and programmes for their upliftment. This selective sample survey mirrors the plight and problems of *Dalits* as a whole and *Dalit* women in particular, in Rajasthan. *Dalit* issues reflected in this survey will hopefully provide some indicators to the administrators, bureaucrats, researchers and policy makers to find ways to bring out substantial changes in the socio-economic conditions of deprived sections living in segregated localities in urban and rural areas on accounts of caste and descents based discrimination.

I would like to express thanks and congratulations to PWESCR team specially Priiti Darooka and Sridevi and my CDR team members consisting of Satish Kumar, M.P. Choudhary, Ajay kumar Ranjan, Suman Devatiya and Anita Verma, who have worked very hard. They visited the field areas and collected information after meeting the people. An in-depth analysis was done on the enormity of the violations of the socio-economic rights of *Dalits* focusing on women folk in Rajasthan. My heartfelt congratulations to PWESCR for bringing out this fact finding report reflecting the violation of socio-economic rights of voiceless and powerless *Dalit* women.

Wishing every success in this endeavour.

P. L. Mimroth, *Advocate*
Chairperson, Centre for Dalit Rights

Dalit Castes in Rajasthan

Dalit communities comprise roughly one fifth of the total population of Rajasthan. Meghwals, Jatavs, Bariwas, Chamar, Bunkar, Raigars, Balai's, Khatik, Jantias, and Gingar are the major communities. Yet only a few *Dalits* are in administration, bureaucracy and the legislature.

Leatherwork has been the traditional occupation of the dominant *Dalit* castes. However, this has been changing and today *Dalits* are found doing menial work of other kinds too. A brief description of these castes are given below:

Meghwal: Perhaps this community is the largest one amongst *Dalits* in Rajasthan. They mainly inhabit the Western, Southern and Central regions of Rajasthan. While a few pockets of Meghwal families are engaged in shoe-making, today most of them are small farmers, and farm laborers, with some engaged in some other manual work.

Jatav: The Jatav community is found in eastern districts of the state, namely Bharatpur, Alwar, Dholpur, Karauli and Sawai Madhopur. Jatavs, who are marginal farmers and agriculture laborers, have become vocal and assertive about their rights.

Bairwas: Bairwas are mainly found in Alwar, Sawai Madhopur, Jaipur, Dausa, Karauli, Kota, Ajmer, Bhiwara and Tonk districts. Bairwas are economically better off than many other *Dalits* of Rajasthan. In urban areas they engage in petty business and provide labour, and in rural areas they are mainly marginal farmers and agricultural workers.

Raigars (Jatia): This community mostly lives in Alwar, Dausa, Jaipur, Ajmer, Sawai Madhopur, Karauli, Tonk, Jodhpur, Barmer and Pali districts. They are still engaged in shoe-making and are economically strong, with many of them also working as agricultural labour or own small farms.

Chamar, Balali, Bunkar: These communities too have started calling themselves as Meghwals. They live in the Central and Northeastern parts of the state. Some of them are still engaged in leather related work, while the majority are small farmers and laborers.

Khatik: This is the richest community among the *Dalits*. They live mainly in Jaipur, Bharatpur, Alwar, Ajmer, Bhiwara, Tonk, and Kota, and are engaged in cattle business.

CHAPTER - I

Introduction

Background

We are in the 21st millennium, and yet caste discrimination, an age-old practice that dehumanizes and perpetuates a cruel form of discrimination, continues to be rampant against *Dalits* despite legislation to stop the practice. The term “*Dalit*” is most commonly used to define people who were once known as the “untouchables”. In Marathi, the term connotes “oppressed” or the “broken people”. As used by rights’ activists, “*Dalit*” reflects the situation of the millions of people within South Asia, who are systematically and institutionally deprived of their civil, political, economic, social and cultural rights in every aspect of life. *Dalits* are socially excluded and face widespread discrimination on the basis of work. The caste system has relegated them to the lowest level in caste hierarchy and steeped them in poverty and helplessness.

For *Dalit* women being “*Dalit*” means oppressions and denial of rights at all levels. *Dalit* women are discriminated against because they are born into a caste that is considered “impure” and thus “untouchable”. Untouchability rituals and practices further stigmatize *Dalit* women as they are treated like social “pariahs” i.e., social outcastes. Their very existence as human beings with dignity is denied, leading to further denial of all basic services like health, education, livelihood, including those meant for the poor, on the grounds of their birth. *Dalit*

women’s oppression and exploitation outside homes gets further exacerbated inside the household where they continue to live within patriarchal norms.¹ The denial of rights is deepened by their poverty as well as the fact that they are women, tripling their oppression and serving to keep them at the subservient levels of the society.

Dalit Women at the Intersection of Multiple Forms of Discrimination

Multiple forms of discriminations mean that overlapping oppression often creates specific forms or ways of experiencing discrimination. Intersectional discrimination multiplies and amplifies the obstacles women face, thus leaving them in a situation of further disadvantage. The intersection of gender discrimination with other barriers (e.g. poverty, caste, rural residence, etc.) similarly has a multiplicative effect. It produces something unique and distinct from any one form of discrimination standing alone.² *Dalit* women face not just violence inflicted on them by the dominant castes, but also state violence, violence at homes and outside.

These discriminations being systematic and consistent over a long period, are internalised by the *Dalit* woman herself. She accepts the situation

Dalit women are at the intersection of triple discrimination, which reinforces the vicious cycle of oppression and the systemic denial of their human rights.

1. As untouchables and outcastes, they face caste discrimination;
2. As women they face gender discrimination; and
3. As poor they face class discrimination.

¹ For example, in a discussion organised by Sannihita an organization working with rag pickers in Hyderabad, *Dalit* women shared how the men steal money earned by their wives to buy liquor and later beat them up or threaten them with remarriage when opposed.

² IWRAW Asia Pacific Occasional Papers No.8, *Addressing Intersectional Discrimination with Special Measures*, 2006.

as given, and cannot comprehend a life beyond all these discriminations. She is socially conditioned to believe that being a *Dalit* woman this is what her life is going to be. Powerless and unable to access or control any resources for survival, she undertakes humiliating tedious and time consuming work, mostly without any remuneration, including the most menial and degrading job of manual scavenging.³

The better paid and dignified occupations continue to be out of reach for them through a systematic denial of rights to education, training, property rights

and other livelihood resources. Literacy rate among *Dalit* women continues to be the lowest at 19.46%. Around 71% of *Dalit* women workers are agricultural labourers. Also around 70% to 75% of *Dalit* families are female headed.⁴

Landlessness is growing at a rapid speed among *Dalits*, as is evident from the fact that the proportion of all *Dalit* workers as agricultural labour is increasingly growing at a very fast rate as compared to the non-*Dalit* agricultural labourers, implying that after losing their land holdings, *Dalit* cultivators are becoming

Facts and Figures on the Status of Schedule Castes

Various surveys conducted by the National Sample Survey Organisation of the government highlights realities of Scheduled Castes, which include *Dalits*.

- About 20% of the population belong to Scheduled Caste⁵
- Only 1% of the Scheduled Caste population owns land of size 4.01 hectares (The proportion of households possessing land of size 4.01 hectares (9.91 acres) or more.⁶
- The percentages of large, medium and semi-medium holdings have been declining steadily since 1960-61. The decline is steepest for large holdings - from 4.5% to 0.8% in 2002-03. The percentage of holdings in the "marginalized" category has correspondingly swelled from 39% in 1960-61 to 70% in 2002-03.⁷
- Only 3% of the Scheduled Castes can spend Rs. 38.50 (less than US \$ 1) per day in rural areas. The rest spend less. In urban areas, only 1% can spend Rs. 81.67 (approximately US \$ 2) per day.⁸
- Only 47% of the Scheduled Caste population in rural areas call themselves cultivators.⁹
- Among non-cultivators, 26% are agricultural labourers.¹⁰
- In urban areas, barely 28% are employed in administrative jobs, production, farming, etc.¹¹
- Among self employed, 41.7% earn regular wages and 23.3% are casual labourers.¹²
- Average value of assets the Scheduled Caste population possess is about half of all other groups put together in both urban and rural areas. For those who own land in rural areas, it represents over half their assets. However, the value of this land is less than a quarter of the value owned by other castes (excluding tribals and those belonging to other backward classes).¹³

³ Manual scavenging was prohibited in India in 1993 by the enactment of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act.

⁴ SJ Aloysius Irudayam and M.Jayshree, *Dalits in the World of Globalisation*, NCDHR, 2004.

⁵ Report No. 516(61/10/2) *Employment and Unemployment Situation Among Social Groups in India 2004-05*, NSS 61st Round (July 2004 – June 2005).

⁶ *ibid*

⁷ NSS Report No. 492, "Some Aspects of Operational Land Holdings in India, 2002-03" based on the sixth nationwide Land and Livestock Holdings Survey, carried out in the 59th round (January to December, 2003).

⁸ Report No. 516(61/10/2) *Employment and Unemployment Situation Among Social Groups in India 2004-05*, NSS 61st Round (July 2004 – June 2005).

⁹ Report No. 503(59/18.2/4) *Household Assets Holding, Indebtedness, Current Borrowings and Repayments of Social Groups in India* (as on 30.06.2002) *All-India Debt and Investment Survey*, NSS 59th Round (January–December 2003).

¹⁰ *ibid*

¹¹ *ibid*

¹² *ibid*

¹³ *ibid*

agriculture labourers. One consequence of this is that *Dalit* men migrate to urban areas for better work whilst *Dalit* women are left behind to bear the responsibility of domestic work, care giving as well as work outside in farms and at odd jobs. Absence of males in the family deepens the women's isolation and impoverishment, making them increasingly vulnerable to other forms of discrimination and violence. For example, in absence of any male in the family, men from upper castes threaten and grab land or any other assets from the women.

In absence of any safety nets, and work being very casual, *Dalits*, like the other poor people, are forced to take loans to meet any contingencies such as illnesses, deaths, marriages, etc. In their case, given their almost total lack of resources as well as the other caste-based discriminations they face, the upper caste landlord and high interest rates are mostly their only option. This indebtedness becomes an excuse for upper castes to exploit them further in some cases, even making them work as bonded labourers. *Dalit* women in such cases, are most vulnerable to violence included sexual violence and other atrocities.

Burdened with work both outside and inside the home, oppressed and excluded socially and economically, *Dalit* women are unable to organise and demand their rights. Compounding this is a fact that groups working on rights generally fail to recognize the triple jeopardy faced by *Dalit* women. In general, when *Dalit* issues are raised, the focus is on caste-based discrimination and the gendered aspects of oppression of *Dalit* women are rendered invisible. Similarly, when women's issues are discussed, caste-based oppression faced by women is left out. Again, whenever *Dalit* women have tried to fight oppression, they are subjected to all kinds of atrocities and violence, including state violence.

The Fact Finding Study

While a lot of work around *Dalit* women's human rights is emerging, almost exclusively the focus is on atrocities and violation of civil and political rights. Women's realities have shown the indivisibility of economic, social and cultural rights with civil and political rights. *Dalit* women face various forms of violations. Their civil and political rights, for example are violated in order to prevent them from accessing economic and social resources.

Though in recent years, the situation of *Dalit* women in India has been explored and documented, the focus has been more from the atrocity perspectives, where violence against *Dalit* women has been the subject matter. Not much is documented as evidence with regard to the violations of their economic, social and cultural rights. PWESCR and Centre for Dalit Rights (CDR) therefore decided to undertake a fact-finding study in Rajasthan to explore critical evidence regarding the lives of *Dalit* women.

Rajasthan has its own unique geographical, social and cultural features that impact the lives of *Dalits* within the state. It's adverse climatic conditions, where livelihoods are intimately connected with ownership patterns over land and water sources, and its decadent feudal history, which increases the caste system's stranglehold over the society, has deep seated implications for *Dalits* and the discriminatory practices against them. Women within this society continue to function within strong patriarchal norms, amplifying the adversities *Dalit* women have to deal with both within and outside the family. To understand the specific forms violations of economic, social and cultural rights of *Dalit* women, this study was undertaken in five villages in Rajasthan where the Centre for Dalit Rights has been actively mobilizing them to demand their rights. These villages are 1) Kacchi Basti, Jhalana Doongri, Shekhawati Nagar, Jaipur, 2) Raigar Mohalla, Village Gudaliya, Dausa, 3) Bagarion Ki Dhaani, Village: Pachala, Tehsil: Phaggi, District: Jaipur, 4) Raigar Basti, Dausa City, Jaipur, and 5) Kadwa ka Bas, Tehsil. Dudu.

Methodology

CDR conducted background research on each of the five villages/*mohallas* before the fact finding team visited them. The fact finding team undertook field visits to these villages and conducted in depth interviews with *Dalit* women, discussions with *Dalit* local governance leaders as well as the organisation functionaries working within these villages. Meetings were also held with non-*Dalit* groups and individuals. Village information was also gathered from data available with Centre for Dalit Rights and other secondary sources of information. This endeavour, especially focusing through the lens of gender, has brought out the stark deprivation and poverty faced by *Dalit* women and the gross violations due to denial

of rights to food, water, livelihood and work. Although the focus of this fact finding was on the above mention rights only, interconnectedness of rights and women's realities also brought out issues connected to right to health and education.

The report has been broadly divided into five chapters. Chapter II that follows the present chapter discusses the legal mechanisms and framework that binds the state to be accountable for the realization of the basic rights of the *Dalits*. The chapter makes one aware that *Dalits*, as citizens of India and as human beings, have certain basic rights, which they can



Introductory meeting between PWESCR and other groups in Rajasthan

demand, exercise and claim. The government is committed to fulfil, protect and safeguard their rights. Chapter III gives details of our field visits and surveys, showing how violations of *Dalit* women's economic, social and cultural rights occur in the context of the legal framework described in the previous chapter. Chapter IV discusses our key findings. The concluding chapter V is our recommendations.

About the Organisations

CDR (Centre for Dalit Rights) is an initiative that seeks to defend, protect and promote the right of the poor, particularly the *Dalits*, who are the most vulnerable, underprivileged and exploited section of society, through capacity building of *Dalits* activists, and providing social and legal support as enshrined in the Indian Constitution and other instruments of social justice.

PWESCR (Programme on Women's Economic, Social and Cultural Rights) is a new international initiative working to promote women's human rights, especially in the context of economic, social and cultural rights by bringing a gender framework to policy, law and practice at local, national, regional and international levels through ever-evolving strategies and activities in both conceptual and practical realms.

Legal Framework: Equality and Non-Discrimination Right to Food, Water and Livelihood

I. International Instruments and Mechanisms

India has ratified several international human rights treaties including the International Covenant on Economic Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination and the Convention on the Elimination of Discrimination against Women. India has very clear and binding international obligations under these with respect to equality and non-discrimination, right to food, water and livelihood.

Equality and Non-Discrimination

Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.

All are equal before the law and are entitled without any discrimination to equal protection of the law.¹

The Principle of Equality: Enjoyment of human rights based on equality must be understood comprehensively. Formal equality assumes that equality is achieved if a law or policy treats men and women in a neutral manner. Substantive equality is concerned,

in addition, with the effects of laws, policies and practices and with ensuring that they do not maintain, but rather alleviate, the inherent disadvantage that particular groups' experience.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.²

The Principle of Non-discrimination: A corollary of the principle of equality, it prohibits differential treatment of a person or group of persons based on his/her or their particular status or situation, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status.

The principles of equality and non-discrimination, by themselves, are not always sufficient to guarantee true equality. *Temporary special measures³* may sometimes be needed in order to bring disadvantaged or marginalized persons or groups of persons to the same substantive level as others. Temporary special measures aim at realizing not only formal equality, but also substantive equality.

Women: Women are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination. Many women experience distinct forms of

¹ UDHR, Article 7.

² UDHR, Article 2, Para 1.

³ International Convention on the Elimination of all forms of Racial Discrimination, Article 2(2).

discrimination due to the intersection of sex with such factors as race, colour, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status, resulting in compounded disadvantage.

The Convention on Elimination of all Forms of Discrimination against Women (CEDAW) Article 14(2) (h) states:

State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right... (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.⁴

CEDAW defines discrimination against women as:

... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.⁵

The International Covenant on Economic Social and Cultural Rights 1966 (ICESCR) affirms that State Parties have an obligation to:

... ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.⁶

The equal right of men and women to the enjoyment of all human rights is a mandatory and immediate obligation of State Parties.

Dalits: In 1996, Committee on Elimination of Racial Discrimination (CERD) concluded that the plight of *Dalits* falls squarely under the prohibition of descent-based discrimination.

⁴ COHRE, 2000, Legal Resources for Housing Rights-International and National Standards.

⁵ CEDAW, Article 1.

⁶ ICESCR, Article 3.

⁷ ICERD, Article 1(1), also see CERD General Comments 29. It has been clearly mentioned that State has an obligation to take certain measures against descent-based discrimination.

⁸ ICESCR, Article 2(2).

⁹ See Universal Declaration of Human Rights, 1948, Article 25(1).

The International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as:

... any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.⁷

ICESCR affirms that State Parties have an obligation to:

... guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁸

Ensuring that all human rights are exercised without discrimination based on caste is therefore a mandatory and immediate obligation of State Parties.

Right to Food

The human right to food has been recognized as a distinct human right since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, which proclaims that

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food...⁹

Further articulation of the human right to food is found in the ICESCR 1966. Pursuant to Article 11(1) of ICESCR, States Parties recognize ‘the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions’. Article 11(2) requires the State Parties to take measures to ensure ‘the fundamental right of everyone to be free from hunger’.

The Special Rapporteur on the right to food appointed defined right to food as ‘*the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a*

physical and mental, individual and collective, fulfilling and dignified life, free of fear.'

The right to food as a human right has the following elements:¹⁰

1. **Adequacy:** The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. Freedom from hunger is the only right in the Covenant that is termed "fundamental". Full realization of the right to adequate food entails much more than freedom from hunger.

2. **Dietary Needs:** The diet must as a whole contain a mix of nutrients adequate for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation.

3. **Freedom from Adverse Substances:** The notion of freedom from adverse substances sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain; care must also be taken to identify and avoid or destroy naturally occurring toxins.

4. **Cultural or Consumer Acceptability:** Right to food implies the need to take into account, as far as possible, the perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.

5. **Sustainability:** Food must be accessible to both present and future generations and incorporates the notion of long term availability and accessibility. Whereas long-term availability points to the ecological limitations of food production and distribution, the long-term accessibility of food points to the need to ensure that the access to food must not be risky or

variable but continuous over time, even over a long period of time.

6. **Accessibility:** In order for food to be accessible to *everyone* without discrimination, various dimensions of accessibility are:

a. Non-discrimination: Water must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.

b. Economic Accessibility: Food is economically accessible to a person or community when the personal or household financial costs associated with the acquisition of food for an adequate diet are at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Without the means to procure food, economic access to food is impossible. The normative content pertaining to both economic and physical access to food therefore implies entitlement to access to the means to procure food, natural and other resources, which include things like skills, knowledge, markets etc.

c. Physical Accessibility: Adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. Therefore, physical accessibility of food imposes a requirement that people who may not be in a position to make use of resources or money to buy food, despite having access to it. Physical accessibility of food is unconditional and independent of an individual's economic activities or specific merits, that is, whether or not a person "deserves" aid.

7. **Availability:** This refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed.

¹⁰Based on CESCR, General Comment No. 12 on the Right to Adequate Food

Right to Water

Water is a limited natural resource and a public good, fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

The right to water is recognized as a human right under Article 11(1) of the ICESCR¹¹ stated above. The use of the word “including” in the Article indicates that this catalogue of rights was not intended to be exhaustive.

Water is required for a range of different purposes, besides personal and domestic uses, to realize many other rights. For instance, water is necessary to cook food (right to adequate food) and ensure environmental hygiene (right to health). Water is essential for securing livelihoods (right to gain a living by work) and enjoying certain cultural practices (right to take part in cultural life). Therefore, the right to water is also inextricably related to the right to the highest attainable standard of health and the rights to adequate housing and adequate food.

The right to water as a human right has the following elements:¹²

1. **Adequacy:** Water must be *adequate* for human dignity, life and health. The adequacy of water should not be interpreted narrowly, by mere reference to volumetric quantities and technologies. Water should be treated as a social and cultural good, and not primarily as an economic good. The adequacy of water required for the right to water may vary according to different conditions.

¹¹ See CESCR, General Comment No. 15 on the Right to Water, Para 3; General Comment No. 14 on the right to the highest attainable standard of health, paragraphs 11, 12 (a), (b) and (d), 15, 34, 36, 40, 43 and 51; and General Comment No. 4 on the Right to adequate housing, Para. 8 (b).

¹² Based on CESCR, General Comment No. 15 on the Right to Water.

2. **Availability:** The water supply for each person must be sufficient and continuous for personal and domestic uses. “Continuous” means that the regularity of the water supply is sufficient for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene. Some individuals and groups may also require additional water due to health, climate and work conditions.

3. **Quality:** The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological *hazards* that constitute a threat to a person’s health. Furthermore, water should be of an acceptable colour, odour and taste for each personal or domestic use.

4. **Accessibility:** Water and water facilities and services have to be accessible to *everyone* without discrimination. Various dimensions of accessibility are:

a. **Non-discrimination:** Water must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.

b. **Physical Accessibility:** Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household, educational institution and workplace. Physical security should not be threatened during access to water facilities and services.



Inadequacies of water supply is evident in all villages

c. **Economic Accessibility:** Water, and water facilities and services, must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable and must not compromise or threaten the realization of other Covenant rights

d. **Information Accessibility:** Accessibility includes the right to seek, receive and impart information concerning water issues.

When women's access to water is restricted due to distance, time constraints or economic factors, they are often obliged to accept lower-quality water. This is a particularly frightening alternative given that 80% of all illnesses are transmitted by contaminated water. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee has underlined that the health of rural women often crucially depends on adequate and non-discriminatory access to water.¹³

Right to Work

The human right to work is essential for realizing other human rights and forms an inseparable and inherent part of human dignity. Every individual has the right to be able to work, allowing him/her to live in dignity. The right to work contributes at the same time to the survival of the individual and to that of his/her family, and insofar as work is freely chosen or accepted, to his/her development and recognition within the community.

ICESCR recognizes right to work and the related rights of

- Right to enjoyment of just and favourable conditions of work
- Right of everyone to form trade unions as well as the right of trade unions to function freely.¹⁴

The right to work is an individual right that belongs to each person and is at the same time a collective right. It encompasses all forms of work, whether independent work or dependent wage-paid work. The right to work should not be understood as an absolute and unconditional right to obtain

¹³CEDAW General Recommendation No. 24, Women and Health.

¹⁴See ICESCR Article 6,7 and 8.

¹⁵Based on CESCR, General Comment No. 18 on the Right to Work.



A woman from Ragiari Basti

employment. It includes the right of every human being to decide freely to accept or choose work. This implies not being forced in any way whatsoever to exercise or engage in employment and the right of access to a system of protection guaranteeing each worker access to employment. It also implies the right not to be unfairly deprived of employment.

The right to work as a human right has the following elements:¹⁵

1. Availability: States parties must have specialized services to assist and support individuals in order to enable them to identify and find available employment.

2. Accessibility: The labour market must be open to everyone

a. **Non-discrimination** in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation, or civil, political, social or other status.

b. **Physical Accessibility** is one dimension of accessibility to employment as explained in paragraph 22 of General Comment No. 5 on persons with disabilities.

c. **Information Accessibility:** The right to seek, obtain and impart information on the means of gaining access to employment through the establishment.

3. Acceptability and Quality: Protection of the right to work has several components, notably the right of the worker to just and favourable conditions of work,

in particular to safe working conditions, the right to form trade unions and the right to freely choose and accept work.

Under Article 14, of the CEDAW the States Parties address the specific problems faced by rural women. They act to ensure that women have, specifically, equal access to land as well as:

- the elaboration and implementation of development planning;
- health care facilities and information;
- education and training and especially functional literacy;
- economic advantages especially when there is agrarian reform;
- modern marketing facilities and technology;
- adequate and healthy living conditions.

States's Obligations

All State parties have certain obligations with respect to all the human rights that have been described above.¹⁶ These are:

1. General Obligations

a. Progressive Realization: There is an obligation on every State to continuously improve the level of realization of each human right through adoption of legislative as well as financial, administrative and social measures.

b. Non- retrogression: Every State has an obligation of non-retrogression, that is, it has an obligation not to take away rights that already rest with the people or have been recognized by the State.

2. Immediate Obligations

a. Non-discrimination and Equality: State parties have an immediate obligation to ensure that all rights are enjoyed without discrimination of any kind¹⁷ (on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation and civil, political, social or other status) and equally between men and women.

¹⁶See ICESCR Article 2 & 3 and CESCR, General Comment No. 3.

¹⁷See ICESCR, Article 2(2).

States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right (including women, children, minority groups, rural and deprived urban areas, indigenous peoples, migrant workers etc.)

b. Take Steps Towards Full Realization: State parties have a constant and continuing duty to measure the levels of realization against available resources at the national level and move as expeditiously and effectively as possible towards the full realization of every human right.

3. Specific Obligations

a. The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of human rights.

b. The obligation to protect requires States to take measures that prevent third parties from interfering in any way with the enjoyment of human rights.

c. The obligation to fulfil requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of all human rights. The obligation to *fulfil* can be disaggregated into the obligations to facilitate, promote and provide. The obligation to facilitate requires the State to take positive measures to assist individuals and communities to enjoy the right.

II. CONSTITUTIONAL AND LEGAL FRAMEWORK

Apart from the international legal obligation, India also has domestic legal obligations, under the Constitution and other laws regarding equality and non-discrimination, right to food, water and livelihood.

Equality and Non-Discrimination

The principle of equality and non-discrimination are enshrined in the Constitution of India.

- The state guarantees to every person the right to “equality before law” and “equal protection of laws”. This implies (a) the law is the same for everyone; it should be applied in the same way to all (b) the state has an obligation to bring

necessary social and economic changes so that everyone may enjoy equal protection of the laws and nobody is denied such a protection.¹⁸

- Every citizen shall have equality of opportunity¹⁹, irrespective of religion, race, caste, sex, descent, place of birth, residence or any of them, to:
 - ◆ employment or appointment to any office under the State
 - ◆ access to shops, public restaurants, hotels and places of public entertainment or the use of wells, tanks, bathing *ghats*, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

Women: The Constitution empowers the State to make any special provision for women and children such as **setting up of institutions exclusively for women or reservation at institutions, government jobs and other public officers.**²⁰

It provides all citizens, men and women equally, the right to an adequate means of livelihood and the State must ensure equal pay for equal work for both men and women²¹.

The Equal Remuneration Act, 1976 provides for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment.

Dalits: *Dalits* in legal parlance are called Scheduled Castes (SCs), and are identified as such by the President of India under Article 341 of the Constitution where they are put under a Schedule.

The Constitution empowers the State to make special provisions in favour of Scheduled Castes on the questions of ²²

- ◆ Access to public places
- ◆ Admission to educational institutions
- ◆ Appointment and promotions in services under the State

¹⁸See Constitution of India Article 14.

¹⁹See Constitution of India Articles 15, 16.

²⁰See Constitution of India Article 15 (3).

²¹See Constitution of India Article 39.

²²See Constitution of India Article 15(4) , 16 (4) and (4A).

²³See The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 3.

²⁴AIR, 1981, SC 746.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act was enacted in 1989 with the objective of preventing the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

The Act provides for punishment, among other atrocities, for:²³

- wrongfully occupying or cultivating any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred.
- wrongfully dispossessing a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water.
- corrupting the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used.
- denying a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs, so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to.

Right to Food, Water and Livelihood

Article 21 of the Constitution which guarantees the Fundamental Right to life and personal liberty states that

No person shall be deprived of his life or personal liberty except according to procedure established by law.

The right which is the most fundamental of all is also the most difficult to define. In *Francis Coralie vs. Union Territory of Delhi*²⁴, the Supreme Court held:

‘...that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head...This right to live enshrined in Article 21 derives its life breath from the Directive Principled of State Policy.’

Keeping this view of the Court in perspective, we shall now examine the provisions in the Constitution that directly deal with the right to food, livelihood and water. We shall also briefly discuss other laws impacting the rights of women and *Dalits*, wherever applicable.

Right to Food

As has already been mentioned, the Supreme Court has held adequate nutrition as being intrinsic to the Fundamental Right to Life as enshrined in Article 21.

The ongoing public interest litigation in the Supreme Court, *PUCL vs. Union of India*²⁵, popularly known as “the right to food case”, focuses on the general need to uphold the right to food, which follows from the fundamental “right to life” enshrined in Article 21 of the Indian Constitution. The Supreme Court, through its various interim orders directing the Indian government, for instance to: (1) introduce mid-day meals in all primary schools, (2) provide 35 kilograms of grain per month at highly subsidized prices to 15 million destitute households, and (3) double resource allocations for *Sampoorna Grameen Rozgar Yojana*, and the appointment of Commissioners or the purpose of monitoring the implementation of all orders relating to the right to food, has recognized the fundamental nature of the right to food and its justiciability.

Article 47 of the Constitution, is a Directive Principle which directs the State to raise the level of nutrition and the standard of living of its people and to improve public health. It states that:

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties...

Right to Water

The right to water is indispensable for leading a life in human dignity. The “bare necessities of life”

described by the Court in *Francis Coralie vs. Union Territory of Delhi* though does not explicitly include water, it must be construed to include this right as well.

Right to Livelihood

The Supreme Court has, through a number of cases clearly held that the right to livelihood is included in the right to life ‘because no person can live without the means of living, that is, the means of livelihood.’²⁶

The Constitution itself, through various Directive Principles of State Policy, recognises various aspects related to work and livelihood. The State has a duty to:

- Ensure for its people adequate means of livelihood, fair distribution of wealth and equal pay for equal work.²⁷
- Ensure the people within the limits of its economic capacity and development: employment, education and public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.²⁸
- Ensure for just and humane conditions of work.²⁹
- Ensure to the worker, work, living wages, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.³⁰



Meeting with Dalit Women discussing right to food, water and livelihood

²⁵Writ Petition [Civil] No. 196 of 2001.

²⁶*Olga Tellis vs. Bombay Municipal* (1985)3 SCC 545; *Delhi Transport Corp. vs. D.T.C Mazdoor Congress*, AIR, 1991, SC 101.

²⁷See Constitution of India, Article 39 (a), (b), (c) and (d).

²⁸See Constitution of India, Article 41.

²⁹See Constitution of India, Article 42.

³⁰See Constitution of India, Article 43.

III. NATIONAL POLICIES

Food and Nutritional Security

The Government of India has implemented food and nutritional security programmes and other assistance schemes. Prominent among them are:

1. *The Targeted Public Distribution System*

- The Government of India launched the Targeted Public Distribution System (TPDS) from June 1997.
- TPDS was intended to be established as a method to streamline the public distribution system by issuing special cards to BPL families and selling food grains under PDS to them at specially subsidized prices.
- Identification of beneficiaries is to be based on BPL census to be done every 5 years.
- The BPL census 1997 was based on household consumer expenditure criterion. Families with an annual income of Rs. 20, 000/- or more, those owning *pucca* houses³¹, more than 2 hectares of land, consumer durables etc. were excluded from the list.



Village meeting with fact finding team in Gudaliya

- The identification of BPL and APL families in the BPL census 2002 was to be done on the basis of a door to door survey, based on 13 scorable socio-economic indicators, size of operational

³¹A structure whose walls and roof at least are made of pucca materials like oven-burnt bricks, stone, stone-blocks, cement, concrete, jack-board (cement plastered reed), tiles and timber.

landholding, type of house, availability of clothes, food security, sanitation, ownership of consumer durables, literacy status, status of household labour force, means of livelihood, status of children (going to school), type of indebtedness, reason for migration from household, preference for assistance.

- ♦ Scores of each household in a village was to be displayed at a prominent place. The 2002 census has not however been operationalized in most states.
- ♦ Both BPL and APL families are currently entitled to receive 35 kilograms of food grains per month per family. Sugar and kerosene entitlements differ in each state.
- ♦ The current Central Issue Price for BPL families is Rs. 4.15/- per kg for wheat and Rs. 5.65/- per kg for rice; for APL families is Rs. 6.10/- per kg for wheat and Rs. 8.30/- for rice.
- ♦ A BPL card also facilitates the holding family with employment under relief works, free medicine and entitlement for a house under the *Indira Awaas Yojana*, among other things.

2. *Antyodaya Anna Yojana*

- The Government of India launched the *Antyodaya Anna Yojana* (AAY) in December 2000.
- It targets the poorest of the poor from among the BPL families.
- Beneficiary families are identified by *gram sabhas* (village council meetings) and *gram panchayats* (village councils).
- *Antyodaya* households are provided with a special ration card which entitles the household to 35 kilograms of grain per month at highly subsidized prices (Rs 2/- per kilograms for wheat and Rs 3/- per kilograms for rice).
- Distribution is done through designated fair price shops under the public distribution system.

3. *Annapoorna Yojana*

- *Annapoorna Yojana* is a programme that is linked to the targeted PDS.
- It targets indigent senior citizens of 65 years of age or above, who though eligible for old-age pension

under the National Old Age Pension Scheme (NOAPS), are not getting the pension and who do not live with their children in the same village are covered under the Scheme.

- It provides 10 kilograms of food per month free-of-charge to the identified beneficiaries.
- Identification of beneficiaries is done through the *gram sabha*.
- The Ministry of Rural Development of the Government of India is charged with its implementation. The implementation of the Scheme at the ground-level rests with the States/UTs.

4. *Mid Day Meal Programme*

- The Mid-Day Meal Scheme was launched by the Ministry of Human Resource Development (Department of Education) with effect from 15th August, 1995.
- Intended to be a major relief for poor children and an encouragement to them to go to school, the scheme targets all children in government and government-assisted schools and they are provided a free midday meals for at least 200 days per year.
- All children are entitled to fresh cooked meal on each working day, for at least 200 days a year.
- As per a Supreme Court order, SC/ST individuals are to be given preference as cooks/helpers.



Children at a school in Raigor Mohalla having midday meal

5. *National Old Age Pension Scheme*

- NOAPS is a central assistance scheme to persons above the age of 65 years who have little or no means of subsistence either through his/her own sources or through support from family and other sources.
- The pension under the Scheme currently is Rs 200/-.

6. *National Family Benefit Scheme*

- NFBS is a social assistance scheme meant for the living spouse of a deceased person, who is the earning member of the family.
- Under this scheme, BPL families who have lost their primary bread winner, aged between 18 and 65 at the time of death, are entitled to receive a consolidated amount of Rs.10,000.

7. *Integrated Child Development Scheme*

- The Government of India launched the Integrated Child Development Services (ICDS) Scheme on October 1975.
- The objective of ICDS is to provide all basic sectoral services, related to early childhood care, preschool education, nutrition and health converge, through a community-based child care worker i.e. the *anganwadi* worker, on the same group of children, adolescent girls, pregnant and nursing mothers.
- Key services under ICDS include immunization, health check-ups, referral services, treatment of minor illnesses, supplementary feeding, growth monitoring and promotion, nutrition and health education, early care and stimulation for children under three years of age and other supportive services such as safe drinking water, environmental sanitation, women's empowerment, non-formal education and adult literacy.
- The *Anganwadi*, located within the village or the slum area itself, is the focal point for the delivery of services at the community level.

8. *Janani Suraksha Yojana*

- *Janani Suraksha Yojana* (JSY), launched in April 2005, is a safe motherhood intervention under the National Rural Health Mission (NRHM)

being implemented with the objective of reducing maternal and neo-natal mortality by promoting institutional delivery among the poor pregnant women.

- SY is a 100 % centrally sponsored scheme and it integrates cash assistance with delivery and post-delivery care.
- All states are classified into Low Performing (LPS) and High Performing (HPS) under the scheme. The 10 LPS are Uttar Pradesh, Uttarakhand, Madhya Pradesh, Chhattisgarh, Rajasthan, Bihar, Jharkhand and Orissa, Assam and J&K. The rest of the states are classified as HPS.
- The target group is all pregnant women in LPS, pregnant women aged 19 years and above with BPL card in HPS and all SC and ST women in LPS as well as HPS.
- Benefits are available for the first two live births. The benefits would be extended to all women from BPL families of even after the third live birth if the mother, of her own accord chooses, under LPS, to do sterilization in the health facility where she delivered, immediately after the delivery.
- The Yojana has identified the Accredited Social Health Activist (ASHA) or equivalent workers as an effective link between the Government and the poor pregnant women.
- In rural areas the mother's package, for deliveries in Government health centres or accredited private institutions is Rs. 1,400/- for LPS and Rs. 700/- for HPS. Women preferring to deliver at home are entitled to cash assistance of Rs. 500/- per delivery.
- The health workers have, apart from other things, the responsibility of identifying pregnant woman as a beneficiary of the scheme and report or facilitate registration for ante natal care, providing and/or help the women in receiving at least three ante natal checkups including TT injections, IFA tablets, identifying a functional Government health centre or an accredited private health institution for referral and delivery, escorting the beneficiary women to the pre-determined health centre and stay with her till the woman is discharged, post natal visit within seven days of delivery to track the mother's

health after delivery and facilitate in obtaining care, wherever necessary.

Livelihood

Following are some of the Government of India schemes relating to work and livelihood.

1. *Swarnajayanti Grameen Swarozgar Yojana (SGSY)*

- SGSY is an ongoing programme on the self employment of rural poor with an objective of providing income generating assets through a mix of bank credit and government subsidy.
- The programme aims at establishing a large number of micro enterprises in rural areas with an emphasis on organizing the rural poor into self-help groups, capacity-building, planning of activity clusters, infrastructure support, technology, credit and marketing linkages.
- The programme insists that 50% of the self-help groups must be formed exclusively by women and that 50% of the benefits should flow to SCs and STs. There is also a provision for disabled beneficiaries.
- The target group is rural families living below poverty line. Four to five activities are selected in each block with the help of officials, non-officials and the bankers.
- SGSY is credit driven and subsidy is back-ended. Subsidy under the SGSY will be uniform at 30% of the project cost, subject to a maximum of Rs. 7500/-. With respect of SC/STs and disabled persons however, these will be 50% and Rs. 10,000/- respectively.

2. *Sampoorna Grameen Rozgar Yojana (SGRY)*

- SGRY was introduced in September 2001. The basic aim of the scheme continues to be generation of wage employment, creation of durable economic infrastructure in rural areas and provision of food and nutrition security to the poor.
- The works taken up under the programme are labour-intensive and the workers are paid the minimum wages notified by the states.
- Payment of wages is done partly in cash and partly in kind – 5 kilograms of food grains and the balance in cash.

3. National Food for Work Programme

NFFWP is a 100% centrally sponsored scheme which aims to provide additional resources apart from the resources available under the SGRY to 150 most backward districts of the country so that generation of supplementary wage employment and providing of food-security through creation of need based economic, social and community assets in these districts is further intensified.

4. National Rural Employment Guarantee Act/Scheme

- Under NREG Act 2005, the scheme was launched in February 2006 to ensure livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual labour.
- Presently the scheme is confined to 200 districts where existing work opportunities for the poor are sub-optimal. Jaipur and Dausa are not districts notified under the scheme.
- The Act states that “priority” should be given to women in allocation of work, ‘in such a way that at least one-third of the beneficiaries shall be women.’

5. Scholarship Scheme

- This scheme targets Scheduled Caste and Scheduled Tribe students in the state, studying from primary school level to college level.
- **Pre matric scholarship:** Male students from classes 6 to 8 are to receive a scholarship of Rs.15/- and female students a scholarship of Rs.20/-. Male students of classes 9 and 10 are to receive a scholarship of Rs.30/- and female students a scholarship of Rs.40/-. This is given by the Education Department of the State.
- **Post matric scholarship:** Scheduled Caste and Scheduled Tribe students in 10+2 classes and college whose parents have an annual income of less than Rs.1, 00,000/-. The scholarship amount is Rs. 425/- per student per month.

6. Grants and Loans for Financing Income Generating Activities

- National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC) was set up by the Government of India in February, 1989 to provide concessional finance for setting up of self-employment projects and skill-training grants to unemployed SC/ST persons living below double the poverty line.
- Rajasthan SCs and STs Finance and Development Corporation Ltd. was set up in 1980 with the objective of financing income generating activities of SC beneficiaries living below the poverty line limits (presently Rs.20, 000/- p.a. for rural areas and Rs.21, 400/- p.a. for urban areas). Schemes include support for grants and bank loans for agricultural implements, pump sets and minor irrigations, handicrafts, shoe making etc.

7. Rashtriya Mahila Kosh

The National Credit Fund for Women or the *Rashtriya Mahila Kosh* (RMK) was set up in March 1993 with the objective to provide or promote the provision of micro-credit to poor women for income generation activities or for asset creation. Delivery is normally through Self Help Groups.

Rural Housing

1. Indira Awas Yojana

- Initiated in 1985-86, the IAY is the core programme for providing free housing to



Fact finding team meet with villagers to discuss these policies in Bagarion ki Dhaani

- BPL families in rural areas and targets SC/STs households, freed bonded labourers and non-SC/ST subject to the condition that the benefits to non-SC/ST should not exceed 40% of total IAY allocation during a financial year.
- It has been laid down that IAY houses are to be allotted in the name of women members of the household or, alternatively, in the joint names of husband and wife.
 - The funding pattern of the IAY is shared between the Centre and State in the ratio of 75:25. From 1999-2000, the allocation of funds under the *Indira Awaas Yojana* to the States/UTs is being made on the basis of the poverty ratio, as approved by the Planning Commission.
 - The ceiling on construction assistance under the IAY currently is Rs.25, 000/- per unit for the plain areas and Rs.27, 500/- for the hilly/difficult areas. In Rajasthan the Construction Assistance is Rs. 25,000/-.

Five Village Descriptions

1. Kacchi Basti, Jhalana Doongri, Shekhawati Nagar, Jaipur

Jhalana Doongri is a resettlement colony located in the outskirts of Jaipur city where workers from stone and lime quarry were given small plots for building houses in the 1980s. Families who were not given land in Jhalana Dongri, were allotted houses next to it, and this came to be called *Kacchi Basti*. A large urban slum today, *Kacchi Basti* comprises of 300 *Dalit* families out of the total 500 families dwelling in it. The slum is illegal for, although the government allotted all the houses, they have not given any legal title (*patta*) to them. The residents are thus at the mercy of the government which can vacate, evict or demolish the *Basti* as and when they wish to. Over the last decade, the Jaipur Development Authority has thrice demolished the part of *Kacchi Basti* that our team visited, without resettling any of the families. With rural livelihoods, especially agriculture, being insufficient to survive on, there is also an influx of relatives from villages who come to Jaipur city to find work and are staying with families in this *Basti* in overcrowded houses. Some families are renting rooms at as much as Rs. 500/- per month.

ICESCR Article 11(1) states:

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

Houses, mostly with two rooms, in this *Basti* have been built on plots measuring 10ft x 15ft. Only those who can afford them have electricity and water facilities. The minimum electricity bill, irrespective of usage, is Rs, 500/- per month, a price that most families in the *Basti* cannot afford. Thus most of the houses are without electricity and water.

There is a complete lack of basic amenities in the *Basti*. There are no drains and foul-smelling sewage water flows through the streets. Children play in this filth. The overflowing street often becomes the cause of frequent fights. There are no *pucca* roads. In absence of any toilet facilities, people are forced to use the road as a toilet, as the empty plot next to the *Basti* previously being used for this, has recently been walled off. Due to lack of privacy, women respond to nature's calls only when it is dark. Besides lack of privacy, the road also poses danger to children because of heavy traffic.



No drains therefore foul smelling sewage water flows through the streets in Kacchi Basti

There is no law and order in the *Basti*. There are a couple of men who act like local “*dadas*” (hooligans) and intimidate and terrorize all. Women face the brunt of this abuse and violence. The police are completely apathetic to the situation, take no action even after receiving complaints and refuse to lodge FIRs (First Information Reports). Lack of police support, the residents feel, is due to the fact that they are *Dalits* and poor.

There are no public health facilities in the *Basti*. No health worker ever visits the place. In emergencies, the residents get treatment from a nearby private doctor who charges Rs. 100/- per visit.

1. *Livelihood:*

Employment opportunities are few with alternative livelihood means being limited. The kind of work available is casual, informal and/or piecemeal. This adds to economic vulnerability in which these families live. Women, besides doing household work, taking care of the children and other daily chores, are compelled to undertake some income generation work due to extreme poverty.

Women work as construction workers or as head loaders in a nearby *mandi* (wholesale market). Some women work in shifts in nearby factories. Shifts end and begin as late as 2 a.m. in the night. Considering the poor law and order situation in their *Basti*, the timings of the shifts also deepen women’s

vulnerability to violence and exploitation including sexual harassment and exploitation, at the workplace and in the *Basti*. Though women were hesitant to talk about this, there was some indication that the 2 o’clock shift was more to use women as sex workers. The women feel that since they are poor, *Dalit* and women, they have to accept this reality and to live with it.

The only other work available, other than domestic work, is of stitching sequins and lace, etc. on garments for garment factories. This allows the women to work from their homes. Some of the more enterprising women get these garments on contract from nearby factories and subcontract them to other



Women stitching sequins and lace in Kacchi Basti

Laddo Koli is a poor woman who lives with her husband and children in *Kacchi Basti*. She has five children, three boys, and two girls aged 25, 14, 6, 5 and 4. She is illiterate and is therefore unable to educate any of her children. Last year she married off her 25 and 14 years old daughters in a group-wedding event organised by a social organisation. Her daughter, who has still not gone to her marital house, does piecemeal work for the garment manufacturers, like many others here, and earns Rs. 10-15/- daily. Laddo’s husband earns about Rs. 1,500/- per month as a construction worker. He does not give any money for any thing in the house. He is an alcoholic and is very abusive. The door to their small house was all dented which, Laddo’s neighbour explains, was the evidence of her husband’s rage. Laddo is forced to work to feed herself and her children. She works from 9 am to 1 pm at a nearby *mandi* carrying heavy bundles on her head and earns about Rs. 900-1,000/- per month. She does not have a ration card and neither does she know how to get one. She spends Rs. 650/- per month to buy 50 kilograms of flour from the local grocer at Rs. 13/- per kilograms. Additionally, she spends Rs. 200/- per month on kerosene oil. She has no water in her house. She pays Rs. 50/- per month to her neighbour Saira Banu to use their tap for water. Her entire income is spent on just barely surviving. She has no mattresses in the house and has only bare minimum utensils. She cannot afford to buy vegetables. She cannot afford to send her children to school. She and her children are dependent on *peehar* (her maternal family) for clothes. Her brother bought her the house she lives in for Rs. 50,000/- but she does not have a *patta* (legal title), only an informal paper with all concerned parties’ signatures on it. Laddo is one of the several women who struggle very hard daily and yet cannot make ends meet. They have no means to deal with any contingencies like illness, accidents, marriages, etc.

women in the *Basti*. The women who actually do the work are paid by piece around Rs. 2/- per garment by the contract-holding women and make around Rs. 10/- to Rs. 15/- per day after working for 5-6 hours. The factory pays Rs. 4/- per piece to the women they contracted the job to. Young girls assist their mothers in this work to increase the income instead of going to school. Women do not want to work as domestic workers as they feel they are ill treated, humiliated and asked to do degrading jobs by the upper castes and classes. One woman informed us that she used to do domestic work for a family residing nearby. She was expected to wash clothes with menstrual stains.

Most men are engaged in casual labour either in factories or as construction workers. Employment is available, on average, only for 15 days in a month. The average wage is around Rs.100 per day. The average income of a family in the *Basti* is about Rs.1,500 per month. With large families of at least five to six members each, this monthly income is too meagre to make ends meet.

2. Education:

Education is not a priority in this *Basti*. One reason is that the nearest government school is about a kilometer away, and parents are concerned that the roads on which the children will walk, unlike those in rural areas, are not safe. The urban ghetto-like conditions in which the *Basti* people are living and the manifestation of violence, alcoholism and presence of anti-social characters add to the lack of safety of the children.

School fees for private schools are as high as Rs.50/- per month, which most families cannot afford. Even if some of them manage to send their children to these schools, it is for a short time, as most of them are casual labourers with uncertain employment and income. People of the *Basti* seem to care little about their children's future. Grinding poverty appears to work synergetically with the reality of caste discrimination and its impact on all aspect of the *Dalit* families' life to destroy any hope either of improving their own future or their children's future, especially through education.

3. Right to Food:

Food security is a myth or a distant dream for the residents of *Kacchi Basti*. People make just enough

to barely survive. They do have food, but it is not nutritious nor is it sufficient. Food insecurity makes them vulnerable to all kinds of health problems as well as open to economic exploitation. Families and especially women are forced to take up work that is unorganised and do not have any labour standards or social security measures. This leaves them vulnerable to all kinds of social, economic and sexual exploitation. Therefore, having an adequate, safe and secure means of livelihood which provides access to regular and nutritious food is interconnected intimately to food security of the families.

So far ensuring food security is being seen more as a welfare problem where the participation and agency of the poor people is unseen and unwanted. Most food programmes are aimed at providing doles through the public distribution system and unemployment schemes are constructed to provide the bare minimum salaries. The mechanisms to monitor even these schemes are half hearted and not a priority. Hence most of these schemes do not reach to the poorest. *Dalits* being the majority among the poor therefore continue to be denied their rights to food and clean drinking water.

In *Kacchi Basti*, some and not all *Dalit* families have ration cards. Very few of the families we met had Below Poverty Line (BPL) cards. Many families are unable to get ration cards because they do not have land or property in their names, which is a requirement to obtain a ration card. We observed a lack of transparency in allotment and irregularities in availability of food grains in the surveyed areas. There are other kinds of problems as well. Jyoti Mahawar has a ration card but is not able to use it because the issuing officials put the wrong ward number in the card. Her husband, a daily waged worker, is not able get it corrected because the process may take several days and he cannot risk losing his daily wage. Jyoti herself is illiterate and being new to the city with a young child, also cannot get this corrected.

It is important to emphasise that all rights are indivisible and interconnected and hence the right to food should be examined in connection with right to livelihood, water and education as well as access to productive resources like land.

4. Water:

Some families have water connections in their houses, but others are dependent on the community water tap. Some also buy water for Rs. 50/- per month from others in the colony that have water connections in their houses.

5. Sanitation:

A few houses have toilets- pit latrines that they constructed on their own. There is a piece of land near the *Basti* which was earlier used for toilet purpose but which has now been walled off, forcing the community to use the road side. This threatens the physical safety of women and adds to their health concerns.

Other observations:

The complete apathy of the government and the neglect of urban poor, especially if they are from lower castes, is amply evident in *Kacchi Basti*. Life in an illegal settlement is rife with insecurity and the *Dalits* have to live in constant fear of being displaced or thrown out of their homes. Being in an illegal settlement also denies them access to basic services. They are then living on an edge of subhuman conditions, which deny and deprive them of all the basic human rights that all of us enjoy by virtue of being human. Clearly by not ensuring access to any basic service nor implementing effective labour laws, the State is failing miserably in protecting, promoting and fulfilling the rights of *Dalit* women.

Further, to take electricity as an example, most houses do not have electricity connections in the *Basti*. Those houses that do not use more than a single bulb still have to pay as much as Rs.500/- every two months as electricity charges. It is not because they consume electricity worth that amount but because this is the minimum charge for electricity in the city.

2. Raigar Mohalla, Village Gudaliya, Dausa

Gudaliya is located about 50-60 km. from the district headquarters, Dausa and about 125 km. from Jaipur. The total population of the village is more than 4000. *Meenas, Rajputs, Gujjar, Raigar, Bairwa* and *Brahmins* are the major social groups.

The approximate caste break up of the population is as follow:

Name of Castes	Number of persons
Raigar	1000
Bairwa	2000
Meena	1000-1500
Rajput	60-70
Baniya	50
Gujjar	20-25
Mali	150-200
Koli	150
Sunar	15-20
Dhobi	10
Nai	10
Manhihar	5-6
Kumhar	25
Balmiki	30

We visited the *Raigar Mohalla* in Gudaliya. Located at the end of the village, this is where the *Raigars*, a caste that has traditionally been involved in making leather shoes, live. The *Mohalla* is large with about 90 to 100 families. After passing through the *Anganwadi Kendra*, *Gram Sabha* office, Bank of Baroda, school buildings and various well-built houses of upper caste families, we reached the poor part of Gudaliya where the *Raigar* community lives and makes shoes. This part of the *Mohalla* has no sanitation, no *pucca* roads; the houses are in poor condition, with garbage and open drains all around. The stark difference between *Dalit* neighborhood and other parts of Gudaliya is a clear indication of



Village meeting with the fact finding team in Gudaliya

the fact that economic status, resources and basic facilities in this village are enjoyed by, and in control of, the upper castes.

We had a group meeting with the *Raigar* community in their temple in which about 50 people (both men and women) participated. We had a separate group meeting with women from the community in which nearly 30 women participated. We also visited the all girls' middle school (*Rajkiya Balika Uchh Prathmik Vidyalaya*) in the village and interviewed its Principal Shashi Parikh and some teachers. We met with the *sarpanch* (village headperson), Hemlata Meena, who got elected on the Schedule Caste seat. *Meenas* are higher in caste hierarchy than *Raigar*. Although Hemlata is the *sarpanch*, her father-in-law, who was the *sarpanch* before her, is the one who takes care of all responsibilities and duties. The *sarpanch*, according to the *Raigars*, never visits their *mohalla*. We also spoke with Lalu Ram, who is the village Ward *Panch* and belongs to the *Raigar* community.

1. *Livelihood:*

All families in the *Mohalla* are dependent on the traditional shoe making business for their livelihood. There is no other work available to them in the village. Each family procures raw material from Agra and sells the shoes on its own. Men from each family make two trips in a month to Agra to get raw materials and two trips to the market to sell their shoes. They make about 150-200 shoes a month. Each pair of shoes costs about Rs. 75, which includes labour and transportation costs also. They sell it for around Rs. 80-85. The average monthly income of families is about Rs. 1,500 to Rs. 2,000. There is no public transport available in the area. Carrying their bundle of shoes, *Raigar* men hitch a ride to the market. Unlike men of other castes carrying farm produce, *Raigar* men are often stopped and harassed by the police at check posts, and have to pay bribes. These shoemakers believe they are particularly targeted by the police because they belong to a lower caste.

Loans for small businesses are available under the Khadi Gramodyog loans scheme. Dwarka Prasad, a 30 year old and one of the 5-7 *Raigar* families who got loans of Rs. 25,000/- each, shared his experience of the process. About four years ago Dwarka's loan

for Rs. 25,000/- was sanctioned, and he was asked collect it from the manager of the Bank. However after 15 rounds to the bank he was told there was no loan for him. He today realizes that the manager expected a bribe to release his loan. Dwarka believes that, being poor and *Dalit*, he did not have all the information about the processes involved in securing a bank loan. Systematic and historic oppression of the lower caste adds to the internalisation of the oppression making it difficult for them to think about questioning the system and demanding their rights.

The *Rajput* and *Meena* communities own most of the land in the village. Each *Raigar* family was allotted about 2 *bighas*¹ of agricultural land near a *Gujjar* (a higher caste community) settlement in 1970s, about 2-3 km from the village. Shoe making being their primary occupation, the *Raigar* community did not immediately utilize the land. The *Gujjars* forcibly and illegally occupied the land. When the *Raigar* community approached the Block (*Zila*) administration and asked for records for the land, they were told that since the *Gujjars* had been occupying the land for some time, it belonged to them now.

As with all women in the context of work, *Raigar* women's contribution to shoe production – stitching the soles and colouring them – is neither recognized as work, nor paid for. When we asked men from the community whether women worked or not, the answer was a quick no. On being asked if women did any work in the shoe making process, men, who had earlier said women did not work, admitted, '*Haan talle seena aur rang lagane jaisa chota mota kaam kar leti hain*' (yes they do minor things like stitching soles and coloring the shoes.)



A woman stitching soles of shoes in Raigar Mohalla

¹A bigha varies in size from about 1/10th to 1/5th of a hectare.

During our conversation with the women's group, most women said that they woke up as early as 4 am, while it is still dark, to go to the fields as there are no toilets. A piece of land measuring about 2-3 *bighas* belonging to *Raigar* is used for this purpose. However, in rainy seasons this gets muddy and stinks making it very difficult to access. In absence of any alternatives women have to use this plot. Some *Raigar* families have cows and/or goats and it is solely women's responsibility to look after them. Women finish their domestic chores by around 10 o'clock in morning after making morning tea, breakfast and sending the children to school. They are relatively free till 4 pm in the afternoon except for the hour when they have to go and collect water and finish related chores. This is also the time when they help their husbands in shoemaking process. Women emphasized that they want paid work that would be recognized as work, and at the same time, reduce both their poverty and their financial dependence on men. But there is no work available for them. There are no self help groups in the village and no government schemes to help them find employment.

Almost all families have taken a loan from upper caste moneylenders for marriage, building house, delivery of child and other such events. The loan ranged from Rs. 1,000/- to Rs. 50,000/-. Even though the average monthly income in the *Mohalla* is Rs. 2,000/-, no family has any real savings as all the money goes in repayment of loans. This also adds to their dependency on upper caste and exposes them to other forms of oppression and ill treatment. Women expressed a need to have work to earn some income to pay back the loan and free themselves and their family from the upper caste moneylenders who abuse and exploit them in order to extract repayment from them. In such situations, *Dalit* women and children become like bonded labourers who work free for the moneylenders. Exploitation of a *Dalit's* economic vulnerability by upper caste moneylenders through giving loans, in absence of any government social protection policies, is one of the most pervasive ways in which the caste-based discrimination gets carried out.

² Scheduled Tribes.

³ Other Backward Classes.

⁴ See <http://sje.rajasthan.gov.in/Schemes/postMSchRuleSC.htm>, <http://sje.rajasthan.gov.in/Schemes/postMSchRuleST.htm>, <http://sje.rajasthan.gov.in/Schemes/postMSchRuleOBC.htm>.

2. Housing:

There is an acute shortage of land to build houses in the *Raigar* community. In 1977, 175 sq.m. of grazing land was allotted to them for housing purposes. *Raigar* men were also given *pattas* (official titles). Some *Raigar* families, who could afford it, built houses on this land and this is what is called the new *Raigar Mohalla*. But nearly 7½ *bighas* have been forcibly occupied by *Meenas* of the village, who built a boundary wall around it. Jansi, the *Raigar* who owned the land and lived there in a small hut, was forced out and his hut destroyed. About 50 families in the village have no land to build houses on and are compelled to live with their parents and grandparents in overcrowded houses. Overcrowding leads to lack of privacy. Women were hesitant to talk much about this but some did mention that it is difficult to find places to dry out menstrual clothes. They dry them under their other clothes.

3. Education:

There are three schools in the village, a primary school for boys, a primary and middle school for girls, and a co-educational high school. Almost all children in the community go to schools. But none of the girls have studied beyond 8th standard.

There are two scholarships schemes available under the Rajasthan Government for the educational development of students belonging to SC, ST² and OBC³, funded by the Ministry of Tribal Affairs, Government of India:

- i) Scheme of Post Matric Scholarship to the students belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes for studies in India;⁴



Children in a school in Gudaliya

- ii) Scheme of Pre Matric Scholarship for Children of those engaged in unclean occupation.⁵

The amount towards the scholarship to SC/ST students has not been received for year 2005-06 and 2006-07.

During the group meeting it became evident that *Raigar* parents are not given precise information regarding the procedures, deadlines, etc. for the scholarship. They are made to run around till the deadline passes and then are told it is too late to apply.

The discrimination in schools is also evident in other ways. *Raigar* girls are not allowed to participate in cultural activities like dancing or singing during school celebrations such as Republic Day, etc. If selected, they are dropped on the pretext of not being talented enough. Cultural activities, which can be an effective way to build the confidence of girls and to develop their personality, have instead become a means of humiliation and discrimination for young *Raigar* girls.

Poonam Kumari Phulwari, daughter of Lallu Ram and a 7th standard student at the girls' school told us that the teachers asked only lower castes girls to clean the school compound and toilets before the daily assembly. Poonam fears and resents being asked to do this. She recognizes the discrimination she has to face because of being a *Dalit*. She tries to avoid the humiliation by going late to school everyday, only after the assembly.

4. Food Security Schemes:

Targeted Public Distribution System (TPDS), *Antyodaya Yojana* (AY) and *Annapoorna Anna Yojana* (AAY): Most families in the community have ration cards. However, the complete lack of transparency and corruption in selection of BPL families were evident in this village as well. Only two or three families have BPL cards. Some *Rajput* and *Meena* families that own land and tractors and visibly not poor, also have BPL cards. The community felt that at least five to ten families in the community needed BPL cards as they had very inadequate means of livelihood.

⁵ This scheme is specifically meant for children of persons who work as manual scavengers. See <http://sje.rajasthan.gov.in/Schemes/index.htm>.

⁶ See Chapter: Legal Framework: Equality and Non-Discrimination, Right to Food, Livelihood and Water.



Mid-day meal being served at a school in Gudaliya

We met two people in the village with *Antyodaya* cards and one with an AAY card. The latter, Manphooli Devi, is a 75 year old widow who has no children and lives alone. She has no source of income. She survives with whatever little help she gets from her maternal family. She has a card under the AAY scheme under which she is entitled to 10 kilograms of free food grains every month. However, she does not regularly get the allocation she is entitled to, in spite of visiting the ration shop several times a month. Usually she is given the combined allocation of 3-to-4 months in one go. She then has to make several more trips to the ration shop to bring home the grain, as she is too old and is not able to bring them back at one go and too poor to hire someone to carry it for her.

Mid-day Meals Scheme: We visited the girls' school (*Rajkiya Balika Uchh Prathamik Vidyalaya*) when the mid-day meal was being served and met with the Principal and teachers. There did not seem to be any caste-based discrimination and segregation during serving of the meals. The food was freshly prepared and looked clean and healthy. However, SC students are not allowed to serve the meals.

It is critical to recognize that the Right to Food includes sustainability, long term availability and accessibility of food. It includes economic and physical access to food and therefore implies entitlement to access the means to procure food, natural and other resources, which include things like skills, knowledge, markets, etc.⁶

5. Water:

There are three tube wells in the village - one in the *Raigar Mohalla*, one in the *Brahmin*⁷ area and one in the *Rajput* area. There are also five hand pumps, one each in the *Raigar*, *Rajput*, *Balmiki*, *Brahmin* and *Meena* areas.

The main *Raigar Mohalla* does not have a single hand pump. The only hand pump is in the new *Raigar* colony where only 15 to 20 *Raigar* families live. This is the hand pump used by all the *Raigar* families and is a more than half a kilometer away from the main *Raigar Mohalla*.

The tube well in the *Raigar Mohalla*, due to its uphill location, supplies water to the whole village. It is therefore sometimes allowed to run all night long because of which it breaks down very often. But where the tube wells located in other communities are repaired in a day or two, the *Raigar* area tube well is not repaired for as long as a month. As collection of water is women's responsibility this adds to their daily drudgery.

There is no fixed time for water supply because it is dependent on electricity supply, which can be erratic. In the group meeting we were told by *Raigar* community women that the water comes during the day for a week and then at night for the next week. They have to rush to collect it whenever water comes, which can be as late as 10 p.m. in the night. The women told us that they were scared to collect water at night but had no other option. It also affects their sleep and amount of time they get to rest. They literally pleaded with us to do something to make water available during the day and not at night.



A women sitting next to an open drain and filling drinking water from the same under ground source

⁷ The group that is highest in the caste hierarchy.

6. Sanitation:

That sanitation, or the lack of it is a major problem in the *Raigar Mohalla*, becomes apparent as soon as one enters. Much waste, mainly leather scrap is generated here, but there is no system of waste removal. The sweeper appointed by the village *panchayat*, Bablu, who is paid Rs.300/- per month, cleans the rest of the village but never *Raigar Mohalla*

The *Raigar* community has no option but to dump the leather scraps at a spot near the *Mohalla*. This incidentally is also an approach route to the *Meena* community. This dumping has become a point of dispute between the two communities. The *Meenas* accuse the *Raigars* of doing this deliberately. The *Raigars* however say that they have no other means of disposing off the waste leather.

Most families in the community still do not have toilets. They use some land that is owned by the *Raigar* community. It is very inconvenient for women because they cannot go at night. This plot also becomes difficult to access during the rains.



Open drains in Raigar Mohalla

7. Health:

The nearest hospital is in Bandikui. The nurse, Asha Verma, who is supposed to be present in the village for at least 20 days, does not come to the *Raigar* area at all. In case of emergencies, the *Raigar* community is forced to go to Bandikui in a hired jeep, which costs about Rs. 300/- to 400/-. We were also informed that the nurse demands money from many *Raigar* women, sometimes as much as Rs. 200/- for each delivery. She has also demanded money to visit pregnant women and the sick for check ups.

Women are supposed to receive Rs. 700/- per delivery under the state *Janani Shakti Yojana*. The *sarpanch*, Hemlata Meena, told us that she has been releasing this amount by means of cheques to the nurse who is then supposed to give it out in cash to the women. However, we did not come across a single woman in the *Raigar Mohalla* who had received this money. It is also the duty of the nurse to administer vaccinations to children, but very few children in the *Mohalla* have been vaccinated.

There is absolutely no health care available to the *Raigar* women. The problem becomes more acute in case of major illnesses, which require costly and sustained treatment often including prolonged stay in hospitals. We met a young woman from the village who has been diagnosed with tongue cancer. She has very young children and her family cannot afford the treatment, for which they will have to go to Jaipur.

Even “minor” needs, which are crucial for women’s reproductive health, are not available. There are no toilets or bathing places which leads to a complete lack of privacy for women. This in turn creates various health and hygiene problems for women. Clearly women’s health is not a priority either for the people or for the government and the health of the *Raigar* women is even less so.

However, the agency and enthusiasm of the *Raigar* women was very much evident. Our interaction with them brought forth some very encouraging examples and evidences of social change. The *Raigar* women told us that they had stopped going to upper castes asking for food and buttermilk. This has also caused tension between them because of the upper caste belief that giving buttermilk to *Raigars* is *dharma* (good act). That young girls like Poonam, about whom we have mentioned earlier, recognize discrimination and resist it by whatever means they can, is heartening.

This is not to say that dependence on upper castes has completely vanished. For instance, the *Raigar* women still ask for and collect vegetables from *Rajput* and *Meena* fields which they then dry and use throughout the year.

3. Bagarion Ki Dhaani, Village: Pachala, Tehsil: Phaggi, District: Jaipur

Located about 70 km from Jaipur and 12 km from Phaggi, the *Tehsil* head, is Pachala, a village dominated

numerically and otherwise by *Rajputs*. *Bagarion ki Dhaani* is the settlement where the *Bagaria* community lives. *Bagarion ki Dhaani* is a 75 to 100 year-old settlement and about 90 *Bagaria* families live here. *Bagarias* were called *Ghummakkad* or nomadic once. According to Bansilal, who is a *Ward Panch*, the total *Bagaria* population in Rajasthan is about 1 lakh. They were listed as a Scheduled Caste till 1985, when they were declared as Other Backward Classes. This has created a new dimension of problems for them. As OBCs, they have lost the potential to access benefits and aids meant for SC, which in practice are rarely available. However, other communities continue to discriminate against them because they are *Bagarias*.

Officially and administratively, *Bagarion ki Dhani* is a part of village Pachala, but it is completely segregated from the village. Located more than a kilometer away from the main village, it is connected to it only by a dirt track. The village only has mud houses, many of them in very bad condition. The first impression that one gets as soon as one enters this *basti* is of utter deprivation. We had a community meeting in the village with Bansilal and about 20 village men and women. We also had separate meeting with the women of the community in the *Anganwadi* of the village in which about 15-20 women participated.

1. Livelihood:

The main occupation of the community is labour in limestone quarries, some farming and animal rearing. Work in animal rearing has decreased over the past few years as drought has forced people to sell their cattle. Many men also migrate to Kota to work in the stone quarries there.



Village Pachala, Bagarion ki Dhaani

Several families from the community migrate to Haryana during the harvest season. They work on contract basis and receive 1 or 2 *boras* (1 *bora* = 100 kg.) of food grains for harvesting 1 *bigha* of land, irrespective of the number of family members who work on it. Though the women do not explicitly state this, it is amply evident that they prefer being paid in grain rather than cash because this affords food security for their family for at least a few months in the year. Women do not control the money. The men do. However, food they have control over and can feed their family.

Though about 40 to 45 families own land, agriculture is not a reliable source of livelihood for them. Firstly, the land holdings are very small, between 1 to 2 *bighas*. Secondly, they have no means of irrigation, not even tube wells, and are completely dependent on the rains. The recent drought has left these families in a state of complete destitution. Bansilal is the only person in the village to own a cow. A few families reared buffaloes earlier, but were forced to sell them off because of the drought.

Not a single person in the village owns any kind of enterprise. There is not a single shop in the *Dhaani*. All the 90 families go either to Pachala or Phaggi for any purchasing. We found out that this was because nobody has enough money to start any sort of independent enterprise. Nobody has as yet received any loans from the government or is aware of how they can do so.

Some of the women also work in limestone quarries. They work from 8 a.m. to about 5 p.m. and get paid Rs.30/- per day, while men are paid Rs. 70/- for the same job. This work is very casual and has no guarantee of regular employment.

Women also work in Pachala village, getting remunerated in the traditional manner. They clean cattle pens and remove cow dung at *Rajput* homes and get buttermilk in return. Their economic vulnerability divests them of any bargaining power, and they cannot refuse the work or negotiate a wage for it.

Apart from Kajori Devi, the *anganwadi* worker, nobody in the *Dhaani* has a government job. Kajori Devi is illiterate and her husband Bansilal does most of the paper work for her. The *anganwadi*, begun in 1991, has no *pucca* building and is run from Kajori Devi's house.

On an average, a family in this *basti* earns Rs 4,000/- to Rs 5,000/- per year, around 25 to 30 US cents a day. Lack of opportunities and availability of employment is the biggest problem. There is absolutely no work. This village has no infrastructure. Families live in totally dehumanizing poverty and are barely surviving.

2. Food Security Schemes:

Most families have ration cards but just about 45 families have BPL cards. Bansilal, who is a *Ward Panch* told us that in 1997 he had sent a list of all the 90 families for allotment of BPL cards. But only 45 families were selected arbitrarily and without consulting him or anybody from the *dhaani*. The rest are APL card holders and pay a higher price for rations.

The nearest ration shop is 3 km. away from the *dhaani*. The APL cardholders get only kerosene and no wheat. They do not receive PDS (Public Distribution System) allotments regularly. They are never sure when they will get rations. Women said they walk all the distance to the ration shop and discover that there is no grain.

Nobody in the village has an *Antyodaya* or *Annapurna* card. We looked at several ration cards and found total inconsistency in food grain distribution. Even BPL cardholders did not get grain every month.

3. Water:

There is a hand pump in the *dhaani*, but the water is saline and not potable. The community gets drinking water from the tube well of a *Rajput* farmer,



Meeting with women in Bagarion ki Dhaani

which is about 1½ km away from the *dhaani*. Women walk this stretch twice a day to get drinking water. However, this access is not guaranteed as it is completely dependent on the will of the *Rajput* farmer, whose tubewell they use.

4. Sanitation:

Not only is there a lack of water, there are also no bathrooms and women have to bathe in the open. Men bathe once or twice in a week whereas women bathe once or twice in a month. None of the houses have toilets. Women go into the fields when it is still dark. They cannot answer calls of nature during the day or they have to go very far in the fields for privacy reasons.

5. Education:

Nobody in the community has studied beyond the 8th standard. There is a primary school. Middle and high school students have to go to Chakwada and Phaggi. Not a single girl in the village has studied beyond 2nd standard. When asked why nobody in the community has studied beyond 8th standard, we were told that they cannot afford it financially and boys have to work as the families live in acute poverty.

6. Health:

There is no midwife in the village. There is a nurse who comes once a month and assisted by the *anganwadi* worker, visits all families. She gives vaccinations and medicines. The nearest hospital is 12 km away at Phaggi. Transportation is a big problem in times of emergency. Nobody in the village owns a vehicle. There is only a bus that comes once during the day. In case of an emergency a tractor has to be hired at Rs.300/-.

7. Fuel:

The families use firewood for fuel, collecting it twice or thrice a week from a distance of 2-3km away. Women do this in groups and spend 2-3 hours at it.

8. Housing:

There is just one privately built *pucca* house in the whole village, which has just one room and an in roof. Nobody in the village has received

assistance under *Indira Awas Yojana* or any other government scheme. There is no *pucca* road in the village.

We met Kali, a widow. She has two sons who are 17 and 20 year old and work in lime stone quarries. Since her husband passed away, she has been completely dependent on her sons, who come back every 2 or 3 days and get about Rs. 100/-. She does not have a BPL card and receives no old-age or widow pension.

Other Observations:

The community does not have access to the means of bare survival - "*roti, kapda aur makan*". Economic vulnerability forces them to accept discrimination and inhuman treatment by upper castes. They have no bargaining power. They have to take loans from the *Rajputs* and their inability to return the amount renders them into bonded labour. They are dependent for food and even cow dung for their *kuccha* houses. How does one talk about human rights, equality and non discrimination when extreme poverty has stripped them even of dignity?

4. Raigar Basti, Dausa City, District: Jaipur

Located in the city of Dausa, the *Raigar Basti* is a very old settlement, which has now become a part of the city. It is a large colony with about 600 to 700 families. There are also about a 100 *Bhand* families, living in huts made of mud, thatch and plastic sheets as they have no houses. Most of the *Raigar* families have *pucca* houses.

We met with a few *Raigar* families in the *Basti* and were able to speak to some women. We also met a few families belonging to the *Bhand* community who live around the *Basti*.

1. Livelihood:

Most of the families are engaged in the traditional shoe making business. Each family procures raw material from Agra and sells the finished shoes in Dausa or Jaipur. Like *Raigar* women in Gudaliya, here too women and girls work in the family enterprise and help in stitching soles of shoes and coloring them.

The *Bhand* community survives mostly by begging or by doing street performances.



A woman making shoes in Raigar Basti

2. Water:

Water is major problem in the colony. Many houses have taps but, being located uphill, there is never water in them. There is just one water tap in the colony for drinking water, which supplies water for just 1 or 2 hours and is used by the whole colony.

Due to the acute shortage of water, the community broke one of the water pipes on one of the roads in the colony for water. This is located very close to an open sewage which often overflows during the rains. The *Raigar* community uses this water for domestic usage. The *Bhand* community uses this water for drinking purposes also. Women from *Raigar Basti* go to *Khatik ka muhalla*, a neighboring *basti*, which has taps in all the houses, to collect drinking water.



A women sitting next to an open drain and filling water from under ground source

3. Education:

Most of the children from the *Raigar Basti* go to government schools. Girls also are allowed to study till high school. The *Bhand* community does not send its children to school and instead, makes them beg. These children are mostly covered in filth, given the lack of water. When asked why she was not sending her kids to school, one of the *Bhand* women said, “Who will allow such filthy kids into school?”

5. Kadwa ka bas, Tehsil. Dudu

Located about 5-6 km from the Jaipur-Ajmer highway, around 50 km from Jaipur, *Kadwa ka bas* is village with a population of about 2,000. *Jats* (particularly of the *kadwa gotra*) are the largest social group in the village. Other castes in the village include *Brahmins*, *Bairwa*, *Raigar* and *Khatik*.

The number of families per caste in the village is:

Choudhari (Jat Kadwa)	80
Brahmin	4
Jhangir	3
Bairwa	15
Raigar	15
Others	5

1. Livelihood:

Almost all caste groups in the village own land. The sizes of the land holdings vary. *Jats* hold most of the land in the village. Most *Bairwa* families have small land holdings of about 4 to 5 bighas. Women are not land owners.

Many people from the village, belonging to *Jat* and *Brahmin* communities, work as teachers, police officers, etc. Only one person from the *Raigar* caste has done his Ph.D. and works as a lecturer.

The *Bairwa* community owns very little land. During the past few years, agriculture has failed due to drought and other factors. Being situated near the highway, *Bairwas* go to towns and nearby villages to work as labourers. However, the work is casual, contractual and at best they might get 12-15 days of work per month. When agriculture fails and there is no government support, people have no options left but to migrate in search of work and food.

Some *Bairwa* women also do *beldari*⁸ in *Jat* households and are paid about Rs. 80/- a day.



Meeting with women in *Kadwa ka Bas*

2. Education:

There is a government middle school which has classes till 8th standard in the village. We met with the Principal, Gulab Chand Nag, other teachers and students of the school. 238 students study in the village, of which 144 are in primary school and 64 are in 6th standard onwards. In the primary school there 13 boys and 10 girls from among the Scheduled Castes; 70 boys and 57 girls from Other Backward Classes (*Jats*) and 3 boys and 2 girls from general category. However most of the children in the village, irrespective of caste, go to school.

There is just one woman graduate from the village and she currently teaches in the village school. She is an inspiration to other girls to study and pursue higher education.

SC/ST scholarships have not been given since 2004 because school has not received money from the education/social welfare department since then.

3. Social Discrimination:

There are six teachers in the school of whom one male teacher, Suresh Chandra Tanan is a *Dalit*. Suresh has been living in the school itself for the past two years. When we asked him why he stays there, he said he liked living there and that he preferred staying

alone and away from the village. On probing further, though Suresh did not say anything, Gulab Chand told us that he has tried to find a place but nobody in the village is prepared to give Suresh a room on rent.

Our conversations with the community and with Gulab Chand also made it clear that segregation is practiced on every other occasion. This is true ironically even when the village gathers in the school for occasions like Independence Day celebrations and meals are distributed.

Man Bhari, a widow from the *Nai* caste (OBC) cooks the mid-day meals at the school. When we asked Gulab Chand as to why an SC woman had not been appointed, he told us that there would be problems from the villagers belonging to higher castes.

Though villagers tell us that there is no discrimination based on caste, specific questions reveal the true picture. Nathu Bairwa told us that SCs are made to wash their cups at tea stalls. The experience of women of not being able to access the water from the village water tank and at hand pumps of having to wait if there are higher castes, also tells us the same story.

The *Bairwa* community told us that they are not allowed to access the one temple in the village. The *Bairwa* neighborhood is at the end of the village and is evidently segregated.

4. Food Security Schemes:

Mid Day meals- On enquiring, we were informed by teachers, students and ex-students that *Dalit* students sat with other children for their mid day meals. However, during special occasions such as Independence Day, Republic Day, when entire village comes to attend, *Dalit* children are made to sit separately.

Ration Cards- Everybody in the *Bairwa* community has a ration card. All except three households also have BPL cards, on which they receive wheat and kerosene. APL cardholders get only kerosene. BPL cardholders in the community have also received money under the *Indira Awas Yojana* (IAY) and all except three houses (of non-BPL cardholders) are *pucca* in the locality. But almost everybody we spoke to told us that of the Rs. 25000 they received, they had to pay Rs.2000 as bribe for the money under IAY.

⁸ Beldari is carrying load on a hand cart. It mainly is for construction purposes.

5. Water:

There is one water tank in the village and a few hand pumps. The *Bairwa* community is not allowed to access the water tank, which is at the beginning of the village and very far from their settlement.

The water from the hand pump in the *Bairwa* locality is saline and not drinkable. They have to get water from the hand pump in the village. Anil, a 12th standard student from the *Bairwa* community and the son of an ex- zila parishad member felt that it is due to the Chakwada episode⁹ that the upper castes do not deny access to the hand pump to *Dalits*.

Women from the *Bairwa* community spend about half to one hour, twice a day to get potable water. Though the distance is not much, since the hand pump is located in the *Jat* locality, they have to wait for people from upper castes to fill water and only then can they fill their pots.



The water tank in Kadwa ka Bas

6. Fuel:

Women spent about half to one hour everyday to get firewood.

Case studies

1. Mira Bairwa's husband was the zila parishad member last term. Her house, though *pucca*, is in a bad state. She has a BPL card, which is in her husband's name. Her son Anil told us that they had

⁹ Few years ago Dalit activists in Chakwada succeeded in getting access to the public pond. After much violence this was seen as a major victory for Dalits not just in Chakwada but in the region in general.

borrowed Rs. 50,000/- from his uncle, Mira's brother, during his father's election. When asked about the rate of interest he told us that since it was from his mother side, that money was never returned.

2. We met a widow whose husband died in a tractor accident. The tractor belonged to a *Jat*. Babulaji, the widow's brother-in-law told us that though she had been promised Rs. 1,50,000/- by the *Jat* family, she had received just Rs 50,000/- and that too with great difficulty and due to his efforts. The condition of widows is abysmal and getting justice for them, very difficult. Babulaji's sister-in-law got some compensation because he is well-known in the region. She has two boys and a girl and works as a labourer for Rs. 70/- a day when she can get work.

3. We met an old couple. The husband is about 56 years old. He does not keep well and is therefore not able to work. They do not have children, neither do they have any pension to support themselves. They do not have a BPL card and therefore do not get any food allotments from the government.

4. Anil Bairwa, 12th standard student and son of ex Ward *Panch*. He is very bright, but the reality of segregation and caste discrimination holds him down. He just does not have the confidence that he can do and be whatever he wants.

Other Observations: Impact on women

Education: Because of inaccessibility of schools and long distances, girls are not sent to schools and are made to help in the care economy of the house, which is the woman's responsibility. The caste feeling is very strong at the schools. Some girls refuse to go to school as they are discriminated against. In some cases the discriminatory treatment is overt, but in most of the cases the caste-based differential treatment is inherent.

Women Not Seen as Workers: The women who help in their family occupations are not even considered as workers, let alone being paid for it. Women are overworked as they have to do their household chores while helping the male members of the family in their livelihood occupation.



A woman making shoes in Raigar Mohalla

Lack of Choice of Work: Women do not have much choice of work as far as livelihood is concerned. Very often this lack of choice results in either no work, or accepting the treatment that they are meted out because of being *Dalit*.

Physical Vulnerability and Sexual Harassment: Living in conditions of poverty, with insecure tenure as far as housing is concerned, without adequate bathing or toilet facilities *Dalit* women are constantly exposed to violence. Compulsion to work due to poverty as well as lack of education reduces their negotiating powers and hence they are not able to demand better working conditions, as in case of the factory work which *Dalit* women are engaged in. With their shifts getting over after midnight (2:00 a.m.), the women face risks of sexually harassment and assault. The insecurity and the compulsions they work under need to be questioned. Lack of opportunity as well as choice because of their low caste status adds to their vulnerability and is compounded by the absence of adequate law and order.

Not only are the women harassed outside the home, they are equally exploited inside, as victims of domestic violence. Men justify their violence within homes as a means of giving vent to the frustration and anger that they are coping with, while dealing with discrimination and exploitation outside.

Health Hazard: It has also been observed that the health is a major concern. Hygiene level is very low, rather absent. Women have to use the outdoors as a toilet, which they can only do very early in the morning, often before sunrise, and late in the evening after sunset. The areas where they reside is rarely

cleaned, and added to it is the lack of water for drinking and other purposes. As a result, they and their families become extremely vulnerable to ill health. The state has shown a very poor response to the health needs of *Dalit* women as no health workers visit these villages. This is clearly a strong indicator of government's apathetic developmental initiative.

Lack of Privacy: Both overcrowding as well as the lack of toilets and bathing areas deny these women the privacy they require.

Over-burdened and Over-worked Due to Government's Welfare Policies: Most *Dalit* women work as temporary daily wagers. Irregular grain supply and lack of appropriate information adds to their burden and causes them to lose wages. On the day when they have to go to collect their food grains under the PDS they lose one day's wage, which is meagre and inadequate to start with. Even if grain is available, they are forced to repeat their visits to the ration shop, as they have no help to carry the entire supply at one go. In many cases, merely the act of collecting rations becomes so expensive in terms of lost wages that they prefer to buy food at exorbitant rates rather than lose their wages.

Lack of Leadership and Unheard Voices: Leadership amongst *Dalit* women is rare. The all-pervasive and persistent social discrimination and isolation, coupled with the total lack of opportunity for self improvement on the one hand and an extremely all-encompassing patriarchal system that denies them any chance of making decisions on the other, ensures that their voices remain unheard. A sense of fatality with regard to their lot in life does not allow for the development of leadership qualities.

Indifference of Villagers Towards the Dalits: Our survey made it evident that the rest of the population belonging to upper castes has not accepted *Dalits*. Tasks for basic survival, especially that of fetching and storing water and ensuring food, are the woman's responsibility, and hence she is the one who has to face the daily humiliation that accompanies meeting these needs.

Government's Apathy: The government has declared several schemes for benefiting the *Dalits*, such as giving scholarships, loans for those who want to become small entrepreneurs. In addition all development schemes such as providing housing

and food grains at very low prices to the very poor and the aged with no support, are supposed to focus first on the *Dalits* and people of Scheduled Tribes. In addition, the reservation system is supposed to ensure job opportunities for these people. However, schemes meant specially for the *Dalits* languish, and schemes meant for the poor rarely reach the *Dalits*, who are the poorest of the poor. The Public Distribution System does not work efficiently. Most of the *Dalits* are not even issued a BPL card, and where they do have a card, the food supply is either irregular or non-existent. Corruption pervades the system, and the worst sufferers are again the *Dalits*, who have little excess to pay bribes, and do so only by signing away their own dignity through loans.

There are no monitoring or accountability mechanisms to monitor the actions of government officials and to take actions against them for negligence of their duties. The educational system, which is supposed to be free and open to every child irrespective of sex, caste and creed, is riddled with gender and caste discrimination, making it almost impossible for any *Dalit* child to go through it successfully and with confidence and access jobs through the reservation system. In all counts, the State blatantly contradicts its role of fulfilling, promoting and protecting the rights of *Dalit* women and therefore stands indicted as an accomplice to violations of their economic, social and cultural rights.

CHAPTER - IV

Key Findings

This fact finding on *Dalit* women's ESCR in Rajasthan has once again brought forth the critical denial of rights on the basis of caste as well as on the basis of gender. Any analysis of the ESCR of *Dalit* women has to be examined within the situation of the *Dalit* community, which continues to suffer from the practice of "untouchability" and deliberate "segregation". This practice of "untouchability" is both hidden and insidious as well as blatantly open as in the case of segregated water sources in localities. All the five areas visited by the fact-finding team revealed that *Dalits* live in ghetto like structures within segregated areas away from the general population. This has severe implications for *Dalit* women more specifically in terms of their access to livelihoods, food sources, water and sanitation facilities and state welfare programmes. Government functionaries are reluctant to provide mandatory services for health, nutrition, and other such basic services in these localities. Hence, while on the one hand *Dalit* women are dealing with poverty and survival issues, on the other they are not receiving the basic services which could have alleviated some of their daily life problems like collecting water, bad sanitary conditions, sending children to school in unsafe conditions and lack of alternative work opportunities for additional income generation.

Livelihood

Livelihood is intimately connected to the Right to Work. The human right to work is essential for realizing other human rights and forms an inseparable and inherent part of human dignity. The right to work contributes on the one hand to the survival of the individual and to that of his/her family, and,

insofar as work is freely chosen or accepted, to his/her development and recognition within the community. On the other hand, it should ensure a life free from exploitation, a life of freedom and dignity. This is possible for women only when there are conditions that ensure their participation and self development, like easy access to quality education, training and ownership of other resources like credit, land etc. However the findings from this survey show that *Dalit* women have been deliberately kept at the fringes of society and denied all access to any such resources. The State has played a critical role in this denial of rights by making no effort to *protect, promote or fulfil these* despite being signatories to National and International Laws and Covenants. A closer examination of the status of this right of *Dalit* women shows the following:

1. *Availability:*

Availability of work within the villages has become a distant dream for most of the *Dalit* families we met. Those who worked on land as agricultural labour have been facing a crisis because of lack of work due to acute shortage of rainfall in Rajasthan over the past 3 to 4 years. Besides we did not find any State sponsored employment schemes or any State assistance which are mandatory in times of such natural disasters. Therefore, families have not been able to identify and find alternative employment, with the result that the situation of *Dalit* women is worse off. Their opportunities to get paid work even if they want to work are miniscule.

- Most women would like to do some sort of paid work. For example conversations with women in Gudaliya revealed their wish to work in the day

when they are free to supplement the family income but being constrained by non-availability of such options.

- The nature of employment that is assigned to them and the conditions within which they work are inhuman and derogatory, e.g., cleaning of cattle pens for buttermilk in *Bagarion ki dhaani*, Pachala. There were indications of bonded labour as well, which the women were reluctant to talk about, fearing the repercussions.
- Some times women migrate along with families to Haryana and other states for short durations. Here they are not governed by any labour laws and have no negotiating platforms for adequate working conditions. Since they belong to the unorganised sector monitoring mechanisms for national laws are inadequate and fail to protect them. Hence the employment conditions are bad and they often work only for grain or food.
- As already mentioned wages paid to women are neither equal to what men are paid nor are they adequate.
- Due to patriarchal perceptions and constructions of work, women's work and contribution is unseen and therefore unremunerated. This is apparent at family levels wherein in traditional occupations like shoe making, women assisted in sewing the soles, polishing the shoes etc. and yet were not seen as contributing economically to the family incomes. These women did not have any access to the income generated through this work nor any control over its expenditure. In fact they were completely and totally dependent on their husbands.
- We did not find a single State sponsored scheme being implemented for training or giving credit access to *Dalit* women. Though in some of the areas there are NGOs but very few focus on income generating activities and mobilization of women into Self Help Groups.
- The economic status of *Dalit* women are the same in both rural and urban areas. If it is cleaning cattle pens in the villages then it is piece rate work in urban areas where extreme poverty and lack of awareness prevents them from demanding adequate remuneration for their work.

- Government jobs are few and, with little access to education and training, they are unable to enter the formal organised work sector. For example in Pachala there is only one woman working for a government scheme that too at the lowest rung as an *anganwadi* worker.
- In the end, therefore women have to migrate for work and work in conditions that are no where near "decent standards of employment". There is no state protection and often exploitative. Physical security of *Dalit* women also stand threatened, considering that there is an inherent cultural caste driven mindset that *Dalit* women are "easy" and "available".

2. Access to Land Resources:

In the areas where we interviewed women we found that the *Dalit* community as a whole has very limited access and ownership over land. If they do, then they own only very small plots of 1 to 4 *bighas* which, considering Rajasthan's climate (drought prone), may not be sustainable. With inadequate access to credit, seeds and other farm inputs, *Dalits* often get into debt by mortgaging these lands to upper castes. Gradually these lands are then grabbed by them and the *Dalits* are forcibly evicted even from homesteads. Many cases of land grabbing have been recorded by CDR particularly in Gudaliya.

In such a situation women's right to land is virtually unheard of, sanctioned neither culturally nor legally.

3. Access to Credit:

To ensure livelihoods it is necessary that *Dalit* women have access to credit. On one hand very few *Dalit* men own land or other productive assets which are a necessary corollary to qualify for credit. On the other hand, since women are not considered as productive and do not own land they have no access to credit to buy agricultural implements, pump sets and minor irrigations. Having problems in accessing credit women find it even more difficult to be self employed which gets aggravated due to lack of skills or training. Clearly *Dalit* women do not have access to information and at the same time there is a considerable lack of transparency and corruption at the levels of Government officials, eg. Devi Prasad from Gudaliya.

4. *Conditions of Work:*

Labour laws and regulation of employment conditions are completely absent.

- As mentioned earlier there is evidence of bonded labour
- Payment is made in kind instead of cash and there are no trade unions or workers groups to represent the voices of *Dalit* workers.

5. *Education, Technical and Vocational Training:*

- Despite specific targeted scholarship schemes for *Dalit* children and more so for *Dalit* girl children, *Dalit* families lack knowledge about these. Even if some of them are aware and apply for them, they have to deal with the lackadaisical approach and bureaucratic indifference of officials. This is combined with delayed disbursement of funds from the State education department; by this time *Dalit* children and especially girls may have dropped out of school as the process of getting the scholarships would be proving to be more expensive than the actual scholarship amount.
- We did not come across a single case where a *Dalit*, especially *Dalit* women had received any technical training.

6. *Lack of Information and Transparency:*

There is complete lack of information about state programmes and schemes and entitlements for *Dalits* under them, eg. scholarships. Since there is a lack of awareness and no effort has been made by the state officials to create this awareness, *Dalit* men and women are unable to access these sources. This has also led to a lack of accountability and sense of complacency on part of the government.¹ In Pachala there are no shops for even general provisions within the community; since *Dalit* families do not have enough money.

To take steps towards full realisation: States parties have a constant and continuing duty to measure the levels of realisation against available resources at the national level and move as expeditiously and effectively as possible towards the full realization of every human right.

¹ See Case of Devi Prasad in Chapter III.

² See Chapter on Legal Framework.

This includes **specific obligations which are:**

The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of human rights.

The obligation to protect requires States to take measures that prevent third parties from interfering in any way with the enjoyment of human rights.

The obligation to fulfil requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of all human rights. The obligation to fulfil can be disaggregated into the obligations to facilitate, promote and provide. The obligation to facilitate requires the State to take positive measures to assist individuals and communities to enjoy the right.²

7. *Acceptability and Quality of Work:*

Since work available for *Dalits* in these areas are informal and not governed by any labour laws there is rampant exploitation and caste based discrimination. Due to lack of skills, alternative employment opportunities and extreme poverty, *Dalits* are forced to undertake degrading jobs or work for just buttermilk rather than wages. In urban areas women work at piece rate wages in unjust work conditions and with no formal wage structures. There has been no effort to monitor these unjust conditions and set up some work standards by the State. State indifference and tacit collusion with upper castes has allowed discrimination to continue and therefore the dependency of the *Dalits* on the upper castes for livelihood continues as well. A ray of hope can be seen in Gudaliya where *Dalits* have stopped working for food.

8. *Violations:*

There is a clear violation of right to work which is mentioned in ICESCR, Articles 6-10, CESCR, and General Comment No. 18 on the Right to Work, Constitution of India, Article 41.

Food

The key finding of the report on India by the UN Rapporteur on Right to Food is that, although famine has been overcome, millions of Indians still suffer from chronic *under-nourishment and severe micronutrient malnutrition, especially women and*

children and people of lower-caste Scheduled Castes and Tribes. Starvation deaths have not been fully eradicated, nor have discrimination against women and against lower castes, corruption, impunity and a wide range of violations including forced labour, debt bondage and forced displacement (destroying people's access to productive resources) remain serious obstacles to the realization of the right to food. In the current transition to a more liberalised, market-oriented economy, the poorest are disproportionately bearing the costs, with under-nourishment rising, as public spending on rural development and social programmes is being cut back. With falling agricultural wages, increasing landlessness and rising food prices, food insecurity is growing particularly in rural areas. Recent economic growth is generating employment mostly in high-tech sectors that will not be able to absorb the loss of livelihoods from agriculture on which two thirds of Indians still depend. Public expenditure must therefore be directed towards smallholder agriculture to improve household food security, while also improving and maintaining effective safety net programmes, including the PDS, to prevent a further regression in the realization of the right to food during the economic transition.³

In sum this report brings out the interconnections between rights to livelihood and food and at the same time evident discrimination against women and *Dalits* and the ensuing denial of rights has also been forcefully argued while examining the status of Right to Food in India. In the light of the above, our fact finding has also revealed similar situation of *Dalit* women.

1. *Accessibility:*

- To be food secured means to be able to have access to food and hence economic access to food is crucial. *Dalit* families are poor and they do not have adequate and regular livelihood means. Thus they are severely economically constrained. The fact finding has shown that most of the *Dalit* families do not have Below Poverty Line (BPL) cards to which they are legally entitled. The Public

Distribution System (PDS) does not reach these *Dalit* families making them dependent on the market to buy food. With less income and capacity to buy food it is inevitable that it affects their ability to fulfil their dietary and nutritional needs. *Dalit* women therefore get the least food in the entire minimal share, being the lowest priority within the family. At the same time, the vicious poverty and lack of alternative employment which are better paid and state sponsored, lead to the dependence of *Dalits* on upper castes for work and food, eg. working in exchange of buttermilk in Pachala and for vegetables in Gudaliya.

- To qualify for PDS and get food allocations, the determining factor is the BPL status of the families. The fact finding has shown that the *Dalit* communities have no say in determining who gets BPL status and who does not, eg. *Ward Panch* and *Zila Panch* in Pachala and Gudaliya respectively. No survey has been done by any other state body to determine this status.
- Those *Dalit* families who have the APL cards are entitled to allocations, but no allocation is being made to APL card holders either.
- *Dalit* families also reported that they have no access to information on determination of BPL status, allocations under PDS.
- Besides very few *Dalit* families are *Antyodaya* and *Annapoorna* card holders even though there are many who need it and would qualify for the criteria.
- Ration shops are usually located far away from *Dalit* settlements. For example the widow in Gudaliya who has to travel a lot, sometimes does not get ration and is forced to make repeated trips to bring her allotment back when she gets it, given in bulk of up to 40 kg sometimes.⁴
- Even for those who have the appropriate cards don't get their allocations on time.

2. *Availability:*

The availability of food under PDS is not regular. Sometimes food is not distributed for months and then it is given in bulk. This system destroys the real objective of meeting the immediate nutritional needs of BPL families and it also fosters corruption and

³ Economic, Social and Cultural Rights, The right to food- Report of the Special Rapporteur on the Right to Food, Jean Ziegler, Addendum, Mission to India*** (20 August-2 September 2005).

⁴ See Chapter 3-Village Profiles.

diversion of food into the market than going to the actual beneficiaries.

3. Adequacy:

Adequacy of allocations under PDS is also a big question. The size of the family is not taken into account and the allocations are small for large families, with allocations made to “households” being just 35 kg.

4. Violations:

There are clear violations of Universal Declaration of Human Rights, Article 25, International Covenant of Economic, Social and Cultural Rights, Article 11 and Conventions on the Rights of the Child, Article 24 and 27.

Water

Women are the most affected by lack of safe water and sanitation facilities. Women are the ones who spent hours fetching water and they also face considerable health and security risks when they go out to defecate in open at night or early hours of the morning for privacy. When women go out to fetch water the girl children are retained at home to look after the household and younger siblings and this affects their educational opportunities. Often they are withdrawn or not sent to school to act as additional help in household work. *Dalit* women face greater problems as they live in segregated communities located even further from clean water sources. Besides the sources of water are also segregated according to caste and *Dalits* are allowed to take water from sources only within these segregated localities which could be of bad quality and polluted. Though we could not do water testing to determine quality, one problem that we came across in most *Dalit* communities is that the water they have access to in their localities through hand pumps is saline and not fit for consumption. This keeps them dependent on upper castes and has implications on the physical security of women who are the ones responsible for getting water even facing discrimination.

1. Adequacy:

In the case of *Dalit* women denial of access to clean drinking water, water sources and sanitation is of

greatest concern. Since water is a scarce natural resource in Rajasthan there are very limited sources available to communities in general. *Dalit* women's problems are further compounded because of “untouchability” and “segregation” hence they have to travel long distances to collect water.

There are problems of privacy and adequate sanitary facilities. Lack of toilets near the homes affects the health and hygiene of women. For example in Pachala women cannot bathe regularly, because the only source of water is located on the road. Similarly in the case of Dausa, *Dalit* women were using water from a water pipe leak, very near to an open drain.

Since Rajasthan is a drought prone state, water sources are scarce and precious. Most *Dalits* even when they have land do not have water pumps and with no irrigation facility farming is difficult. Hence *Dalits* cannot use their land to grow crops to sustain their families. This makes them dependent on upper castes who engage them as daily wage agricultural labour in exploitative conditions which push them into debt bondage.

2. Availability:

Availability of water is an issue in both rural and urban areas. The fact finding had shown that there are no hand pumps or tube wells with potable water, eg. Dausa has only one tap which serves a large community.

3. Accessibility:

Examples of Discrimination:

- *Dalits* are denied access to the water tank in the *Jat* area of *Kadwa ka bas*.
- The tubewell located in the *Dalit* area in Gudaliya is not repaired for long when it breaks down as compared to water pumps in upper caste areas.
- In Pachala the hand pump has saline water and the tubewell in the locality is not operational yet. Therefore they have to depend on *Rajput* farmers.
- In many villages *Dalit* communities are still dependent on upper castes for water, which leads to violence and abuse of *Dalit* women when they go to collect water from these sources.

CHAPTER - V

Recommendations

The report has tried to highlight some of the flaws in the current operational mechanisms of government agencies engaged in working for the *Dalit* community. The report does not merely aim at identifying shortcomings, but also proposes concrete suggestions that promote ways forward through the application of human rights framework. In order to address many of the concerns raised by our fact finding team, it is absolutely necessary that all the agents accept that violence is manifested in various forms and human dignity is violated.

We propose our recommendations to all levels of Government (state, national and local); practitioners and organisational functionaries. Recommendations are based on our field experience during our fact finding survey.

In the context of *Dalit* women, we need to address the obligations of state, local self governance, Panchayati Raj, CSOs.

Recommendations to the Government at State level

What do we demand from Rajasthan Government as far as *Dalit* women are concerned, is why policies and rights are not being implemented. The state government and local governments i.e. Panchayati Raj institutions have obligations towards people. There is a strong need of commitment to raise awareness.

1. We need to have a monitoring mechanism in partnership with civil society organisations to ensure that the existing schemes, policies of law are implemented.

- Law and policies exist, but there is no implementation. In the absence of an effective monitoring mechanism, there is hardly any accountability shown on part of agencies.
 - In a proactive way the government should develop a monitoring system to recognize the discrimination which *Dalit* women suffer.
 - There has to have a redressal mechanism to receive complaints in case of any right violations but it should not end there. Making the *Dalit* women aware of their rights is equally important.
2. We need to have a mechanism to bring about radical change in the social mind set of people.
 - There is a strong sense of social exclusion for *Dalit* women in various forms. The customary practices are rooted in a structure which is class biased and community biased.
 - There is lack of social access. It is not enough to ask for the facility but to have accessibility. The teacher treats the tribal girls as servants.
 - The government should also ensure that children can access education without being discriminated.
 3. The monitoring report should be produced periodically. NGOs may be appointed to monitor and evaluate the implementation of government policies.
 4. The state should recognize the violations that are meted out to women and then to proactively develop the monitoring plan in partnership with civil society.

- It has been found that ESCR violations are generally not recognized by the government or for that matter by the community also. The government should first recognize that *Dalit* women suffer discrimination of their ESC rights.

Recommendations to the Government at National level

The role of the Central Government is very significant.

1. The Central Government needs to have some kind of redressal mechanism which is not only about receiving complaints. All the commissions are under staffed and have no recommendatory power either. The existing system should be made more effective and should be strengthened.
2. The Government must criminalise the violations that are done to *Dalit* women. ESCR violations are very difficult to prove. Within the Judiciary,

can we have a mechanism wherein we can criminalise the gross violations with serious repercussions.

3. The Government should launch an awareness campaign. In order to change the status of women the Government should also invest in their livelihood or work life. There is no SHG in the villages where the fact finding was conducted.
4. The government should include **Bagari** in ST groups, under the 1985 Act.

Recommendations to the Civil Society

The Civil Society organisations need to continue the work they are doing to raise awareness and also start a campaign to change the mind set of people with the help of the government. There are few social customs that are derogatory and violations as far as human rights are concerned, but these customs are practiced. The CSOs/NGOs can start awareness campaign with the help of local/ state government.



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