

FWBO & TBMSG News

News and views from around the Friends of the Western Buddhist Order (FWBO) and Trailokya Bauddha Mahasangha Sahayaka Gana (TBMSG).

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KARUNA
compassion in action

The [Karuna Trust](#) is the FWBO's largest and most successful fundraising charity, sending well over UK £1,000,000/year to a wide variety of projects in India. In recent years their focus has shifted from an approach of 'Aid for India' (their original name!)

to encouraging projects that specialise in helping India's disadvantaged peoples effectively and peacefully access their legal entitlements.

These naturally include the more than 200 million Dalits and Tribal people in India, from whom come the vast majority of India's Buddhists, including of course members of the TBMSG. While India as a whole has become increasingly prosperous over the last decade, discrimination of all sorts is still rife, and especially discrimination based on the age-old and scripturally-sanctioned caste system.

Two such projects which have been funded by Karuna are the 'Dalit Rights Initiative' (a part of India's [Human Rights Law Network](#)) and [Social Jurist](#). Both have hundreds, if not thousands, of stories to tell, and a few of these follow.

Ananta from Karuna comments "In spite of the harrowing content, the stories move towards a 'happy ending' which I found uplifting not least because our efforts are supporting this work. The full list of cases is available on their websites if you want to read more".

Karuna also fund a TBMSG initiative, the Jambudvipa project, whose work includes the widely-followed and influential [Atrocity News](#) blog, which played a major role in the world-wide condemnations following the massacre of a Dalit family at Kherlanji last year. This is part of a growing trend of 'advocacy' work that often uses the internet – Karuna's attention was recently drawn to Meena Kandasamy's blog, a 24-year-old Tamil woman who is self-confessedly "obsessed with revolutionary Dr.Ambedkar's message of caste annihilation". Her [blog](#) describes the punishments meted out to 'dangerous Dalit women' seen as witches by caste Hindus.

She ends with words that could almost have been written of the 'witches' and witchcraft trials of Briain and the US in earlier centuries: "...in witch-hunting, the victims are also single (read widowed/ deserted/ divorced) women of a certain age who are no longer burdened with reproductive duties. The word 'witch' is thrust on these 'dangerous' women who asserted their entitlement to rights and thus challenged patriarchal and caste supremacist diktats. Dalit or Adivasi women who dared to contest elections and directly challenged the political power of the landed caste-Hindus have been labeled hags. They have been accused of exercising black magic when in fact they have only been exercising their fundamental rights. Witchcraft, when used by brutal caste-Hindus in the modern context, has come to signify women's resistance to oppression, and the price they have paid for it".



Stories from advocacy projects part-funded by the FWBO's Karuna Trust.

The 'Dalit Rights Initiative' project.

Introduction – from the [Dalit Rights Initiative](#) website:

The main focus of the Dalit Rights Initiative is to equip an increasing number of lawyers and activists to use the existing laws to ensure matters of discrimination and violence are represented in the legal system. In collaboration with dalit rights organisations, HRLN is working to set up legal aid centres for dalits. Through trainings, legal workshops, people's tribunals, judicial colloquiums and publication of a wide range of Know Your Rights material, the Initiative seeks to bring litigation on dalit issues into the mainstream.

These are seven 'success stories' from the Annual Report of the 'Dalit Legal Rights' project run by HRLN.

PUBLIC INTEREST LITIGATIONS (PILs)

1. Gram Swaraj Samiti Vs State of U.P

A PIL was filed raising the plight of thousands of poor Dalits and Adivasis (Tribal peoples) who are being affected by **Flores's** due to taking the Fluoride mixed water in several villages of the Sonbhadra District. This water is causing permanent physical disability in humans and animals. The PIL asked the State Government to ensure safe drinking water, to ensure safe drinking water and also to issue Disability Certificates to the disabled children.

Impact: *An interim order was passed by the court to immediately dig bore wells for ensuring safe drinking water to the villagers. Disability certificate were issued to the affected victims.*

2. Shiv Nath & Others Vs. State of State of U.P. & others

Criminal Writ Petition was filed on behalf of forty tribals whose lands were grabbed by some influential people. They put up huts in the forestland, which were later removed by the officials. They were implicated in false cases and were arrested by the government officials with the connivance of the landlords. Prayed for quashing the FIR lodged against the tribals.

Impact: *Petition was admitted by High Court and the stay on arrest was granted.*

3. Peoples Union for Human Rights Vs State of Uttar Pradesh & others

The petition was filed on behalf of the dalits of Bhudkura Village, District Mirzapur. A pond, the only water source of water in the village was closed to the dalits over the issue of wages with the landlords. Police supported the upper caste – refused to file case. The Sub-divisional magistrate directed the SHO to register FIR and investigate into matter. The Sub Divisional Magistrate ordered the removal of barbed wire. But directions of the SDM was not adhered. The dalit community was fully dependent on the pond for all water needs, and they were denied access to the pond for over three months. On this, a PIL was filed in the Court

Impact: *The court directed the State Government to ensure dalit access to the water body and remove all the hindrance created by the upper caste.*

LITIGATIONS

1. State v/s Chauthi; Case Crime No.-----

The case is of village Sutrahi PS Mohamdabad Gohna. The upper caste persons of the said village set fire the huts of Dalits and they were beat up severely. The First Information Report was not filed, but the upper caste lodged counter case against the dalits. Being economically weak, they were not in position to pursue further regarding the FIR and police was also not interested in lodging. The dalits approached HRLN and on the initiative of Human Rights Law Network Unit the FIR was lodged against upper caste persons, and the bail application was quashed.

2. Krishan K---- Vs. Ramveer Singh (Chitrakoot district)

A handicapped Scheduled Caste student, Krishan K---- while reading in the school was abused by the Principal. He was also beaten up and he sustained some injuries. So he filed a case which was pending in the court. While Krishan K---- was going to the court to hear his case, the accused Ramveer Singh badly abused and insulted the complainant. He also threatened the student to withdraw the case. He informed the police but police refused to register the case. The complainant send a petition to the National Commission SC/ST who directed to register the case. Circle office Police investigate the offence and filed final Report in the court. The complainant filed Protest Petition against the Final Report filed by Investigating officer. We are appearing on behalf of the victim.

3. BND/20 Narayan Vs. State CrI. Misc. No.142/07 (Banda District)

S----, a Dalit women wife of Ram C----- R/o Village Mahua P.S. Girawan has gone to collect fodder for her cattle on 30.01.07. While she was collecting fodder N.S. and R.M. both Brahmin by Caste Resident of the same village raped her on gun point. While they were involved in heinous crime victim's husband Ram C--- and Sumitra accused began abusing them and threatened not open their mouth. They said. "you people have to face serious consequences if you tried to lodge F.I.R." However, Ram C---- along with his wife reached police chowki Khurhan and told police the entire story and requested to lodge F.I.R

The police denied to register the case. Disappointed couple approached Superintendent of Banda and requested to direct the police to register their case. On the direction of S.P. the case was lodged under section 376 I.P.C, 3(1) 12SC/ST Act and the victim was medically examine. The accused was arrested and sent to jail. Bail application was moved on behalf of accused before CJM, Banda, where Human Rights Law Network, Banda Unit Advocate Shiv K.M. opposed the bail application vehemently. Resulting the bail application was rejected by Chief Judicial Magistrate.

After the bail rejection by Chief Judicial Magistrate another bail application was moved before Session Court. The case was heard by Special Judge (SC/ST Act) Banda. There also Shiv K.M. Advocate appeared on behalf of the victim and opposed the bail on 02.03.07 from there also the bail was rejected. Shiv K.M. advocate apprised to Shri K. K. Roy advocate. The state Convener of Human rights Law Network regarding the case and requested to oppose if the Bail Application was moved in High Court.

4. Police torture on dalit (paradhi community) woman.

In this matter Paradhi woman has been tortured by Beed police. But the woman gave written statement to DySP. In this matter the police have lodged the FIR yet so we decided to go Aurangabad High court to file writ petition for filing the FIR and for further action against the culprit police officers.

So Vakalatnama of the victim (woman) in order to file the Writ before the Aurangabad Bench of Bombay High court and affidavit of victim are required. Vakalatnama has already given to National Campaign on Dalit Human Rights for obtaining signature of the victim.

Examples of work by the 'Social Jurist' www.socialjurist.com project, part-funded by Karuna Trust.

RETF REPORT OF VISIT ON 02.01.2008 TO MCD PRIMARY SCHOOL, MORNING SHIFT, C BLOCK, JHANGIRPURI, DELHI

1175 GIRL STUDENTS ARE COMPELLED TO STUDY IN DARKNESS

A Right to Education Task Force team (RETF) (a unit of Social Jurist) consisting of Advocate Ashok Agarwal and Mr. Akbar Ali of NGO Chetnalaya visited MCD Primary School, morning shift, C Block, Jahangirpuri, Delhi at 8.30 AM on January 2, 2008 and observed as under:-

1. 1175 girl students belonging to underprivileged section of society are studying in the school in classes, nursery to V.
2. Electricity connection is available in the school but there is no electricity in any of the classrooms and all the students are compelled to study in total darkness. This condition is there for the last so many months. Computer room is also non-functional. None of the classrooms was having functional tube lights though electric fittings were there. Interesting thing noticed was that tube lights were functioning in the Principal's room. Other thing noticed was that a functional electric hot case was available in the Principal's room and the teachers were using the same for their lunch packets.
3. Students were forced to sweep their respective classrooms. There is only one daily rated full time sweeper but of no use.
4. Out of two toilet blocks, one was locked and another was very dirty. Some of the students were using this dirty toilet block whereas most of the other students were easing themselves in open.
5. Except Principal's room, all other rooms were dirty. Many of the desks were broken. Windows were without glasses and the students were facing chilly winds.
6. There are three nursery sections with 100 students but there is no aya posted for the last three years.
7. Barring absence of 4 teachers, all other teachers were present. The Principal had gone to attend an official meeting. However, in the conditions stated above, teaching work is almost impossible.
8. The anti-social elements use to forcibly enter into the school premises and steal the school property. The school watchman had

complained to the local police in writing that he was threatened by anti-social elements of the locality and sought protection but police has not done any thing so far in this regard.



: 1 Inadequate school classrooms in Delhi



: 2 Unclean toilet block in girls' school, Delhi

Photo by RETF-02.01.2008

To
The Secretary (Education)
Govt. of N.C.T of Delhi
Old Secretariat Building
Civil Lines, Delhi-110054

Subject: Dropout girl student denied re-admission in Govt.
Sarvodaya Kanya Vidyalaya, Dhallupura, Delhi.

Dear Madam,

We have the honour to bring to your kind notice that 13 year old girl, namely, S--- had been studying in Govt. Sarvodaya Kanya Vidyalaya, Dhallupura in class VII during the academic year 2007-2008. While she was studying in the school, parents stopped sending her to school and forced her to help them in selling vegetables. This resulted in striking off her name from the rolls of the school.

On being persuaded by one of our Education Volunteer, namely, Mrs. Kamala, the parents agreed to send S--- again to school. S--- is also very anxious to continue her studies.

S---, S---'s mother along with Mrs. Kamala Sharma approached the concerned teacher (Sushiela madam) on 07.04.2008 requesting her for re admission of S--- in class VII. Sushiela madam told S--- to come to school on the next day (08.04.2008) and attend her classes.

On 08.04.2008, S--- along with her mother went to the school and met the principal. At that time one Teeko madam came in the principal's room and told the principal that "*leadero ko lekar aajati hai, isse admission nahi dena*" (she brings leaders along with, make sure not to provide admission to her). The principal also repeated the same thing and denied re-admission to S---. Feeling humiliated and embarrassed, tears started rolling down from S--- and her mother's eyes'.

In this background, S--- has given me a complaint in writing on 08.04.2008. The said complaint is enclosed hereto for your kind perusal.

It is unfortunate that the head of the school and other teachers do not understand the serious consequences of keeping a girl child out of school. You can now again see S--- on the vegetable *Rehari* (barrow) helping her parents in selling the vegetables in front of Deluxe Apartments, Vasundhara Enclave, Delhi.

It is submitted that S--- has a fundamental right to education and the school was totally unjustified in denying re admission to her. It is a very serious matter. I do

not know how many children like S--- are denied admission or re-admission by your schools everyday.

It is, therefore, requested that immediate action may be initiated in this matter ensuring forthwith re-admission of S--- in class VII in the Govt. Sarvodaya Kanya Vidyalaya, Dhallupura. Appropriate action may also be taken against the erring officials responsible for the aforesaid omissions and commissions.

Thanking you

With regards

Ashok Agarwal, Advocate
Advisor, Social Jurist

To,

1. The Principal,
Cosmo Sr. Sec. School
Vasundhara Enclave
Delhi-110096

2. The Secretary
Smt. Baldei Devi Memorial
Education Society
Cosmo Sr. Sec. School
Vasundhara Enclave
Delhi-110096

Dear Sir/Madam,

Under instructions from and on behalf of my clients namely (1) Ms. R--- (2) Ms. Rameshwari and (3) Ms. Madhubala, all residents of village Dhallupura, near Chandrawati School, Delhi, I have to serve you with the following legal notice: -

Master M.K. is a student of class 8 in your school. He is the son of Ms. R. He was initially admitted in class 6 and thereafter, promoted from time to time and is presently studying in class 8. N.B. is the student of class 7 in your school. She was initially admitted in class 4 and thereafter, promoted from time to time and presently she is in class 8. Master A.B. is a student of class 8 in your school. He was initially admitted in class 5 and thereafter, promoted from time to time and is presently in class 8. Both N.B. and A.B. are the daughter and son of Mrs. R. K.P.S. is the student of class 8 in your school. She was initially admitted in class 5. She was promoted from time to time and is presently in class 8. Master R.S. is the student of class 5 in your school. He was initially admitted in class 2 and thereafter, promoted from time to time and is presently in class 5. Both .S. and R.S. are the daughter and son of Ms. M.

That all the aforementioned 5 students were admitted in your school 2 years back under the "economically weaker section quota" in terms of the Delhi

government order dated 27.04.2004. In terms of the said order of 27.04.2004, all these students were availing free-ship facility right from the date of initial their admission in your school till date.

That on the commencement of the current academic year of 2008-2009, you has started demanding payment of fee and other charges from these students/parents and also threatening that in case, the fee and other charges are not deposited, these students would be removed from the school and would not be allowed to attend classes. On 21.04.2008, the school principal told these parents to not to send these students to the school from 22.04.2008. However, the parents continued to send these students to attend the classes and the students are attending the classes as usual.

The school is advancing the alleged reason for demanding fee and other charges that the school is not on government land and therefore, is not legally obliged to continue to grant free-ship facility to these students. It is submitted that the alleged reason is totally misplaced.

It is stated here that at the time when these students were initially admitted under EWS category, the government order dated 27.04.2004 was covering all the unaided recognized private schools irrespective of the fact whether the same was on government land or not. It is also stated that in terms of rule 7 of Delhi School Education (Free seats for Students belonging to Economically Weaker Sections) Order, 2006, all these students are entitled to continue to have the benefit of free-ship. The relevant rule 7 is reproduced as under: -

“Saving of admissions already made in compliance of earlier order. Notwithstanding supersession of the Order No. PS/DE/2004/10496-11595 dated the 27th April, 2004, the admissions already made against free seats in any private recognized school, which has not been allotted land on concessional rates by the Government agencies, shall continue and the studies of such students shall not be disrupted.”

It is also submitted that the Hon'ble Delhi High Court in one of its orders have made it very clear that the students who have already been admitted in any private recognized school which has not been allotted land on concessional rates by the government agencies under the EWS quota in terms of government order dated 27.04.2004 shall continue to avail the benefit of free- ship and their studies would not be disrupted.

In view of what has been stated above, your action in demanding payment of fees and other charges from these students/parents and threatening to remove them, if fee and other charges as demanded are not paid is totally illegal, arbitrary, unethical, contrary to the provisions of Delhi School Education (Free seats for students belonging to Economically Weaker Sections) Order, 2006,

contrary to the orders having been passed by the Hon'ble Delhi High Court and is otherwise also bad in law.

It is, therefore, called upon you by this legal notice to forthwith stop demanding payment of fee and other charges from these students /parents and also stop threatening to remove these students from the school, failing which, these parents shall be constrained to take further legal action against you at your risks and costs. Please note.

Thanking you

Yours truly

(Ashok Agarwal)
Advocate

Blogging for freedom

Finally, Karuna's attention was recently drawn to Meena Kandasamy's blog, a 24-year-old Tamil woman who is self-confessedly "*obsessed with revolutionary Dr.Ambedkar's message of caste annihilation*".

Her [blog](#) describes the punishments meted out to 'dangerous Dalit women' seen as witches by caste Hindus. She ends with words that could almost have been written of the 'witches' and witchcraft trials of Briain and the US in earlier centuries: "...in witch-hunting, the victims are also single (read widowed/ deserted/ divorced) women of a certain age who are no longer burdened with reproductive duties. The word 'witch' is thrust on these 'dangerous' women who asserted their entitlement to rights and thus challenged patriarchal and caste supremacist diktats. Dalit or Adivasi women who dared to contest elections and directly challenged the political power of the landed caste-Hindus have been labeled hags. They have been accused of exercising black magic when in fact they have only been exercising their fundamental rights. Witchcraft, when used by brutal caste-Hindus in the modern context, has come to signify women's resistance to oppression, and the price they have paid for it".